

FINDINGS OF FACT AND DIRECTOR'S DECISION

In the Matter of the Issuance of a State Permit to Operate to Saint-Gobain Performance Plastics Corporation Located at 701 Daniel Webster Highway, Merrimack, New Hampshire Facility Identification # 3301100165; Applications # 21-0198 and # 22-0092

The New Hampshire Revised Statutes Annotated (RSA), Chapter 125-C *Air Pollution Control*, under Section 125-C:4 *Rulemaking Authority* provides the Commissioner of the New Hampshire Department of Environmental Services (NHDES) with rulemaking authority relative to the establishment and operation of a permit program. Under this statutory authority, NHDES established a statewide permit program for new or modified stationary sources of air pollution in the New Hampshire Code of Administrative Rules, Env-A 600, *Statewide Permit System*. Pursuant to RSA 125-C:11, *Permit Required*, "an individual operating permit, which may contain conditions, shall be issued with respect to a device or non-Title V source for which a temporary permit is in effect, upon a finding by the commissioner, following operational testing, where required, that the device or non-Title V source meets the applicable emission limits and that its operation will not result in a violation of any air quality standard or regulation in force under this chapter." The permitting thresholds for this program are specified in Env-A 607.01, *Specific Applicability for Temporary Permits*.

A State Permit to Operate contains all applicable state air pollution control regulatory requirements that pertain to the facility and all federal air pollution control regulatory requirements that NHDES has taken delegation of under Env-A 500, *Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants; State Plans for Designated Facilities and Pollutants*. The State Permit to Operate allows the facility to operate a device based on terms and conditions specified in the permit. In some cases, the State Permit to Operate requires certain testing to be completed to verify compliance with permit terms and conditions. A State Permit to Operate is issued for a period of 5 years.

There are typically four phases in the State Permit to Operate process. They are as follows:

- First, an applicant files an application to obtain a State Permit to Operate. Once the application is received by NHDES, it undergoes an initial review to ensure that the information submitted is complete and includes sufficient detail for NHDES to evaluate the source and the application to determine all applicable air pollution requirements. If so, a "completeness determination" in the form of a letter is issued by NHDES.
- After the application has been deemed complete, NHDES undertakes a technical review. This may include, but is not limited to, facility site visits and an analysis of historical information. Once NHDES has completed this technical review and is confident that the application accurately reflects the facility's operations, NHDES develops a "draft State Permit to Operate." As noted above, the draft State Permit to Operate may also contain certain testing requirements to verify compliance with permit terms and conditions.
- Once the draft State Permit to Operate is prepared, a notice is published as required by Env-A 621, *Permit Notice and Hearing Procedures: Temporary Permits and Permits to Operate*. The public, the United States Environmental Protection Agency (EPA), and any other interested parties are invited to submit comments on the draft State Permit to Operate. An opportunity for a public hearing is also provided.
- After all public comments have been received and considered by NHDES, a final determination regarding the permit is made by the Director of the Air Resources Division (Director). If the determination is favorable, the draft State Permit to Operate is finalized and issued. A draft

State Permit to Operate may be modified as a result of comments received during the public comment period. All pertinent comments received during the public comment period are addressed in a document called the "Findings of Fact and Director's Decision."

Any person aggrieved by the Director's decision can file an appeal with the Air Resources Council in accordance with the procedures and deadlines for appeals as stated in the Air Resources Council, Ec-Air 200, *Procedural Rules*.

Facility Description/Background

Saint-Gobain Performance Plastics Corporation (SGPP) primarily manufactures polytetrafluoroethylene (PTFE) coated fabrics and PTFE films. The fabrics are manufactured for a variety of chemical and weather resistant applications. SGPP utilizes coating towers (designated in this permit as emission units EU01 – EU05, EU08, EU12, EU13, EU15, EU16 and EU24) and casting towers (designated as EU06 & EU07). The coating/casting towers emit per and polyfluoroalkyl substances (PFAS), volatile organic compounds (VOCs), regulated toxic air pollutants (RTAPs) and hazardous air pollutants (HAP). These emission units are vented to a regenerative thermal oxidizer (RTO) for the control of PFAS and other air pollutants.

In addition to the coating/casting towers, there are other production activities including several pieces of post-processing equipment utilized at the facility. This includes a research and development coater (designated as EU22), the Chemsil process (designated as EU23), a laminator (designated as EU25), and a heat clean device (designated as EU26). These sources are exhausted to the RTO to minimize the potential for fugitive releases from these units.

Prior to the installation of the RTO, the coating/casting towers were devices that emitted to the air PFAS¹ and precursors² at levels that were determined by NHDES to contribute to an exceedance of ambient groundwater quality standards (AGQS)³ as a result of deposition of the PFAS and precursors from the air. Therefore, pursuant to RSA 125-C:10-e, *Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water*, these devices are subject to the application of best available control technology⁴ (BACT) as defined in RSA 125-C:10-b, I(a).

SGPP is permitted for an antenna cover fabrication area (designated as EU17) as part of the finishing operations. This process emits VOCs, RTAPs and HAPs but not PFAS. The antenna cover fabrication area is not exhausted to the RTO. SGPP is permitted for operation of an emergency generator (designated as EU21) and a fire pump engine (designated as EU20). A #2 fuel oil-fired boiler system rated at 1.56 MMBtu/hr is also located at the facility but is below permitting thresholds. The RTO and many of the coating/casting towers combust natural gas and produce criteria pollutants. The RTO and coating/casting tower burners are all below permitting thresholds.

SGPP is subject to the State Permit to Operate program because it has accepted permit conditions limiting the facility wide VOC emissions to less than the major source threshold of 50 tpy, and HAP emissions to less than the major source threshold of 10 tpy for any individual HAP and 25 tpy for all

¹ "PFAS" means per and polyfluoroalkyl substances.

