

COAKLEY EXECUTIVE COMMITTEE

Wednesday, May 19, 2021

Teleconference Minutes

The Coakley Executive Committee (EC) Teleconference call commenced at 9:33 a.m.

Conferenced in by phone: Chairman Eric Spear, Seth Jaffe, Esq., (Generators); Curtis Shipley, Esq. (Transporters); Robert P. Sullivan, Esq., Peter Britz, Dan MacRitchie, Joe Montello and Marian Steimke.

Others conferenced in by phone: Mike Edgar, Jon Tuthill, Susan Parker, Dennis Malloy, James Connelly, Town of Greenland and one other caller.

Chairman Spear read the following:

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2021-06 and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

Those present discussed status of the Massachusetts and New Hampshire executive orders.

I. Review the minutes of the April 5, 2021 Coakley Teleconference call.

Attorney Seth Jaffe moved to approve the minutes with the proviso that, having looked at the question raised regarding HB494, it is the conclusion of the Group that the recently completed pilot study of a potential remediation technology did not achieve the goals of HB494 and the Group looks forward to working with DES and EPA to identify other ways to attain the goals of the statute. On a roll call 3-0 vote, the Committee voted to approve the April 5, 2021 minutes.

OU-1

II. BILLS

City of Portsmouth

- | | | | |
|----|--|-----|------------|
| A. | Invoice #2900806793 dated 4/12/2021
Peter Britz & Financial services - 4/2021 | 50% | \$2,750.00 |
| B. | Invoice #2900852267 dated 5/17/2021
Peter Britz & Financial services - 5/2021 | 50% | \$2,750.00 |

- C. Invoice #INV24866596 dated 4/15/2021 50% \$150.00
 DocuSign 1 Year Service - eSignature Standard Edition.
 Reimburse City for use of credit card.

Attorney Seth Jaffe moved to approve items II – A, B, C for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items II – A, B, C for payment.

Haley Ward (CES) Payment Certifications dated: 5/19/2021
 Invoices dated: 4/25/2021
 Services rendered through: 3/28/2021

- D. Invoice #20207606 35% \$847.00
 General Technical Assistance
- E. Invoice #20207609 35% \$3,492.56
 Fall 2020 Sampling

Peter explained the invoices. Item D was regarding correspondence with the EPA and DES. This also included some preparation for the March 3, 2021 public meeting. There was large water withdrawal permit application reviewed for the golf course. The replicate sampling work to address PFOSA included consultation and a small contract with a company called in Environmental Standards who helped design the approach for reviewing PFOSA results. Item E was for the completion of the 2020 annual report, which includes all 2020 sampling rounds.

Attorney Seth Jaffe moved to approve items II – D & E for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items II – D & E for payment.

III. **OU - 1 ACTION ITEMS**

There were no action items.

IV. **OU - 1 RECORD ITEMS**

- A. OU – 1 Balance as of 5/14/2021: **\$236,438.97**

OU-2

V. **BILLS**

City of Portsmouth

- A. Invoice #2900806793 dated 4/12/2021 50% \$2,750.00
 Peter Britz & Financial services - 4/2021

- | | | | |
|----|--|-----|------------|
| B. | Invoice #2900852267 dated 5/17/2021
Peter Britz & Financial services - 5/2021 | 50% | \$2,750.00 |
| C. | Invoice #INV24866596 dated 4/15/2021
DocuSign 1 Year Service - eSignature Standard Edition.
Reimburse City for use of credit card. | 50% | \$150.00 |

Attorney Seth Jaffe moved to approve items V – A, B, C for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items V – A, B, C for payment.

Haley Ward (CES) Payment Certifications dated: 5/19/2021
Invoices dated: 4/25/2021
Services rendered through: 3/28/2021

- | | | | |
|----|---|------|-------------|
| D. | Invoice #20207606
General Technical Assistance | 65% | \$1,573.00 |
| E. | Invoice #20207607
Bedrock Investigation Activities | 100% | \$15,413.16 |
| F. | Invoice #20207608
Work Plan, Fall 2018 Sampling, Out of Scope Services | 100% | \$1,062.63 |
| G. | Invoice #20207609
Fall 2020 Sampling | 65% | \$6,486.19 |

Peter explained the invoices. Items D and G were the same as for OU-1. Item E involved MW6 pump test activities, monitoring transducers during drilling, conducting borehole & geophysics work, packer sampling, all work having to do with MW25 drilling and monitoring other wells to see if any reaction in the water levels. Item F was work plan for HB494, treatability study and ideas to work on that.

Attorney Seth Jaffe moved to approve items V – D, E, F, G for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items V – D, E, F, G for payment.

