

**TOWN OF RYE - SELECT BOARD  
MEETING  
Monday, August 08, 2022 – 5:00 p.m.  
Rye Town Hall**

**Present:** *Chair Phil Winslow; Vice-Chair Tom King; Selectman Bill Epperson*

**Others Present:** *Acting Town Administrator Kevin Walsh*

**5:00 p.m.**

**I. CALL TO ORDER**

Chair Winslow called the meeting to order at 5:00 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:2, I (b) Collective Bargaining  
(2) per RSA 91-A:3, II (b) Hiring  
(3) per RSA 91-A:3, II (c) Reputation**

**At 5:00 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:2 I (b) Collective Bargaining. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:00 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:00 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:19 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:19 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:32 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**6:30 p.m. RECONVENE PUBLIC MEETING**

**III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Winslow called the meeting to order at 6:38 p.m. and led the pledge of allegiance.

**IV. ANNOUNCEMENTS**

- Chair Winslow reminded everyone that the Town Clerk's office is closed on Friday afternoons.
- Professor David Burdick, U.N.H. School of Marine Science and Ocean Engineering, will be giving a presentation, 'Why Healthy Tidal Marshes Matter', at the Rye Public Library on Thursday, September 15<sup>th</sup>, 6:30 p.m. All are welcome to attend this talk sponsored by the Rye Conservation Commission and the Rye Civic League.

**V. PUBLIC COMMENT** – (at the beginning of the meeting, for any comment by any resident on any topic. Requested time limit, up to 5 minutes each person.)

- *No public comment*

**VI. CONSENT AGENDA ITEMS** – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectman.)

- A. Email rec'd from Elsie DiBella re: a David Burdick Presentation being sponsored by RCL & RCC
- B. Letter rec'd from Duncan O'Brien re: His resignation from the Public Works Department.

**Motion by Bill Epperson to accept Consent Agenda Items A and B as presented. Seconded by Tom King. All in Favor.**

**VII. DISCUSSION ITEMS**

- A. Steve Riker, Ambit Engineering – Seeking Selectmen Approval to restore a portion of town property (Tax Map 19, Lot 132) that abuts his client's property that was disturbed when the septic tank was replaced.

**Steve Riker, Ambit Engineering**, addressed the Board, representing Steve and Nicole Gable of 238 Parsons Road. The Gables purchased the property in August of 2020. During the inspection of the home and septic system, it was determined that the leach field was in failure and in need of replacement. They went through the proper permitting with DES to get the design approved. It was approved in July of 2021. The new system was installed in the spring of this year. During installation, the contractor mistakenly did some grading/disturbance over the property line onto

town owned property. There is an area of about 500 square feet on town property that was disturbed.

Mr. Riker stated that he has vetted this plan with the Conservation Commission, as well as a buffer planting plan. (Copies were given in the Select Board's packets). The plan is to restore/vegetate the 500 square foot area that was disturbed. The reason for tonight's presentation is that a DES wetland permit is required to do the work. The area is in the 100-foot wetland buffer zone. He needs Select Board approval in writing in order to apply for the permit.

**Motion by Phil Winslow to accept the plan as described by the Conservation Commission, to include four wetland boundary signs to be installed by the Rye Conservation Commission. Sixteen two-gallon size bushes will be planted as shown on the buffer plan exhibit. Conservation seed-mix will be spread throughout the interior buffer plan. No cutting or removal of vegetation beyond the property line. Dumping of leaves or lawn debris is prohibited in the wetland or wetland buffer. Upon completion, the Conservation Commission will inspect the property to assure that the work was completed in accordance with the plan. Seconded by Bill Epperson. All in Favor.**

#### B. Coakley Landfill Update

**Michael Wimsatt, Director of DES Waste Management Division**, addressed the Board and introduced his team:

- |                       |  |
|-----------------------|--|
| • Drew Hoffman        | DES Project Manager                      |
| • Richard "Skip" Hull | EPA Remedial Project Manager             |
| • Kelsey Dumville     | US EPA Community Involvement Coordinator |
| • Peter Britz         | Coordinator Coakley Landfill Group       |

Mr. Hoffman stated that he is the project manager for DES at the Coakley Landfill. Skip Hull is his counterpart at the EPA. They presented some slides of the site and did a brief Coakley Landfill update.