² "Precursor" means any substance that has been shown by sound science to be transformed into a PFAS under ambient conditions reasonably expected to occur in New Hampshire.

³ The New Hampshire AGQS as of the issuance of this Findings of Fact are for four PFAS compounds: 12 parts-per-trillion (ppt) for perfluorooctanoic acid (PFOA); 15 ppt for perfluorooctane sulfonic acid (PFOS); 18 ppt for perfluorohexane sulfonic acid (PFHxS); and 11 ppt for perfluorononanoic acid (PFNA).

⁴ "Best available control technology" means an emission limitation based on the maximum degree of reduction for each air contaminant that would be emitted from any device that the department, on a case-by-case basis, taking into account energy, environmental, public health, and economic impacts and other costs, determines is achievable for such device through application of production processes or available equipment, methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant.

HAPs combined. In addition, the emergency generator and fire pump engines meet the permit applicability thresholds in Env-A 607.01.

NHDES issued Temporary Permit No. TP-0256 on February 11, 2020, for the installation and operation of the RTO and associated coating fabrics and films manufacturing operations. Temporary Permit TP-0256 expired on August 31, 2021. Pursuant to Env-A 607.09(a)(1) *Permit Reissuance*, NHDES reissued Temporary Permit TP-0256 with an expiration date of August 31, 2022. Pursuant to Env-A 608.02, *Timely Applications for Issuance or Renewal of State Permits to Operate*, for a source or device that has been issued a temporary permit, an application for an initial State Permit to Operate shall be considered timely if it is filed with the department at least 90 days prior to the designated expiration date of the temporary permit. SGPP submitted a State Permit to Operate application on June 1, 2022. NHDES deemed the application complete in accordance with Env-A 608.05, *Acknowledgement and Completeness Determinations for State Permits to Operate*. Therefore, pursuant to Env-A 608.12, *Application Shield: State Permits to Operate*, SGPP is operating under the terms and conditions of the expired Temporary Permit TP-0256 until the department takes final action on the application for a State Permit to Operate.

Public Notice and Public Hearing

The public is provided the opportunity to comment on NHDES's draft decisions on applications for air permits. In accordance with Env-A 621, *Permit Notice and Hearing Procedures: Temporary Permits and Permits to Operate*, a public notice was published in the Union Leader and the Merrimack Journal on May 21, 2023. The notice invited public comment on the draft State Permit to Operate and noted the date, time, and location of a prescheduled public hearing. The notice also indicated that any comments received during the public comment period would be considered by the Director in reaching a final decision. The public notice specified that the deadline for written comments was June 28, 2023. In accordance with Env-A 621.06, *Requests for Public Hearing*, a hearing was prescheduled for Wednesday, June 21, 2023, at 6:00 PM, at the Merrimack High School Little Theatre, 38 McElwain Street, Merrimack, New Hampshire. The public hearing was also live streamed by Merrimack TV as well as televised by several local community public access stations.

After the public hearing, a request was made to the department to extend the public comment period. The department granted the request and pursuant to Env-C 205.08(b) extended the public comment period until Wednesday, July 5, 2023. A notice of the extended public comment period was published in the Union Leader and on the department's website.

During the public hearing, several citizens offered oral testimony, comments, and questions regarding the draft State Permit to Operate and the SGPP facility. Written comments were received prior to the July 5, 2023 public comment deadline. Pursuant to Env-A 621.08, *Opportunity for Response*, copies of all written comments received by NHDES were forwarded to SGPP for their review and comment. SGPP did not file a written response to the public comments.

Two written comments were also received after the July 5, 2023 deadline. These written comments contained concerns similar to those that were raised during the public hearing and are therefore addressed by the comments received prior to the deadline. A summary of each comment and NHDES's response is presented below. In some cases, several parties provided similar comments, which NHDES combined for brevity.

Discussion/Response to Comments

1. Several commenters asked NHDES to deny the permit.

NHDES Response

At present, NHDES does not believe it has a basis or legal authority to deny the application for a permit for the operation of devices at SGPP. Criteria for determining whether an application for an air permit should be denied are specified in Env-A 613 *Criteria for Denial, Suspension and Revocation of Temporary Permits and State Permits to Operate*. This rule states that “the department shall deny the issuance of a temporary permit or state permit to operate if, on the basis of available evidence, a determination is made that:

- (a) The use of the device for which the temporary permit or state permit to operate is sought shall result in a violation of any provision of Env-A 100 *et seq.*;
- (b) The use of the device shall contribute disproportionately to pollution of the air in comparison with other similar sources able to perform the same function; or
- (c) The device is located in an area where air quality levels have attained the national ambient air quality standards (NAAQS) and air pollution dispersion modeling impact analysis indicates that the device will cause significant deterioration of the existing air quality as defined in 40 CFR §51.165(b)(2), or 40 CFR §51.166(b)(23)(iii), in some or all of the attainment area, as determined pursuant to 40 CFR §51, Appendix W.”

NHDES reviewed the application against these criteria and made the following determinations:

- (a) NHDES has found that SGPP is capable of meeting the applicable emission limits contained in the permit and that operation of the devices pursuant to the requirements contained in the permit will not result in a violation of any air quality standard or regulation in force under RSA 125-C and Env-A 100 *et seq.*
- (b) NHDES is not aware of any similar sources that perform the same functions as SGPP whose emissions are disproportionately lower than those of SGPP.
- (c) SGPP is not applying to operate a device subject to the Prevention of Significant Deterioration regulations and is therefore not subject to (c).

NHDES has determined that no criteria for denying the application were met. Therefore, NHDES is not denying the application.

