

AN ACT establishing a commission to investigate and analyze the environmental and health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Litchfield, and Londonderry.

HB737, Chapter 335:1, RSA Chapter 126-A: 79-a, Laws of 2019

MINUTES - APPROVED

Friday, July 8, 2022, Virtual Meeting

The meeting was called to order at 10:02 am by Chair, Rep. Rosemarie Rung.

Present: Rep. Rosemarie Rung (Chair), Ms. Laurene Allen (Merrimack citizen representative), Mr. Joe Ayotte (USGS), Mr. Chris Bandazian (Town of Bedford), Dr. Kathleen Bush (NHDHHS), Mr. Sen. Gary Daniels, Ron Dunn (Londonderry citizen representative), Hon. Mindi Messmer (environmental scientist), Rep. Maureen Mooney, Hon. Nancy Murphy (Town of Merrimack), Mr. Mike Wimsatt (NHDES), Rep. Gary Woods (NH Medical Society),

Approval of the May 2022 minutes was moved by Mr. Bandazian was seconded by Mr. Dunn. Ms. Allen corrected the prime sponsor of HB478 is Rep. Maureen Mooney, not Rep. Bill Boyd. The minutes were approved as corrected.

Approval of June 2022 minutes was moved by Mr. Dunn and seconded by Ms. Allen. A paragraph will be added under the NHDES update as follows:

With regard to the rebate program for private wells impacted by PFAS contamination, Mr. Wimsatt further advised that the \$5 million award from the Drinking Water Groundwater Trust Fund, previously approved by the advisory commission, is going before both Governor and Council and the Fiscal Committee next week. Provided that that is approved by both Governor and Council and the Fiscal Committee, NHDES hopes to be launching that program as promptly as possible and taking applications by the end of the summer.

Also, a link to the June 4 letter will be added to that section. The minutes were approved as amended.

Ms. Laurene Allen provided a summary of the National PFAS Conference.

Rep. Mooney provided a legislative update. HB1185 was signed into law. HB1546 was signed into law, and HB1547 has not been signed, but is in the Governor's office.

Mr. Wimsatt provided the following NHDES update:

On June 3, NHDES received a [letter](#) from SG along with [Sampling Addendum 15](#). Per [NHDES' letter dated May 4](#), SG agreed to sample an additional 110 wells within the Consent Decree area including some within the previously identified "buffer areas". The letter stated that SG will have sufficient data to apply for a Groundwater Management Permit in accordance with the time frame established in the April 28 letter from NHDES (120 days).

On June 23, NHDES/DOJ completed its review of the April 29 proposal from SG to remedy additional wells within the CD area and announced that an [agreement](#) was reached to remedy properties within portions of the towns of Bedford, Hudson, Litchfield, Londonderry, and Merrimack. The full agreement (both [April 18](#) and [June 23, 2022](#)) includes the framework for SG to provide waterline connections or POETS to a total of 1,134 properties within the area of impacts by SG. Remedies included in the June 23rd agreement include the following:

Bedford Area - Point-of-entry treatment (POET) systems for 222 properties

Hudson Area - Point-of-entry treatment (POET) systems for 3 properties

Litchfield Area - Point-of-entry treatment (POET) systems for 21 properties, Waterline connection for 1 property

Londonderry, South Area - Point-of-entry treatment (POET) systems for 171 properties

Londonderry, Rolling Ridge, Mayflower Drive, and Colonial Drive Areas - Water line connections to 352 properties

Merrimack - Point-of-entry treatment (POET) systems for 7 properties

On June 29, NHDES received a [work plan](#) for the installation of POET systems at the properties identified in the June 23rd agreement. NHDES is currently reviewing the work plan. SG has indicated that it hopes to go out to bid for POET contractors in July, and to award one or more contracts by the end of August.

On June 30, SG mailed out letters to the 353 properties identified for alternate water in the April 18 agreement with NHDES. Similar letters for the additional properties identified in the June 23rd agreement are expected to go out soon.

On July 1, NHDES met with SG to discuss proposed interim measures to address issues pertaining to delays in bottled water deliveries to residents. SG has informed NHDES that it is working to finalize a contract with an additional vendor in the coming weeks and as an added measure is reaching out to town governments to set up temporary bottled water pickup locations.

Water Supply Well Sampling

SGPP presented a [Work Plan for Residential Well Sampling and Fifteen Addenda](#) to the sampling Plan relative to the 2019 AGQS.

Currently, Golder is retesting wells with PFOA results between 10 and 12 ng/L and sampling additional wells within the Consent Decree area.