Mr. Hoffman showed a map of the area and explained the boundaries. He reported the data that they have, shows that to the north of the site and to the southeast of the site, there are three private wells that have been impacted by Coakley related contaminants. Rye Water District wells are located southeast of the landfill. They have had concentrations of PFAS in them, but below standards. Coakley conducts private well sampling twice a year. There are approximately 24 private wells around the site.

Mr. Hoffman gave a brief history of the site:

- 1972-1982 - Coakley received municipal and industrial solid waste.
- 1982-1985 - Coakley received incinerator ash and residue from Refuse-to-Energy Facility incinerator at Pease Air Force Base.
- 1983-1986 - Due to complaints from residents living southeast of the landfill, water samples were taken.
  - Results showed volatile organic compounds (VOCS) in several residential wells.
  - Public water lines were extended into the area by the end of 1983.

- 1983 - The site was listed on the National Priorities List (Superfund) identifying the following contaminants of concern:
  - Benzene
  - Tetrachloroethene
  - Arsenic
  - 2-Butanone
  - Phenol
  - Diethyl
  - Phthalate
  - Chlorobenzene
  - Dichloroethane
  - Chromium
  - Nickel
- Prior to 2009 - The plume emanating from the site was primary PFAS.
- 2009 and 2016 - Two recently identified contaminants were detected in monitoring wells at the site:
  - 1,4-dioxane
  - Per- and polyfluoroalkyl substances
  - Predominantly located west and north of the site
  - Over 100 private wells were sampled
- 2018 - The Coakley Landfill Group conducted a Deep Bedrock Investigation at the Site in order to determine the nature and extent of Site contaminants in deep bedrock.
  - Phase I involved data collection from existing and viable bedrock
  - Monitoring wells in the vicinity of the site
- 2021 - Two additional wells have been identified with contaminants.
  - Coakley Group will be connecting them to public water systems.

Mr. Hoffman reported that later this fall, they expect to have the final report on the federal investigation. They will be working with the EPA to review the document and then holding a public meeting at the Bethany Church.

Chair Winslow outlined three significant issues for Rye as:

- Substantial development on Route One - Groundwater
- Berry's Brook – runs through Rye to the Ocean
- Aquifers – Most of the town's water supply comes from three wells in the vicinity of the site.

Mr. Hoffman responded to a question regarding the plume direction by stating that the plume from the Breakfast Hill site is moving to the south and east and the Coakley plume is moving from the east to the west.

Chair Winslow asked if there was a way that Rye could be notified of any new developments as they occur.

Ms. Dumville noted that on behalf of the DES and EPA, she sends out community updates. She will add Administrator Walsh to the list.

Mr. Hoffman continued the history of the site:

- 1990 - The first record of decision for the Site was signed. It required constructing a landfill cap and treating contaminated groundwater. It separated response actions to be taken in the immediate vicinity of the landfill (source control) from those taken to address contamination outside the landfill footprint (management of migration).
- Operable Unit 1 is a source control action intended to minimize further degradation of the environment by isolating the contaminant sources. The record of decision for operable unit 1 includes:
  - Consolidating sediments on the landfill;
  - Consolidating refuse material within the landfill footprint;
  - Constructing a multi-layered landfill cap over the landfill;
  - Treating groundwater and landfill gases; and
  - Long-term monitoring.
- Operable unit 2 required further evaluation of site conditions in order to determine the most appropriate response action. The second record of decision for the site addresses the management of the migration.  
Operable unit 2 includes:
  - Groundwater monitoring over the next thirty years while contamination naturally attenuates, and elimination of potential threats posed by future ingestion of contaminated groundwater by implementing institutional controls restricting the use of the groundwater.