2. Several commenters were concerned about the length of time the State Permit to Operate would be effective. Some commenters thought the draft State Permit to Operate would never expire or need renewing. Others understood that the State Permit to Operate would have a 5-year effective date but requested NHDES shorten that to a 1-year or 3-year term instead.

NHDES Response

The State Permit to Operate issued to SGPP as of the date of this document has an expiration date of August 31, 2028. Pursuant to Env-A 608, *State Permit to Operate*, each state permit to operate shall be issued for a period of 5 years and shall be renewed in accordance with Env-A 608.10, *Permit Renewal*. Issuing a permit with an expiration date significantly less than this 5-year period would contravene this regulation.

3. One commenter voiced concern that the draft permit contained operating and emission limits for four individual PFAS compounds without directly linking those emission limits to the calculation that established these limits. In addition, there was no language in the draft permit to describe the process if there was a need to update, reopen, change the emission limits, or

include additional limits should EPA enact new or tighter PFAS water standards than those currently in effect in New Hampshire. The request was that NHDES include an automatic reopener for the numeric PFAS emissions limits to incorporate more stringent PFAS emission limits during the term of the air permit and to ensure full compliance inclusive of bypass PFAS emissions.

NHDES Response

NHDES does not include the methodology for establishing operating or emission limits in permits, instead this language is usually included in rules associated with the applicable statute. NHDES recognizes the importance of establishing rules in accordance with RSA 541-A, *Administrative Procedure Act* for the implementation of RSA 125-C:10-e. RSA 125-C:4 gives the commissioner the authority to adopt these rules. NHDES is currently drafting rules and will begin a stakeholder process to discuss the draft rules in the fall of 2023. Therefore, NHDES is not proposing to amend the State Permit to Operate to include the calculation that established the operating and emission limits.

In the event a new or changed AGQS goes into effect during the permit term, pursuant to Env-A 612.07 *Department Proposal to Amend a Permit*, NHDES can propose to amend an existing state permit to operate prior to the expiration date of the state permit to operate if any of the following circumstances exist:

- (a) A requirement, adopted after the date of issuance of the permit, becomes applicable to the source and can only be enforced if incorporated into the permit;
 - (b) The permit contains a material inaccurate statement or other material error;
 - (c) A material fact or statement relied upon by the department when issuing the permit was not representative of actual conditions; or
 - (d) A permit condition needs to be revised, added, or deleted to ensure compliance with any applicable regulation.
4. A commenter requested NHDES postpone the State Permit to Operate until EPA's concerns with other PFAS compounds are fully studied.

NHDES Response

NHDES reviews applications and issues decisions for air permits based upon air pollution control requirements in effect at the time of the review. NHDES is required under RSA 541-A to process applications and issue decisions. NHDES does not delay decisions because current requirements might change.

NHDES recognizes that there is substantial activity regarding PFAS and that new and/or different requirements are likely be established in the future. This is a common situation and not unique to PFAS. There are almost always several State or Federal air pollution control requirements in the process of being established or changed.

The permitting system includes provisions to update permits to incorporate changes once they become effective. For example, permitted facilities are required to submit permit renewal applications every five years to allow the inclusion of new permit requirements that reflect new regulations and/or standards that became effective during the permit term. In addition, the permit can be reopened as noted in the response to Comment #3.

5. Several comments were made that inferred NHDES oversight of SGPP was tied to periodic renewal of the permit. General comments were made concerning compliance with permit conditions and applicable regulations being determined only based on the information permitted sources submit as part of the permit application process or records reported by the source.

NHDES Response

While NHDES evaluates every permitted facility's ability to comply with environmental regulations at the time of permit application review, NHDES also has a robust program that relies on inspections and reporting requirements to ensure ongoing compliance. The State Permit to Operate contains monitoring, maintenance, recordkeeping, and reporting requirements that SGPP is required to meet. In addition, NHDES staff conduct periodic inspections of facilities that emit air pollutants. The Air Resources Division's Compliance Assessment Section has the responsibility of determining if a company which has been issued an air permit is in compliance with the applicable requirements set forth in federal regulations; state statutes and rules; and the permit. An on-site full compliance evaluation includes a review of all submitted reports required by the permit and any monitored data reported to NHDES. In addition, compliance inspectors perform the following activities:

- (a) An assessment of control device and process operating conditions.
 - (b) A visible emission observation as needed.
 - (c) A review of facility records and operating logs.
 - (d) An assessment of process parameters such as feed rates, raw material compositions, and process rates.
 - (e) An assessment of control equipment performance parameters.
6. One commenter was concerned that using the term "synthetic minor source of air pollutants for VOCs and HAPs" to describe the facility was inappropriate for emission of PFAS which are considered persistent and toxic.

NHDES Response

The term "synthetic minor source" applies to a category of facilities that have the potential to emit certain regulated pollutants in amounts that are at or above the thresholds for major sources but has taken a permit restriction so that their potential to emit is limited to less than such amounts for major sources. SGPP is a facility that has taken limits on the emission of VOCs and HAPs.

NHDES did not classify SGPP as a synthetic minor source for PFAS. Even though SGPP is being regulated as a synthetic minor source for VOCs and HAPs, the facility is still required to meet all of the applicable requirements pertaining to PFAS and air toxics including those contained in NH Statute RSA 125-C:10-e, *Requirements for Air Emissions of Per and Polyfluoroalkyl Substances Impacting Soil and Water* and RSA 125-I, *Air Toxics Control Act* and the corresponding Administrative Rule Env-A 1400, *Regulated Toxic Air Pollutants*.

7. There were a substantial number of comments related to including in the permit more requirements associated with stack testing, emission limitations, evaluation in the deposition model, establishment of new or more restrictive water or air standards, or otherwise include permit conditions for PFAS analytes beyond the four PFAS analytes for which an AGQS has been established in law in NH.