VI. OU – 2 RECORD ITEMS

- VII. OU-2 Balance as of 5/14/2021: \$538,021.69**

COMBINED OU-1 & OU-2

VII. COMBINED OU – 1 & OU – 2 ACTION ITEMS

- A. Report of Peter Britz of the City of Portsmouth dated 5/19/2021

Deep Bedrock Study

They will be monitoring for two weeks before they start. Transducers will go in when they finish the sampling, and that starts the clock on the pump test. The pump test will be within the next few weeks. Most transducers are rented – there are a lot of them.

Seth asked about the schedule and when to expect pump test to be completed and analysis and draft report. Peter said approximately the end of June, and then they'll draft a report to summarize findings and a full write up of deep bedrock study. They are hoping to finish the deep bedrock study, which is the big milestone. A big rain event would be the only weather occurrence that could delay it.

PFOSA Investigation

We were surprised to find PFOSA in a number of wells. There is an effort underway to confirm what we are seeing is accurate by taking a number of replicate samples to different labs. This will involve putting known samples in to confirm that labs detect the compound accurately. We are trying to determine if the labs are consistent. One lab did not detect, and there are many variations with the same samples from the same sites. Hopefully this addresses those discrepancies. We should have some results to follow. This will be all part of the spring sampling round.

Landfill Gas Data Collection

We should have the report in the next day or two. There are no surprising results, however. That will be on the next agenda as a record item.

HB-494 Pilot Treatment Study

A number of vendors have been contacted and some are already working on designs to find a method that works. We are hoping to get a bench test conducted and put hopefully a field application installed to try to bring down PFAS numbers in the headwaters of Berry's Brook. There are different options in treatment and vendors. Those present discussed whether from a process standpoint is it better to use best judgment and look at various vendors verses thinking about criteria, putting out an RFP and evaluating a broader net.

They discussed going to an engineering firm for additional work, since Haley Ward has their hands full with their current work. It would make more sense to go with someone who could focus on this. Peter discussed finding a company, a webinar he attended and discovering a list of companies that do this work. Those present agreed the RFP approach could take more time. Joe said they will report back with a recommendation.

Seth discussed the statute, the role of the Group and wanting to follow the lead of DES. He also talked about reducing the flow of contamination into the brook and how to translate that

into an RFP. He reminded all about the need to talk to DES before making a decision to retain someone. Curtis agrees with that. Eric suggested to make sure DES agrees by next meeting.

Coakley Budget Projection

Peter and Dan put together a projection. There will not be assessments needed for the rest of the calendar year. We will have to draft one at the end of 2021 to be raised in 2022 to fund 2022. He will get that out to the group by the next meeting.

VIII. COMBINED OU – 1 & OU – 2 RECORD ITEMS

- A. Approved Minutes of the Coakley Executive Committee 3/3/2021 meeting; approved on 4/5/2021; executed on 4/14/2021.
- B. Haley Ward Contract Amendment for Deep Bedrock Investigation Tasks (Pump Test), dated 3/1/2021, executed by Chair Spear 4/14/2021; approved by EC 4-14-2021.
- C. Haley Ward Proposal for Spring 2021 Sampling and Reporting dated 4/13/2021; executed by Chair Spear 4/14/21; approved by EC 4-14-2021.
- D. Letter to NHDES Commissioner Robert Scott from Steven Smith, Greenland BoS Chairman, dated 4/26/2021.
- E. Letter to CLG Chair Eric Spear from NHDES Robert Scott, dated 5/7/2021 re: 4/26/2021 letter from S. Smith.
- F. Response Letter to NHDES Commissioner Robert Scott from CLG Chairman Eric Spear, dated 5/10/2021 in response to 5/7/2021 letter from R. Scott.

Attorney Seth Jaffe moved to accept Record Items VIII – A through F. Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the motion passed.

IX. OTHER BUSINESS

Notice of Assignment - Campisi Environmental Associates, Inc. DBA StoneHill Environmental to Breakout Capital. Reference: email from Nathaly Rubio of Breakout Finance to Peter Britz dated 4/21/2021. Request for all future payments of invoices to Stonehill to be made to Breakout Capital.

Peter said StoneHill is now CEA. Peter spoke with the principal who verified they should make payment to Breakout Capital as part of some sort of legal arrangement. Bob said we need to have that in writing. Seth agrees. Peter will get a signed letter from CEA.

X. SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING

The next meeting of the Coakley Executive Committee is scheduled for Wednesday June 16 at 10:00 a.m.

Attorney Seth Jaffe moved to adjourn at 10:00 a.m. Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the motion passed.

Dated: 6/28/2021 _____

DocuSigned by:


Eric Spear, Chair
Coakley Executive Committee

Respectfully Submitted, Marian Steimke