**Richard “Skip” Hull, EPA Remedial Project Manager**, stated that he has been the project manager for Coakley for four years. He updated that Board on contaminate screening levels and health information that has recently been updated by the EPA on the Coakley site. Currently, neither the EPA, nor the State, have standards that apply to surface water for PFAS compounds. The EPA took groundwater toxicity health information and did a calculation for levels in surface water based on an assumption that there would be some extent of water ingested if someone was recreating in Berry’s Brook. They used that number to compare the results to give them a screen of what is happening in the brook relative to some conservative assumptions for ingestion. The number they compared was 760 parts per trillion for PFOA and PFOS. This is based on an assumption of a child recreating at Berry’s Brook, in contact 120 days per year, ingesting a certain amount of brook water. Some areas have exceeded the 760 parts per trillion.

Recently, the EPA has updated regional screening level, for PFAS compounds. They have added five PFAS chemicals to a list of risk-based values that help EPA determine response to remediation acts that are needed at Superfund Sites. The EPA does not have standards for surface water or ground water; however, the State does. They use these screen levels to determine if the contaminate requires further human health risk investigation; such as, sampling, assessing the risk, and/or taking further action. As for the five PFAS chemicals, PFOS, PFOA, PFNA, PFHxS and GenX Chemicals that have been added to the EPA’s regional screening levels table, these chemicals join PFBS as PFAS monitored under this program. While this monitoring program does not have any federal regulatory authority, many states also rely on this data for decision-making purposes.

The current screening level for groundwater is 40 parts per trillion. The groundwater at Coakley and the surrounding wells exceeds that. This triggered the bedrock investigation, extensive private well sampling, surface water sampling and a number of other actions have been taken to investigate the nature of the PFAS. There are two contributions of PFAS from the landfill to Berry's Brook. First is the contribution from the contaminate groundwater. The second contribution is from stormwater that has picked up PFAS compound from the actual landfill cap. The compost material in the vegetative cover likely contains PFAS.

In June, the EPA issued a health advisory that indicates a level of drinking water contaminate below which health effects are not expected to occur. The Health Advisory Levels are non-regulatory and non-enforceable, and in the case of PFOA and PFOS interim in nature. PFAS levels above these thresholds are now considered to be potentially harmful to human health, and they can be used in the development of drinking water regulations, influence state and local regulations, and certainly will shape public debate around the safety of these chemicals.

The four chemicals in question for which EPA issued lower health advisory levels are PFOA, PFOS, PFBS and the GenX Chemicals (HFPO-DA and its ammonium salt). The new interim and final health advisory levels for these PFAS chemicals are as follows:

- PFOA—0.004 parts per trillion (PPT) or four parts per *quadrillion* (ppq) - interim
- PFOS—0.02 PPT or 20 PPQ - interim
- PFBS—10 PPT – final
- GenX Chemicals—2,000 PPT – final.

These levels are significantly stricter than those enacted in 2016 for PFOA and PFOS, which established an individual and combined health advisory level of 70 PPT. As for GenX Chemicals or PFBS, the EPA had not established a health advisory level prior to June 15, 2022. While there are many issues with EPA's recent announcement, one that simply can't be ignored is that the interim health advisory levels for PFOS and PFOA are simply below any available laboratory detection limit. To put the levels somewhat in perspective, one part per quadrillion is equivalent to one second of time in approximately 31.7 million years. The interim advisory levels are based upon new toxicity data and draft analyses that remain under review by the agency's Science Advisory Board.

Chair Winslow mentioned that New Hampshire Fish and Game has posted Berry's Brook as a "catch and release" estuary.

Mr. Hoffman responded that restriction was put in place during a time when there were a lot of questions that could not be answered because there was no standard set at that time. The restriction is still in place.

**Peter Britz, Coordinator of the Coakley Landfill Group**, spoke about the cleanup efforts of the site. He explained that the Coakley Landfill Group is a group of public and private entities that formed to clean up the site under the orders of the EPA Superfund process. That is what they have been working on for the past twenty years.