NHDES Response

RSA 125-C:10-e requires that in no event shall application of best available control technology result in [among other requirements] *emission of any air contaminant subject to this section* which causes or contributes to or has the potential to cause or contribute to an exceedance of an AGQS or surface water quality standard (SWQS), as a result of the deposition of the contaminant from the air. [emphasis added]

“Emission of any air contaminant subject to this section” means any PFAS or precursor for which an AGQS or SWQS has been established in NH as defined in RSA 485-C:2, I or established in or pursuant to RSA 485-A. NHDES has adopted AGQS for four PFAS compounds: PFOA, PFOS, PFNA and PFHxS. Therefore, this section of RSA 125-C:10-e sets forth emission limitation requirements from the RTO for PFOA, PFOS, PFNA and PFHxS unless and until a new AGQS or a SWQS is adopted in NH. Any other additional information regarding other PFAS analytes either through sampling of raw materials, stack test results, or other means are outside the scope of the applicable regulatory requirements and therefore outside the scope of this permit action. Therefore, no changes to the permit are required to address this comment.

8. Several commenters, citing the NHDES Statement on Environmental Justice contained in the [NHDES Civil Rights and Nondiscrimination Plan dated October 25, 2022, and revised February 14, 2023](#) (Plan) requested that NHDES take into consideration environmental justice for this permit application review based on the fact that the citizens of Merrimack and the surrounding area have been subjected to the operations of SGPP.

NHDES Response

NHDES recognizes the importance of environmental justice and works to incorporate the environmental justice principles, including meaningful involvement and fair treatment of all NH residents, in the implementation of NHDES programs and activities. As such, NHDES followed the guidance in the Plan during the permit application review period. This included NHDES promoting meaningful involvement and responding to community concerns by holding the public hearing in a community setting and broadcasting the hearing to allow for remote viewing. In addition, the comment period was extended to allow more time for concerned citizens to provide comments. NHDES continues to work with federal partners at the EPA, with other states, and with local organizations and community groups to further understand and promote the principles of environmental justice in practice.

9. Two commenters pointed to the location of the facility as being in a populated region with a nearby high-density apartment complex and neighborhoods. Specifically, one commenter noted that the apartment complex, Gilbert Crossing, has been built nearby. The commenter stated that there was no testimony nor was any data presented as to whether or not challenges or impacts exist at Gilbert Crossing with its close proximity to SGPP. The commenter suggested that NHDES consider putting the air permit in abeyance until such data has been acquired and analyzed for potential public safety and health impacts to Gilbert Crossing. Another commenter was concerned about the future impact the SGPP operation would have on Merrimack Village District's Wells 4 & 5 and the Town of Litchfield.

NHDES Response

See NHDES' response to Comment #4, regarding the request to postpone a decision on the application from SGPP for a State Permit to Operate.

As part of the regulatory review process, Barr Engineering (Barr), the consultant hired by SGPP, submitted a modeling protocol outlining the inputs and methodology for the air deposition and dispersion modeling of the as-built RTO stack and the emergency bypass stack. NHDES reviewed and approved the protocol and Barr performed the modeling in accordance with the protocol. Further, NHDES reviewed the modeling, including rerunning the model to verify the outputs, and summarized the results in a [NHDES modeling memo](#) dated February 2, 2023. The model took into consideration receptors consisting of a grid 20 km by 20 km centered on the facility. This grid encompassed the area of Gilbert Crossing, the location of Wells #4 and #5 and parts of the Towns of Merrimack, Litchfield, Londonderry, Manchester, and Bedford.

Regarding compliance with inhalation standards, NHDES determined that SGPP has demonstrated compliance with Env-A 1400 as all the predicted RTAP impacts at each receptor location are below the respective ambient air limits (AALs). In addition, NHDES has confirmed that SGPP will continue to comply with Env-A 1400 AALs even after adding additional coating capabilities to EU24.

Regarding compliance with RSA 125-C;10-e, NHDES used the maximum predicted deposition rates for the RTO stack (Stack #3) and the emergency bypass stack (Stack #6) to establish the annual PFAS emission limitations in the permit. Again, the maximum predicted impacts were projected to occur close to the facility, but the model predicted impacts at receptors throughout the 20 km by 20 km grid around the facility. In response to this comment, NHDES further reviewed the predicted deposition rates at receptor locations in and around Gilbert Crossing. The predicted deposition rates around Gilbert Crossing are less than 3% of the maximum predicted deposition rate predicted closer to the RTO and used to establish the permit limits. Merrimack Village District's Wells 4 & 5 and the Town of Litchfield are even further away from Gilbert Crossing and have even lower predicted deposition rates.

Therefore, no changes to the permit are required to address this comment.

10. Several comments were made that NHDES should reevaluate the BACT determination. The comments requested that NHDES consider both the RTO and a scrubber to be BACT for the control of hydrogen fluoride (HF), PFAS, products of incomplete combustion (PICs), and particulate matter. Some commenters suggested that the control equipment installed at Chemours in Fayetteville, NC which consists of a thermal oxidizer and a scrubber should be BACT for SGPP in Merrimack, NH.

NHDES Response

The best available control technology determination was made during the issuance of the Temporary Permit TP-0256 (See supporting documentation on the OneStop database under [Application #18-0227](#)). This issue is not open for revisiting and is beyond the scope of the review of the State Permit to Operate application.

11. One commenter suggested that the requirement to utilize BACT to address the emissions is not sufficient and that NHDES require Maximum Achievable Control Technology (MACT) in every process where that is possible.

NHDES Response

The level of control is established by the applicable requirement. In this case, the applicable requirement is RSA 125-C:10-e and it requires BACT as defined in RSA 125-C:10-b, I(a). There is no applicable requirement for SGPP to install MACT at this time. The permit includes the BACT requirement of RSA 125-C:10. NHDES did not make any changes to the permit in response to this comment.