As of 6/2/22: [This has not been updated to reflect Addendum 15 proposed sampling.]

- 3,691 properties identified for sampling (same as June report)

- 3,682 access agreements sent (*Return Rate ~ 68%*) (91 more than June report)
- 2,276 samples collected from water supply wells (55 more than June report)
- 991 properties offered bottled water (16 more than June report)

Site Investigation

Saint-Gobain's consultant will be conducting post-RTO stormwater sampling, timing dependent on weather conditions that meet the requirements of the approved work plan.

Remedial Action Plan due to NHDES 120 days after SG's consultant receives analytical results from the stormwater sampling.

Groundwater management permit application due to NHDES by August 26.

Rebate Program for Private Wells Impacted by PFAS Contamination

Approved by G&C and Fiscal Committee in June. Anticipate program launch by the end of the summer.

USEPA Interim Health Advisories Issued for PFOA and PFOS

USEPA issued the following on June 15, 2022:

Interim updated Health Advisory for PFOA: 0.004 ppt

Interim update Health Advisory for PFOS: 0.02 ppt

Also note that Final Health Advisories for GenX chemicals and PFBS were issued:

Final Health Advisory for GenX chemicals: 10 ppt

Final Health Advisory for PFBS: 2,000 ppt

The advisories state that concentrations above these levels in drinking water may pose an increased health risk. The term "interim" means that the peer review process for PFOA and PFOS is not complete and the values have not been published as final values. USEPA has not publicly responded to recommendations from the Science Advisory Board regarding its assessment of the science.

USEPA states that it will propose draft drinking water standards (Maximum contaminant levels, or MCLs) by the end of this year.

Laboratories are achieving detection limits of 0.4 to 0.8 ppt, and reporting limits at approximately 1.8 ppt, so these lower interim advisory levels cannot be detected or reported.

In the wake of these announcements, USEPA's recommendations are to:

- 1) Sample public water systems
- 2) Assess data
- 3) Notify public
- 4) Reduce PFOA/PFOS levels in drinking water
- 5) Identify and eliminate sources of PFAS

[NHDES and its partners have been doing all of these things over the last 6-8 years.]

Air Division Update

Permitting Activities:

On December 28, 2021, Saint-Gobain Performance Plastics in Merrimack (SGPP) submitted [Application #21-0198](#) requesting a significant permit amendment to TP-0256 pursuant to Env-A 612 regarding installation and operation of the bypass stack. SGPP submitted both a confidential and a redacted updated air permit application on February 28, 2022 with a more thorough [monitoring plan](#) that addressed the RTO and the bypass stack usage, monitoring, recordkeeping and reporting. NHDES deemed Application #21-0198 administratively complete in a [letter](#) dated April 15, 2022.

TP-0256 is scheduled to expire August 31, 2022. Therefore, on June 1, 2022, SGPP submitted [Application #22-0092](#) for the issuance of an initial State Permit to Operate. Since the application was received 90 days prior to the expiration date of the Temporary Permit, application shield provision as outlined in Env-A 607.10 apply. On June 27, 2022, NHDES sent a [letter](#) to SGPP deeming Application #22-0092 administratively complete. This means that SGPP can continue to operate under the conditions of TP-0256 even after the expiration date of the temporary permit until the department takes final action on the applications.

Inspection Activities:

On January 6, 2022, NHDES conducted an inspection at SGPP to review records associated with the operation of the RTO, the frequency and duration of bypass operations and RTO temperature records since startup of the RTO in July 2021. NHDES issued [a Partial Compliance Evaluation report](#) on June 20, 2022. On June 22, 2022 and per NHDES' request, SGPP submitted [supplemental information](#) related to bypass operations and RTO operations below the minimum temperature requirement contained in the permit. During the first 8 months of operation (July 2021 – April 2022) when the RTO was in its initial shakedown period, SGPP reported 45 hours of bypass. During the past 2 months (April 2022 – June 2022), SGPP reported an additional 6 hours of bypass for a total of 51 hours since the RTO was started up one year ago.

Reporting Activities:

SGPP has continued to submit monthly monitoring plan reports as required in [TP-0256](#) and rainwater study results as required in the [Consent Decree](#). These documents can be found at: <https://www4.des.state.nh.us/DESOneStop/AFSDetail.aspx?ID=3301100165> under the General Correspondence tab. The most recent monthly monitoring plan [letter](#) from SGPP is dated

6/9/2022. NHDES issued a [letter to SGPP on June 16, 2022](#) approving the final air pollution control equipment monitoring plan which allows SGPP to discontinue submittal of monthly monitoring plan updates. The most recent rainwater study [letter](#) is dated 6/30/2022 and reflects samples taken in May. Results indicate measurements were below detection levels for almost all PFAS analytes. For a few analytes, there were some values that were estimated between the detection and reporting levels and given a J qualifier.