Mr. Britz talked about their progress with HB 494. The law was passed in 2019 and there has been a lot of work done. Initially it was to remove contaminants from the surface waters at Berry's Brook. In looking at the figures presented, Berry's Brook shows up just outside of the landfill to the west and north of the site. It is really the headwaters of Berry's Brook. It is a big wetland system with some open water areas that channels into a stream which goes through parts of Greenland, Portsmouth, and Rye into the Ocean. The remedy that was put in place was carbon filtration bags which were put in the Brook in the channelized area. It was meant to bring down some of the contaminants. This solution didn't work as well as they anticipated so they have been working with a consultant that has come up with a number of options working with surface water and ground water. The complication is that some comes off the top of the cap and rainfall that goes into the site comes along with the groundwater, which may come up from below the site in both contaminated areas. As part of the deep bedrock study, Coakley Landfill Group will get a better breakdown of that contribution of the surface water and groundwater. Some of the remedies for the HB 494 deal with both surface and groundwater and the mix of those two are really crucial. Further complication is where to put the system. If they put a system in at Breakfast Hill Road to treat the surface water at Berry's Brook, they might be treating the contaminated surface water going into Berry's Brook but they wouldn't be doing anything near the site, which is the source of the contaminate.

They have not put anything in place yet because there is no certain DES standard that they need to meet. They could put considerable effort into a treatment, then a standard could come out that would need a different treatment. At that point, they would have to go back to the drawing board. Mr. Britz added that they feel they will have something in place soon, but they feel that they need to have the results of the deep bedrock study, so they can make a better estimate on what is going to be the most effective strategy.

HB 494 and the Coakley Landfill Group both say that the work has to be under the direction of the EPA. If the Coakley Landfill Group is not told by the EPA to do the work, they have no formation or established way to do the work on their own. The work has to be tied to the Superfund Action Plan. Coakley Landfill Group is trying to do the best that they can to comply with the Superfund Action Plan, under the direction of the DES and EPA.

**Mindi Messmer, NH Safe Water Alliance and Rye resident**, pointed out that that there has not been EPA drinking water standards, but the State Law has taken precedence. In 2017, the State deemed it unacceptable. In 2019 the law was passed and a remedy was supposed to be implemented by September 2020. It is now two years past that deadline. At their last public meeting they said they are going to wait until they have the results of the deep bedrock study, which could take years. The EPA is lowering the standard and basically no level is safe. Rye has had this pollution running into its brooks for years. Waiting another couple of years is not acceptable. HB 494 states: *If any of the above deadlines are not met, the office of the Attorney General shall seek such a remedy through any means appropriate consistent with the consent decree.* Ms. Messmer reported that she and several other law makers in the Seacoast Region sent a letter to the Attorney General's office in June asking them to take action. She is also asking the Select Board to send a letter to the Attorney General's office asking for them to take action.

There was further discussion and questions and answers regarding the work being done, the possible remedies and the timing of such.

**VIII. CORRESPONDENCE – None**

**IX. NEW BUSINESS – None**

**X. OLD BUSINESS - None**

**XI. OTHER BUSINESS**

A. Meeting Minutes

1. Meeting, Wednesday, June 29, 2022, 6:30 p.m., Town Hall

The following was noted:

- Page 10; 6<sup>th</sup> paragraph reads: During the discussion, it was decided that the Town should ~~asked~~ for copies to be put in electronic format as much as possible.
- It should read: During the discussion, it was decided that the Town should ask for copies to be put in electronic format as much as possible.

**Motion by Phil Winslow to approve the meeting minutes of Wednesday, June 29<sup>th</sup> as amended. Seconded by Bill Epperson. All in Favor.**

2. Meeting, Wednesday, July 6, 2022, 9:00 a.m., Rye Water District Office

The following was noted:

- Page 1; first paragraph reads: He pointed out that his ~~tenor~~ on the planning board over the last ten years has been focused on water.
- It should read: He pointed out that his tenure on the planning board over the last ten years has been focused on water.
- Page 1; first paragraph reads: It's not fair to sacrifice the well-being of the people of Rye on the ~~alter~~ of development
- It Should read: It's not fair to sacrifice the well-being of the people of Rye on the altar of development
- Page 2 reads: It's not possible to supply water to Ciborowski based on the eighty units they want to put in because it's not available. In any circumstance, a treatment plant is going to be necessary ~~anyways~~.
- It Should read: It's not possible to supply water to Ciborowski based on the eighty units they want to put in because it's not available. In any circumstance, a treatment plant is going to be necessary anyway.

