

Statement to the Selectboard

Regarding the Landfill Risk Assessment

Thank you for putting me on the agenda tonight. I wanted to be here to speak about a report that I wrote which was brought up by Megan Portnoy and discussed by the Selectmen in the May 19th Board of Selectmen meeting. I am concerned about the accusations that have been made about the report and there appears to be confusion about how the report was created and when it was distributed so I think it is important for me to clarify this confusion.

First, this report was not tasked to me by the Solid Waste Committee. It was inspired by events that transpired during my time on committee and those events are covered in the report, however, this report represents my own initiative and my own time and money based on my own curiosity, concerns and frustrations. The only role the committee or the chairman played is that I asked to be put on the agenda and I provided the chair with some materials as I progressed so he would know the subject matter. It was my belief that this was the correct place to make my presentation because it would follow the chain of process starting with the committee, who would discuss it and decide if the Board of Selectmen should be advised about it. I am still waiting for the next meeting where we planned to discuss it but I'm getting the impression that the Board of Selectman were advised about it even before the committee was.

I also need to clarify that the committee did not have access to this report until the day I presented it. I gave an unfinished draft to the town manager the Wednesday before, as a courtesy because he is the one handling all the correspondence on this subject and he is also my boss. It was not the final draft, but I elected to do it because I wanted to make sure he had plenty of time to examine it and offer any feedback before I presented it. I didn't hear anything from him in the days that followed so it was my impression that the information was acceptable.

I need to point out that this draft copy was then, apparently, digitized and provided to the select board on the following Friday, before the committee had had a chance to see it. This was not the official final copy I put into the record. It had unfinished language and some of the data was not fully proofed and entire sections were missing. So, if that draft is floating around in people's email boxes, I would like to use whatever intellectual property leverage I have, to ask that the draft not be distributed any further than it already has. I am already very disappointed that this is what the selectmen saw and this is what was passed to George at Aries engineering. It is my understanding that Cal has provided you with a digital

copy of the final report in preparation for this meeting. I also provided Beth with printed copies to give each of you.

Continuing with the timeline, after providing a draft of the report to the Town manager, I then spent the rest of the week finalizing the report and getting it printed. The chairman and the secretary did not get a digital copy of the finalized report until a couple of hours before I presented my hard copies to the committee.

I now want to explain what led me to the decision to create the risk assessment.

The Solid Waste Committee had been facing pushback about making improvements at the Transfer Station and then, later, additional pushback about the idea of relocating it. These were both related to the landfill and the oversight from the Department of Environmental Services, but we were not getting a lot of the details we needed to serve our advisory function.

The committee Chair would make inquiries and then come back to report what he found. The selectman representative at the time would also share what he knew. Unfortunately, a lot of the information took on the character of assumption, anecdote or hearsay rather than certainty. For example, we were told that there are over 190 uncapped landfills in the state and ours was not going to draw attention. When I investigated this, I found that the list of uncapped landfills with active transfer stations on them is much smaller and when you add a wetland on the border, the list gets even smaller than that. I found that wetlands are protected areas in the eyes of the state and federal government and contaminating a wetland can bring a lot of trouble. Those details appeared to add up to a more substantial risk than the original anecdote. To follow the proper process, the committee chair advised the board of selectmen in a Power Point presentation, and then later the budget committee, that there was a reasonable risk that the landfill could be forcibly closed in the future. One of the responses to this was that the state has no budget to deal with forcing landfill closure. When I investigated the state budget, however, I found that there was both older line items and new budgetary interest in dealing with landfills.

We were told that if the state was going to close the landfill they would be forced to provide money to help, and the state had no money. When I investigated this, I found that there is no requirement for the state to provide money. Landfills out of compliance can be shut down with the stroke of a pen. I also found that there was indeed money set aside in the state budget for special cases and there are several sources of grant money available if towns apply for it.

As the water testing results became the subject of interest, we were told there were no problems, and all the wells were testing fine. Then we were told there was one well that had a problem. When I investigated the test records, I discovered that ALL of the downstream groundwater wells were measuring over the standards since 2017 and the surface water had Iron and lead problems since 2008. This led me to conclude that we had an information problem, and it would be useful if some independent source could provide some clear and factual information on this subject. It seemed like a critical question: If the current location has serious landfill contamination it may not be wise to build additional expensive infrastructure even if it is possible because the site is at risk of various kinds of blowback including environmentalist lawsuits, citizen groups taking action, or expensive restrictions and fixes imposed on us by the DES. In the worst case the town would need to pay for both the landfill mitigation AND a new infrastructure for collecting garbage.

At the same time we were experiencing this informational confusion, I was also hearing from the chairman of the committee that the BOS and the budget committee did not feel that that we, the Solid Waste Committee, were providing enough details when we expressed concerns about the existing location. At the next committee meeting we were told by the chairman that the process that we needed to follow to move forward was to get bids from an engineering firm to help us determine what improvements we can and cannot make on the existing location. To me, this was doing things in the wrong order. Even if we CAN find a way to build new infrastructure in this location, the more important thing is for us, as a town, to decide IF WE SHOULD. And I believed we could do this using the information we already had available. If we decide we SHOULD NOT, then spending any other money on this location is a wasted resource.

I did not want to waste money creating estimates for plans we may not need and I did not want to waste further money actually building infrastructure that might become stranded in a few years if the location is shut down. This is where my sense of duty as a citizen came in. My family has been here long enough that I remember throwing garbage into that landfill when it was all on fire. I feel a special responsibility for making sure the legacy we left did not create a waste of resources. I decided I could be useful to the town by using my research skills to examine all of the available information and provide a report that pulled it all together and assessed the possible risks. This could help provide everyone involved with a clear picture so that the town could make decisions based on data instead of anecdotes. I was willing to do this as a volunteer.