Ms. Messmer asked if NHDES planned to notify private well owners whose water tested below the NH MCL but higher than the EPA health advisory. He said they have no plans to do that but will consider including language to that effect in future notification letters.

Mr. Dunn offered to support communication and distribution of bottled water to central town locations. Mr. Wimsatt thanked him and said outreach to towns is already underway.

Ms. Murphy asked if the hours of bypass use will impact SGPP's air permit. Mr. Wimsatt replied that it is unlikely they will exceed the limit under the current conditions.

Ms. Allen asked if NH will adopt EPA MCLs if they are established and Mr. Wimsatt said they would.

Rep. Rung asked if SGPP provides a reason for when the bypass stack is used and Mr. Wimsatt said he wasn't aware of that information being shared.

Dr. Bush provided the following NHHS update:

Merrimack Cancer Investigation :DHHS continues to convene the Cancer Concern Review Team (CCRT) to look at cancer data more closely to determine the focus for next steps in the investigation into the excess of kidney cancer observed in Merrimack, NH. The CCRT has completed the assessment phase of the investigation and is currently preparing a report summarizing the Department's data analysis and recommendations for next steps, including the feasibility of conducting an epidemiological study. The Department anticipates the report to be finalized soon and will provide an update and/or share the report when it is complete.

CDC/ATSDR Draft Guidelines for Cancer and Environmental Concerns: Draft Guidelines for Examining Unusual Patterns of Cancer and Environmental Concerns were recently released for public comment by CDC/ATSDR. The draft guidelines can be accessed within the docket here: <https://www.regulations.gov/docket/CDC-2022-0070/document>

Comments are open through [Federal Register :: Draft Guidelines for Examining Unusual Patterns of Cancer and Environmental Concerns](#) until July 25, 2022. To submit a comment, click on the green "SUBMIT A FORMAL COMMENT" link at the top of the page at the above link.

CDC/ATSDR has been working on updating existing cancer cluster investigation guidelines in accordance with the Trevor's Law provision within the Frank R. Lautenberg Chemical Safety for the 21st Century Act. CDC/ATSDR conducted extensive scientific literature reviews and gathered comprehensive feedback from community stakeholders, subject matter experts, and state, tribal, local, and territorial partners.

This feedback contributed to CDC/ATSDR:

Placing a greater emphasis on engaging and communicating with community members, recommending health departments consider proactive evaluation of cancer registry data at regular intervals to look for unusual patterns of cancer, replacing the steps in the 2013 Guidelines with new detailed criteria to address environmental concerns more broadly, and de-emphasize statistical significance as the criterion for moving forward with evaluating potential exposures and cancer rates, identifying and developing tools and templates to support our public health partners when conducting these investigations.

DHHS invites you and other partners to provide feedback on the draft federal guidelines during this public comment period.

CDC/ATSDR Pease PFAS Health Study Clinician Outreach Webinar: The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) will host an online information session on PFAS for clinicians that work in the Pease community on Wednesday, July 20, 2022 at 7:00 pm. The goal is to help ensure that clinicians working in the Seacoast Area, and across NH, have the information necessary to address patient concerns. If you would like to attend, please click this [link](https://www.atsdr.cdc.gov/pfas/activities/pease.html#info-healthcare-providers) to register.

<https://www.atsdr.cdc.gov/pfas/activities/pease.html#info-healthcare-providers>

Please help us spread the word. Clinicians from Southern NH, interested in PFAS, are also welcome to attend.

There were no subcommittee reports.

Rep. Rung announced that Mr. Don Provencher has been confirmed as a new Commission member, filling the open environmental scientist position. She also mentioned that Ms Amy Rousseau from NHDES will be an ex-officio member of the Communications Subcommittee.

Rep. Rung said she will not be available for a regular August meeting and there was no disagreement to have the next Commission meeting on Friday, September 9 at 10 am. She encouraged subcommittees to meet so they can present their reports in September so that a full Commission report can be presented in October.

Mr. Dunn moved to adjourn the meeting and Ms. Allen seconded. The motion passed and the meeting was adjourned at 11:13 am. Minutes taken by Chair Rung.

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