12. Several commenters requested that NHDES revisit the total fluorine mass balance and subsequent HF emission calculation used to evaluate the need for a scrubber to be installed after the RTO. One commenter suggested that SGPP had violated the 2021 Consent Decree by not providing details on current raw materials that would be necessary to produce the expected mass balance for fluorine. They argued that SGPP calculated the HF emission rate in the application for this draft permit based on the analysis of raw materials using Modified EPA Method 537.1 which does not capture and quantify all fluorinated emissions from the SGPP operations. The commenter requested NHDES require SGPP either calculate total F in the raw materials and provided the commenter's suggested methodology to do so or send the raw materials or dip pan samples to a lab for total organic fluorine (TOF) analysis. The commenter also requested that once a proper mass balance is performed, the requirement to install a scrubber for HF emissions be revisited.

NHDES Response

NHDES detailed the HF emissions and supporting calculations in the permit application review summaries for both [Application #18-0227](#) and this [permit application](#). While there were many different approaches utilized to determine the potential HF emissions from the RTO prior to its installation, the best determinant of HF emissions is conducting EPA Method 26A stack testing at the outlet of the RTO which was done during the 2021 stack test. HF emissions derived from the 2021 stack test result in maximum predicted impacts of less than 25% of the AAL. Therefore, SGPP is not required to install or operate a HF scrubber after the RTO pursuant to Env-A 1400.

13. Many commenters suggested different methodologies for implementation of RSA 125-C:10-e including suggestions that no emission of PFAS, not even one more molecule should be allowed to be emitted from the RTO or the bypass or that PFAS emissions should be limited to no higher than the detection limits of current EPA analytical methodology. One commenter suggested the NHDES needed to evaluate the accumulation of PFAS over time when establishing the annual PFAS emission limitations. Several commenters wanted NHDES to consider the level of PFAS in existing groundwater at the SGPP site.

NHDES Response

NHDES developed a method to implement RSA 125-C:10-e as described in the permit application review summary for this permit action. NHDES is not proposing to change this methodology for this permit application review. However, these comments may be appropriate when NHDES starts stakeholder meetings associated with development of rules for the implementation of RSA 125-C:10-e. See response to Comment #3 regarding upcoming rulemaking. No changes to the permit are required to address these comments.

14. One commenter was concerned that SGPP has indicated that the by-pass stack is required for the protection of the facility employees if the RTO or any of its components fail and asked if this was typical for the operation of RTOs. The commenter went on to ask why SGPP does not utilize an emergency generator for auxiliary power for the RTO in lieu of bypassing emissions. Finally,

the commenter wanted to know if there were existing technology available to mitigate RTO failures without the need for a by-pass stack going on to suggest that if the RTO fails, the production line should be immediately shut down, and the employees evacuated from the building to avoid contamination, in lieu of utilizing the by-pass stack.

NHDES Response

As stated in the Permit Application Review Summary for this permit, emergency bypass is critical to safe RTO operation. It is a necessary safety feature that will activate under certain conditions to protect the health and safety of individuals in and around the facility, process equipment, and the control device itself. It is common for RTOs to include an emergency bypass to enable safe shutdown of operations upstream of the control device. The process operations upstream of this control device cannot safely stop as quickly as the RTO without the risk of fire or other dangerous conditions, such as exhaust build-up within the plant. The emergency bypass is designed and programmed to operate during specific emergency conditions to allow process flow to be temporarily diverted from the RTO while process equipment is brought to a safe, controlled stop. Use of an emergency generator to avoid bypassing emissions is not feasible. NHDES is not aware of technology available to mitigate RTO failures beyond routine maintenance as outlined in the [Saint-Gobain Air Pollution Control Equipment Monitoring Plan](#) (Monitoring Plan) and [Fire Response and Prevention Plan](#) submitted by SGPP and approved by NHDES in a [letter](#) dated June 16, 2022. Safe, controlled stopping of process equipment requires employees to remain in the building. No changes to the permit are required to address this comment.

15. Several commenters suggested NHDES lower the allowable bypass hours in the permit, require SGPP to add secondary control equipment on the bypass stack, or require SGPP to eliminate bypass utilization within a set period of time.

NHDES Response

NHDES analyzed the impact that bypass stack operation would have on compliance with RSA 125-C:10-e as described in the Permit Application Review Summary for this permit action. The analysis and resulting permit conditions are appropriate interpretation of the regulation and NHDES is not proposing to change permit conditions as a result of this comment.

16. One commenter was concerned over the permit allowing for increase emissions during periods of start-up, shutdown, and malfunction when the commenter suggested emissions are at their highest levels. The commenter suggested that these instances were not factored into the emission and operating limitations in the permit.

NHDES Response

Startup and shutdown scenarios are addressed by the permit.

The permit requires that the RTO be fully operational before the PFAS-emitting processes are started. As described in the Monitoring Plan, each tower/auxiliary equipment's drive mechanism is interlocked with the RTO. Towers/auxiliary equipment can only commence operation when the RTO is online and operating at or above the permitted minimum temperature. When the RTO is below the allowable temperature limit, the towers/auxiliary equipment cannot initiate a new run sequence.

The permit also requires that the RTO remain in operation and all emissions vented to it until after the processes are shut down during controlled shutdown periods.

The permit allows for a limited amount of time and specific circumstances under which the release of untreated emissions to the atmosphere occurs through the emergency bypass stack. The permit allows for emergency bypass for three modes of operation of the RTO during a production run: "Burner Off", "Emergency Shutdown" and "High Inlet Temperature Shutdown". In addition, the permit has operating limitations and corresponding monitoring, recordkeeping, and reporting requirements to ensure compliance with RSA 125-C:10-e.