**Motion by Phil Winslow to approve the meeting minutes of Wednesday, July 6<sup>th</sup> as amended. Seconded by Tom King. All in Favor.**



3. Meeting, Monday, July 11, 2022, 5:45 p.m., Town Hall

The following was noted:

- Page 3 reads: Motion by Phil Winslow to accept Consent Agenda Items B and C.
- It should read: Motion by Phil Winslow to accept Consent Agenda Items A and B.
- Page 5, last paragraph reads: Right now, there is a \$124,640,000 increase in the town's assessed value.
- It should read: Right now, there is a \$1.24 million increase in the town's assessed value.
- Page 9, 1st paragraph reads: Selectman Winslow asked Administrator Walsh if he had an update from Rockingham Planning on getting State funds for the Route 1 and ~~Lange Road~~ intersection.
- It should read: Selectman Winslow asked Administrator Walsh if he had an update from Rockingham Planning on getting State funds for the Route 1 and Dow Lane intersection.

**Motion by Phil Winslow to approve the meeting minutes of Monday, July 11<sup>th</sup> as amended. Seconded by Bill Epperson. All in Favor.**

4. Non-Public Session, Monday, July 11, 2022 (1) per RSA 91-A:3 II (b) Hiring

**Motion by Phil Winslow to approve the non-public minutes of Monday, July 11<sup>th</sup> (1) per RSA 91-A:3 II (b) Hiring as presented and not to seal. Seconded by Bill Epperson. All in Favor.**

5. Non-Public Session, Monday, July 11, 2022 (2) per RSA 91-A:3 II (d) Acquisition

**Motion by Phil Winslow to approve the non-public minutes of Monday, July 11<sup>th</sup> (2) per RSA 91-A:3 II (d) Acquisition as presented and to seal. Seconded by Bill Epperson. All in Favor.**

