

June 29, 2022

Mr. Robert Scott, Commissioner
New Hampshire Department of Environmental Services

Re: Coakley Superfund Site continued contamination of Berry's Brook

Dear Commissioner Scott,

As the Rye Select board, we are writing you today to express our concerns about a continuing issue that threatens public health in Rye and the surrounding communities. We are aware that the Coakley dump was listed as a Superfund site in the 1980s.

While remedial activities have been implemented which included installing a cap, chemicals still migrate away from the dump and pollute our groundwater, drinking water, and Berry's Brook. Berry's Brook originates in North Hampton and then flows through Greenland, Rye, and Portsmouth, eventually discharging into tidal waterways. The following is an abbreviated timeline that summarizes the basis of our concerns.

- Between 2016 and 2017 samples collected from Berry's Brook contained high levels of per- and polyfluoroalkyl substances (PFAS) or "forever chemicals."
- In 2017, the Department issued a letter to elected officials that stating that "believes that the migration of contaminants from site groundwater to surface water and the resultant impacts on Berry's Brook are unacceptable and need to be addressed."
- In 2018, the NH Fish and Game issued a catch and release order due to elevated levels of PFAS in Berry's Brook.
- In 2019, HB494 became law requiring Coakley Landfill Group (CLG) to propose a remedy to "ensure substantial reduction of contaminants entering Berry's Brook" from the dump. HB494 required CLG to have a written agreement in place by January 2020 to stop the migration of chemicals into Berry's Brook. The bill further required implementation by September 2020 and follow up by the office of the attorney general if deadlines were not met.

A copy of HB494, as adopted, is attached to this correspondence.

Since, CLG has installed what the group's attorney called "sandbags" as an ineffective measure to stop the chemicals that are dumping into Berry's Brook. Attorney Sullivan followed with public statements, since retracted by the group's chair, that they "had to implement a remedy" but HB494 did "not require that the remedy has to work."

In February 2022, CLG instructed its contractor to evaluate alternatives which include a "passive solution" and "groundwater pump and treat."

At nearly two years past the September 2020 deadline to install a remedy, surface water bodies originating west of the dump continue to receive unmitigated chemical contamination. With every rainstorm, the rail trail alongside the dump floods and streams containing high levels of chemicals directly pour into the headlands of Berry's Brook, Little River, and Bailey's Brook. As an example, this video was taken on Easter Sunday after a rain event (<https://youtu.be/vTKCcUf4g58>).

Public statements made by the CLG raise our concerns that this issue and compliance with the law is not being seriously addressed. We agree with the agency that this is an unacceptable situation that continues to degrade our natural resources of the seacoast.

We respectfully request the agency vigorously address this issue to rectify this situation, either through enforcement action or other means necessary. Please inform us regarding your intentions to encourage CLG to comply with the law.

Sincerely,
William Epperson, Chairman Rye Select board
Phil Winslow, Vice Chair
Tom King, Selectman