There are no exemptions for malfunctions. SGPP is required to comply at all times with operating and emission limitations contained in the permit, including during malfunctions. In the event that SGPP does not comply with permit conditions or regulatory requirements, NHDES has a [Compliance Assurance Response Policy \(CARP\)](#) which describes the range of actions available to NHDES when addressing potential violations of environmental laws. The CARP also discusses the process by which NHDES will determine the appropriate response for any given situation. NHDES makes every effort to ensure that compliance issues are addressed and resolved as quickly as possible and potential enforcement actions in response to those issues are assessed in a manner consistent with the CARP. NHDES is not proposing to change permit conditions as a result of this comment.

17. One commenter suggested that bypass emissions are not monitored.

NHDES Response

The State Permit to Operate contains conditions under which the bypass stack is allowed to operate. In addition, the permit contains monitoring, recordkeeping, and reporting requirements to ensure that SGPP complies with the operating conditions. NHDES is not proposing to change permit conditions as a result of this comment.

18. A comment was made requesting the permit require SGPP to report bypasses to the Town.

NHDES Response

NHDES did not identify any applicable requirement that would require SGPP to report bypasses, or any other information related to the air permit, directly to the Town. NHDES is not proposing to change permit conditions as a result of this comment.

19. One commenter was concerned that allowing SGPP a fixed amount of bypass time will allow them to operate the bypass in a manner whereby they would perform operations that may not be possible when operating the RTO that may increase contaminants.

NHDES Response

In addition to a limitation on the total number of hours per year that bypass is authorized, the permit contains limitations on the situations during which bypass is allowed. Bypass is not allowed in any situation other than those specifically authorized by the permit. The permit contains all monitoring, recordkeeping, and reporting requirements to ensure compliance with regulations associated with PFAS, RTAPs and VOCs, including during bypass. NHDES is not proposing to change permit conditions as a result of this comment.

20. One comment was made regarding the utilization of the thermocouples to detect the RTO operating temperature and concern over the ability of industrial facilities to circumvent or work around the equipment. The question was would there be surprise audits or validation of the data being reported on RTO temperature is accurate such as watchdog features in the software or any kind of reporting system that guarantees there isn't a data feed being applied to the

sensors. In addition, are the NHDES inspectors technically trained to be able to see if code has been bypassed or are capable of reading the system programs?

NHDES Response

As outlined in response to Comment #5, NHDES is authorized to review data records required by the permit. Since the facility is required to maintain 1-minute and 1-hour block average data for temperature, process gas flowrate to the RTO, and natural gas flow to the RTO, a NHDES inspector could use this data to corroborate the stored temperature measurements.

21. One commenter suggested that NHDES must retain a more robust watchdog function over the RTO low temperature and bypass stack operations at SGPP. The draft permit requires SGPP to notify NHDES if the hourly block average temperature is below minimum temperature and occurs for 3 consecutive 1-hour blocks or notify NHDES if a bypass occurs for more than 1 hour. The commenter suggested that less notification to NHDES might result in SGPP failing to react to a low temperature or bypass event. The commenter suggested that SGPP could have a majority of the hour be below the 1832°F requirement and no review would be triggered.

NHDES Response

SGPP is required by permit conditions to monitor the RTO combustion chamber in 1-minute intervals, calculate hourly block averages, and keep records of all 1-minute and hourly block averages during facility operations for a minimum of 5 years. It is not likely for the RTO to operate the majority of the hour below the 1832°F and the resulting hourly block average temperature be above 1832°F. Should an hourly block average temperature fall below 1832°F, SGPP is required to investigate and take corrective action immediately upon discovery as outlined in Table 6, Item 8.

SGPP is also required to monitor all bypass events and record information as outlined in Table 7, Item 8. In addition, Table 7, Item 8 requires SGPP to keep all dates, times, durations, and probable causes of pollution control equipment monitoring parameter excursions and all corrective actions and preventative measures taken for all permit deviations, low temperature events and bypass events. All these records are required of the facility regardless of the frequency of required notification to NHDES at the time of the event.

RTO operational data is stored in the SGPP Ignition cloud. The SGPP Ignition cloud sends automated email alerts to SGPP personnel when the RTO goes offline (no matter operational status of coating towers), or an hourly average combustion chamber temperature is less than 1832°F.

Since all the data is required to be maintained and available to NHDES upon request, NHDES does not see the need to have all temperature excursions reported. Also, since the compliance limit for bypass events is the number of hours of bypass per year and emission limits on each of the four regulated PFAS compounds, NHDES does not see the need to require notification of each bypass event. NHDES is not proposing to change permit conditions as a result of this comment.

22. One commenter voiced concern over the potential for the main header to have condensate and associated solids build up. The commenter asked about whether this would result in higher emissions either to the RTO or in the bypass stack. In addition, the commenter wanted to know about maintenance of the main header. Another commenter suggested NHDES should further evaluate the RTO bypass stack deposition modeling and require visual inspections. This

maintenance activity may be covered in other facility maintenance documents but should also be documented in the Monitoring Plan.

NHDES Response

Table 6, Item 9 of the State Permit to Operate requires SGPP to maintain the ductwork from each emission unit as well as the header leading to the RTO in accordance with the Fire Response and Prevention Plan. The Fire Response and Prevention Plan addresses the ductwork associated with the RTO in Section 5.1 on page 4. NHDES does not anticipate higher emissions to the RTO or bypass stack since SGPP is inspecting the ductwork quarterly and cleaning any build-up of residue greater than 1/16 inch. In addition, SGPP will conduct annual routine ductwork cleanings at a minimum or more frequently if residue build-up within the ductwork exceeds 1/16 inch. NHDES is not proposing to change permit conditions as a result of this comment.