**ADJOURNMENT**

**Motion by Bill Epperson to adjourn the meeting at 8:32 p.m. Seconded by Tom King. All in Favor.**

Respectfully Submitted,  
Dyana F. Ledger

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## Coakley Landfill Update

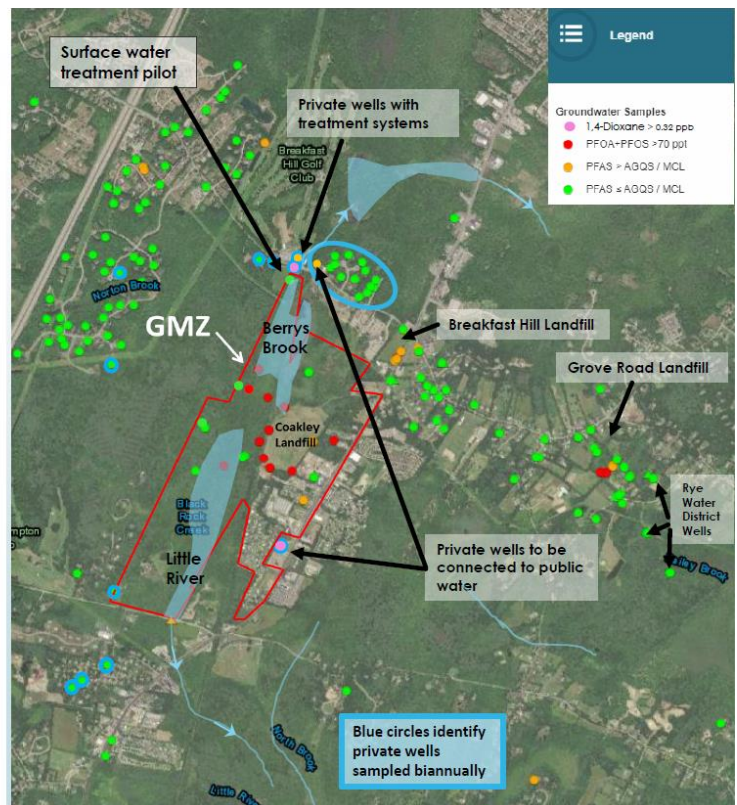


Rye Board of Selectmen  
August 8, 2022



## Coakley Site Summary

- Location summary
- 1972-82 Received municipal and industrial waste
- 1982-85 Received incinerator residue
- 1983-86 Public water extended south and east of the site
- Prior to 2009 primarily BETX and inorganic plume
- 1,4-Dioxane and PFAS sampling in 2009 & 2016, resp.
- 2016 Extensive private well sampling
- 2018 Bedrock Investigation initiated
- 2018 NHDES lowers 1,4-Dioxane stdn from 3 to 0.32 ug/L
- 2018 Treatment systems installed on two private wells
- 2021 Two new wells exc. stdns for 1,4-dioxane and PFAS
- 2022 Public water to be extended to these two properties
- 2022 Final report on Bedrock Investigation



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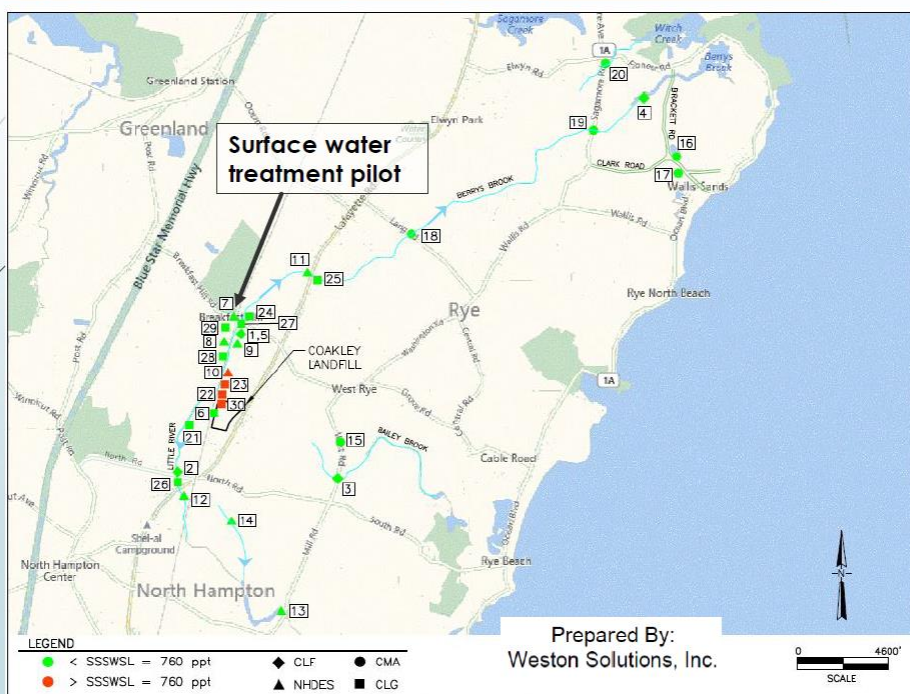
## Coakley Administrative Summary

- 1983 Listed on National Priorities List (NPL, aka CERCLA/Superfund)
- 1990 Record of Decision for OU1 – 1994 OU2 ROD
- 1990 Consent Decree for OU1 – 1999 CD for OU2 (EPA Lead agency)
- 2016 Federal HAs and State AGQS for PFOA and PFOS = 70 ng/L (ppt)
- 2017 EPA issues site-specific screening levels for PFOA & PFOS
- 2018 NHDES lowers AGQS for 1,4-dioxane from 3.0 to 0.32 ug/L (ppb)
- 2019 State adopts HB 494 to address SW impacts related to the site
- 2020 State lowers AGQS for PFOA & PFOS and adds standards for PFHxS & PFNA
- 2022 EPA adds five PFAS to list of Regional Screening Levels
- 2022 EPA releases revised interim health advisories

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## Surface Water Sampling for PFAS