I consulted town history, spoke with eyewitnesses, and reviewed nearly 20 years of public

data that Aries Engineering filed with the New Hampshire Department of Environmental Services. I also investigated the relevant laws, budgets and regulations, as well as reviewing professional literature on how wetlands interact with contaminants. My sources are all listed in the report.

I did not contact Aries or DES directly, I focused on the history, the public record and the risk assessment. In my view it is my job to offer the information. It is the committees job to discuss the merits and it is the BOS's prerogative to reach out for further inquiry.

I learned the landfill is under a Groundwater Management Permit, which requires regular water testing, and it limits what we can do on the site. The town also holds a "Chapter 108" designation, which allows us to avoid capping the landfill if the contamination is contained. What I learned as I did my research is that it does not appear that the contamination is staying contained, and my report provides the details.

Every chart, map, and data point in the report is based on public documents created by the engineering firm the town hired. And yes, there is a concerned tone to the report, which is natural to a risk assessment which must play the devil's advocate. Its purpose is to help us see what problems may arise if we invest further at this location. Under the circumstances, I am unsure how I am supposed to assess the risks of wasting money and tainting the environment without posing concern.

The most striking discovery was in the water testing data where I saw the consistent presence of lead, iron, and PFAS in both groundwater and surface water samples. PFAS, as many of you know, is a family of synthetic chemicals produced by companies like 3M and DuPont. The ones we test for are known as: PFOS, PFOA and PFHxS, They were used in many common items of the past and they are linked to cancer and other health issues today. They don't degrade in water, they move with it. They are called "forever chemicals". The PFAS sitting in the groundwater and the surface water of that wetland right now could be doing whatever it does for up to 1,000 years. This has prompted large-scale legal and environmental action across the country. These chemicals can be captured by wetland sediments, which might make them invisible to water testing but they do not go away. They can build up and then be remobilized in higher concentrations during flooding, and as they spread they can contaminate fish, plants, wildlife, and downstream waters. Maine has issued a "no eat" order on contaminated deer around PFAS sites.

In my report, I included tables tracking Canterbury's PFAS test results in ground water since 2017 and surface water since 2018. The numbers are worthy of concern. The legal threshold for one PFAS compound is **18 parts per trillion**. In 2018, our surface water tested **23,000 parts per trillion** for that compound. That's more than **1,200 times** that limit.

I don't need to be a physicist to know that if the speed limit is 18 MPH then going 23,000 MPH is going dangerously fast. I don't need to be a physicist to know that traveling at high speeds is dangerous without a lot of careful preparations. I also don't need to be an engineer or a scientist to see the state standard for PFAS is between 12 and 18 parts per trillion and if we're testing at 1,700, 3,600, 4,500, even 23,000...we are not creating a testing record we should be comfortable with, even if the state tolerates it for now. I don't understand the lack of concern about this from the town leadership. I don't understand why I should be accused of bias and fear mongering for ASKING if we should be concerned about it.

Aries Engineering, who has done all the water testing here since 2005, is now being asked to assess whether the site is suitable for future improvements. This means the same engineering firm that has monitored the site for nearly two decades is now being paid to evaluate its own legacy.

I'm confident Aries does competent work. But their job, in the last analysis, is to tell us what's possible. It's our job, as a town, to decide what's wise. I don't think it is wise to abdicate our civic responsibilities to a private engineering firm. That's why I took on this task as a citizen volunteer. Citizens have the right (and I would argue, the responsibility) to examine public data and raise informed concerns. It's how democracy is supposed to work.

On May 19th, Megan Portnoy, who vetted my report, was here talking to you about it. She found that my data was accurate and she further confirmed that PFAS surface water standards are likely coming. And that's the crux of this risk: It is a condition of our permit that the landfill groundwater cannot contaminate surface water outside the permit boundary. The landfill's groundwater is now doing that on the conservation commission land. In 2024, Aries Engineering reported that the combined surface water PFAS in this neighboring property measured **8,443 ppt**. The groundwater standard is **12-15ppt**. If surface water PFAS standards are adopted, as expected, and the limits set in this standard are similar, we will be in violation.

At the May 19th BOS meeting it was said that "we are doing everything DES tells us to do." But compliance with minimum DES standards is not a guarantee of long term sustainability. We have been given special permission by the state to leak our contaminants into the water, but that does not mean we should. I would rather not wait to SEE if people get sick and to SEE if the transfer station is shut down to realize it was a bad idea. We should be proactive, not reactive.

It's worth noting that Aries Engineering has also consulted for the Bethlehem landfill since

2008, and that site still became a PFAS flashpoint, with violations and public backlash. This is not to criticize Aries or DES. It's to point out that simply "doing what's required" is not the same as managing risk or protecting public trust.

This is not about fear. It's about facts. It's about stewardship. It's about leadership.

I believe the Selectboard cares about the long-term interests of the town. I didn't write this report to challenge anyone. I wrote it to help us all avoid costly surprises, shifting regulations, and irreversible environmental damage. I respectfully ask that you engage with the findings, not because I wrote them, but because the data accurately reflects our own history, our own testing that we paid for, and our shared responsibility.

I hope you've all had a chance to review the report, and I'd be glad to answer any questions or clarify anything in it this evening.

Thank you,

Roy Plisko