23. One commenter stated that the Monitoring Plan does not include a requirement to calibrate anything except system flow transmitter FIT 01. SGPP needs to include calibration of all thermocouples, magnehelic gauges, pressure differential, and proportional integral derivative (PID) controllers in order to assure proper and accurate function of these important measuring and control devices.

NHDES Response

Table 6, Item 9 of the State Permit to Operate requires SGPP to maintain the RTO in accordance with the Monitoring Plan. Within the current Monitoring Plan is the requirement to annually calibrate the flow transmitter FIT 01 as well as daily, weekly, quarterly, and annual equipment safety testing and operation checklists for maintenance activities. In addition, Table 6, Item 11 of the permit requires SGPP to maintain and calibrate the pressure differential gauges should SGPP install the gauges. The permit goes on to require SGPP to update the [Capture Efficiency Verification Plans](#) to reflect the installation, operation, monitoring, recordkeeping, and reporting associated with the gauges should SGPP install the gauges. NHDES has determined that the monitoring requirements in the permit including those outlined in the Monitoring Plan and Capture Efficiency Verification Plans are sufficient to ensure SGPP can demonstrate compliance with limitations in the permit. NHDES is not proposing to change permit conditions as a result of this comment.

24. One commenter stated that the Monitoring Plan is silent on how and at what frequency the facility will test alarms and interlocks. These alarms and interlocks are critical for safe operation and for meeting permit terms & conditions and should be tested according to manufacturer recommendations or at least semi-annually to ensure they operate properly when needed.

NHDES Response

With regards to the interlock for the bypass stack, Table 6, Item 10 of the State Permit to Operate requires a quarterly visual inspection of the bypass stack damper seal or closure mechanism. Alarms associated with the RTO are part of the SGPP Ignition cloud designed by the RTO manufacturer. Table 7 of the Monitoring Plan lists the RTO Hard Alarms as well as applicable daily, weekly, quarterly, and annual equipment safety testing and operation checklists for maintenance activities. NHDES has determined that the monitoring requirements in the permit including those outlined in the Monitoring Plan are sufficient to ensure SGPP can demonstrate compliance with limitations in the permit. NHDES is not proposing to change permit conditions as a result of this comment.

25. One commenter stated that there are many references to “periodic” activities in the Monitoring Plan. “Periodic” should be defined in the Monitoring Plan where there is no term or condition in the permit or relevant regulation requiring periodicity.

NHDES Response

While there are references to periodic activities in the introductory language of the Monitoring Plan, specific frequency of equipment safety testing and operational checks for maintenance are spelled out in the Monitoring Plan. In addition, all monitoring data required by the permit is recorded instantaneously and saved on the SGPP Ignition cloud. The use of the term “periodic” in Table 5 of the Monitoring Plan is the frequency in which SGPP staff review the data. (See response to Comment #21 regarding the email alerts associated with the SGPP Ignition cloud.)

26. One commenter requested that the Monitoring Plan include specific training requirements for all site operations and maintenance employees in order to maintain compliance with the air permit.

NHDES Response

The air pollution control requirements to which SGPP is subject do not include any training requirements. While NHDES agrees that training employees is likely a good way to help ensure compliance with air permits, it is one of many possible techniques that owners or operators may use. It is ultimately the owner or operator’s responsibility to take whatever measures are appropriate for their operations to maintain compliance with their air permit. NHDES is not proposing to change permit conditions as a result of this comment.

27. One commenter suggested NHDES require fence line monitoring at the SGPP facility fence line.

NHDES Response

NHDES has determined that the monitoring and stack testing requirements in the permit including those outlined in the Monitoring Plan and Capture Efficiency Verification Plans are sufficient to ensure SGPP can demonstrate compliance with limitations in the permit. NHDES is not proposing to change permit conditions as a result of this comment.

28. Several commenters opposed the stack testing frequency in the State Permit to Operate and wanted NHDES to consider returning to annual stack testing for the duration of this permit term.

NHDES Response

NHDES agrees with the comment and has amended the State Permit to Operate to require annual stack testing.

29. One commenter requested SGPP install a continuous emissions monitoring (CEM) device for VOC emissions on the RTO stack and use the information to calculate destruction removal efficiencies. The commenter also requested that as new technologies are developed, PFAS CEMs should be required. In lieu of CEMs, the commenter requested annual stack sampling for PFAS continue. Another commenter requested that SGPP install PFAS CEMs.

NHDES Response

Env-A 808, *Continuous Emission Monitoring*, lists specific requirements for owners or operators to install and operate CEM systems. NHDES has determined that none of the applicability criteria of Env-A 808 apply to SGPP and therefore a CEM for VOCs is not required.

Air pollution control requirements for PFAS are relatively new (e.g., as compared to VOCs which have been regulated for over 40 years) and there are no requirements specifically established for monitoring PFAS. Therefore, in this case, NHDES has established monitoring requirements specific to this situation. CEMs are not currently available for PFAS emissions. NHDES is actively monitoring advancements in continuous emissions monitoring methods as they become available. NHDES has determined that, at this time, annual stack testing for PFAS is appropriate and has returned the annual stack testing requirement to the final State Permit to Operate.

30. One commenter was concerned that Method 204 capture efficiency testing on an annual basis was too long and could allow fugitive emissions from the processes to ambient air and to the workplace. The commenter stated that gauges and alarms and/or interlocks that indicate if the enclosures do not meet negative pressure requirements should be required along with the annual Method 204 testing and the addition of a simultaneous smoke test.