<https://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4971455>



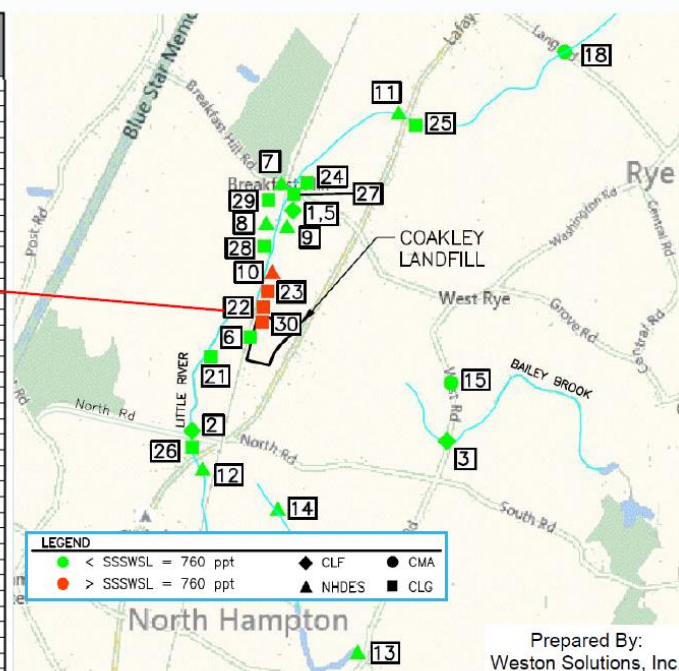


## Surface Water Sampling for PFAS (continued)

<https://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4971455>

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Map Identifier	Sample ID	Sample Location	Sample Date	PFOS (ng/L) SSL= 760	PFOS (ng/L) SSL= 760	PFOS (ng/L) SSL= 760,000	1,4-Dioxane (ng/L)
21	SW-4	SW of the Coakley Landfill	9/15/2017	145	42.1	8.19	-
			4/27/2018	282	50.8	ND	0.25
			10/1/2018	176	50.7	ND	ND
			5/8/2019	146	80.5	3.77	0.93
			5/14/2020	114	35.6	ND	0.20
			5/13/2021	152	58.0	11.4	0.60
22	SW-5	Inbetween SW-103 and Leachase seep in NW of Coakley Landfill	5/2/2017	784/742	391/770	ND/ND	-
			9/19/2017	648/483	1120/1100	626/526	-
			4/25/2018	786/950	654/974	335/308	1.1/1.1
			10/4/2018	945/961	870/831	445/4.81	0.81/0.73
			5/8/2019	611/577	815/776	248/2.41	0.87/0.91
			5/14/2020	709/719	1060/1060	433/3.37	1.70/1.80
			5/13/2021	715/714	1040/1110	327/3.21	73/73
23	SW-103	NW of Coakley Landfill	4/25/2017	763	758	2.20	-
			9/19/2017	675	993	5.42	-
			4/25/2018	854	577	2.64	0.71
			10/4/2018	740	701	2.90	0.38
			5/8/2019	558	967	3.02	1.2
			10/3/2019	217	407	2.52	ND
			5/14/2020	594	1080	3.27	0.86
			5/13/2021	648	925	3.00	0.89
24	SW-110	East of Barrys Brook and just north of Breakfast Hill Rd	4/25/2017	198	77.1	ND	-
			9/13/2017	88.6	68.2	ND	-
			4/24/2018	87.9	61.6	ND	ND
			10/2/2018	76.4	60.9	ND	ND
			5/8/2019	112	108	ND	0.28
			10/3/2019	102/103	91.1/108	1.78/1.72	ND/ND
			5/14/2020	160	149	2.20	ND
			5/13/2021	163	217	4.34	0.23
25	SW-111	Barrys Brook at Lafayens Rd.	5/2/2017	57	25.5	ND	-
			9/19/2017	26.2	23.9	ND	-
			4/25/2018	24	12.1	ND	ND
			10/4/2018	23.1	7.77	ND	ND
			5/8/2019	44.9	36.7	ND	ND
			10/4/2019	2.51	20.7	1.60	ND
			5/15/2020	50.1	43.7	4.53	ND
			10/8/2020	22.3	20.6	2.24	ND
			5/13/2021	56.3	30.1	1.72	ND



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## Coakley Landfill Contact Information

[COAKLEY LANDFILL | Superfund Site Profile | Superfund Site Information | US EPA](#)

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