NHDES Response

The State Permit to Operate requires SGPP to conduct Method 204 capture efficiency testing annually. Method 204 capture efficiency testing includes guidance and applicability levels for conducting smoke tests in conjunction with the method. During the stack test, SGPP, in conjunction with Barr and NHDES staff, verify capture efficiency of each emission units which includes verifying the placement of dampers, natural draft openings and fan set points. SGPP developed Capture Efficiency Verification Plans that ensures operations of the emission units occurs in a manner consistent with the annual test. These plans allow the use of parametric monitoring of operations between the annual capture efficiency tests. NHDES has determined that this method is sufficient to ensure SGPP can demonstrate compliance with limitations in the permit. In addition, the permit contains an option for SGPP to install and operate gauges on each emission unit and permanent total enclosure in the future. NHDES is not proposing to change permit conditions as a result of this comment.

31. One commenter requested that all emissions data must be readily available to the public or the Town of Merrimack.

NHDES Response

Pursuant to RSA 91-A, the public, including the Town of Merrimack, has a right to inspect and copy all non-exempt governmental records in the possession, custody, or control of NHDES. This would include all emissions data. In addition, NHDES has a [OneStop database](#) that provides extensive records on permitted facilities including SGPP. NHDES is consistently working to improve OneStop and to provide as many records as possible through this system.

32. One commenter suggested that the Department must include citizens in permitting and other decisions around the facility's operations.

NHDES Response

Please see the public notice and public hearing section of the Findings of Fact for the opportunity provided to citizens in the permitting of the facility's operations as it relates to this application and permit.

33. Several commenters listed health concerns either associated with PFAS exposure based on scientific literature or based on personal beliefs and experiences. Several commenters mentioned health concerns of people and animals across age groups, gender, and residential proximity to SGPP, with repeated concern raised for impacts to infants, children and other

vulnerable groups. One commenter was concerned over any PFAS exposure (inhalation, ingestion, or dermal) for exposed communities (i.e., populations with elevated PFAS serum concentrations).

NHDES Response

NHDES understands that there is significant community concern regarding the operations at SGPP and the occurrence of PFAS in environmental media across Southern New Hampshire. NHDES is also concerned about PFAS in the environment. NHDES is earnestly implementing existing requirements targeting PFAS such as the implementation of RSA 125-C:10-e. NHDES is also performing and reviewing PFAS research both alone and in partnership with other agencies and entities. In addition, NHDES conducts an annual review of toxicity information for PFAS and evaluates emerging science regarding PFAS related health impacts and exposure pathways (i.e., inhalation, ingestion, dermal). (See also the response to Comment #39). Further information regarding NHDES's response to PFAS in the environment is provided on NHDES's website at: <https://www.pfas.des.nh.gov/>.

34. Commenters stated concern for exposure pathways other than ingestion, including inhalation of PFAS and "absorption" which was likely in reference to dermal contact or skin absorption. The permit was described as only focusing on air emissions which the commentors found to be an insufficient and arbitrary regulatory requirement that reduces but does not end our exposure and/or our environmental contamination.

NHDES Response

Based on currently available data, the primary exposure pathway for PFAS at environmentally relevant concentrations appears to be through drinking water (ingestion). While skin contact (dermal absorption) and inhalation, namely of dusts and particulate matter containing PFAS, may contribute to an individual's total exposure, these pathways have not been shown to be quantitatively significant compared to ingestion at the exposure levels documented in the region. While some studies indicate that dermal exposures at concentrations observed in occupational settings (i.e., firefighters with direct contact to turnout gear or AFFF), these scenarios are quantitatively dissimilar to exposure scenarios observed in most of Southern NH. Regulation of air emission impacts to groundwater is intended to act on the ingestion exposure pathway for drinking water protection.

The subjects of the comments listed below are beyond the scope of the review of the air permit application. Some of the topics contained in the comments below relate to the general state of our understanding and regulation of PFAS. NHDES maintains a web page presenting general PFAS information at <https://www.pfas.des.nh.gov/> and some of that information is pertinent to the comments listed below. In addition, NHDES is also providing supplemental information specific to some topics raised in the comments presented below.

35. Several commenters noted that Merrimack and surrounding communities have both historical and ongoing environmental impacts from the manufacturing activities of SGPP including PFAS exposure in air, surface water, drinking water, fish from the Merrimack River and food products grown in PFAS-contaminate soil where Merrimack wastewater treatment plant compost has been used. The commenters suggested that when considering the company's application, NHDES should use a cumulative impacts analysis and factor in the cumulative and synergistic impacts based on presumptive harm in the instances of known toxics.

NHDES Response

At the national level, cumulative impact analysis is an area of ongoing research. At this time, there is not a standard accepted methodology for assessment of cumulative impacts, nor is there a standard list of factors to be considered in the assessment of cumulative impacts. Use of the EPA Environmental Justice Screening and Mapping Tool, [EJScreen](#) offers a step toward consideration of composite measures accounting for demographic and environmental factors. At this time, NHDES does not have a standard methodology for assessing cumulative impacts nor the regulatory authority to base decisions on the assessment of cumulative impacts. Consistent with NHDES' commitment toward advancing Environmental Justice, NHDES continues to follow ongoing research and to identify opportunities to enhance agency capacity to develop and implement cumulative impacts assessment methodology.

36. One comment was related to the results of stack testing conducted in 2018. The commenter was concerned that SGPP had reduced 4 PFAS compounds but that there are still 190 compounds currently present in the emissions. The commenter stated that until SGPP shows substantial progress in reducing the PFAS levels from the Merrimack facility, they should not be rewarded with a permit to launch more PFAS into our air, water, land, and population.

NHDES Response

The State Permit to Operate requires SGPP to conduct compliance stack tests to evaluate pre- and post-RTO emissions of PFAS analytes using [EPA Other Test Method \(OTM-45\)](#) and analyzing for all PFAS analytes listed in the method and/or any additional EPA-approved methods as required by the department. It also states that if additional performance test methods have been proposed by EPA at the time of the required periodic performance testing, NHDES may require utilization of these additional test methods as appropriate. NHDES is actively monitoring advancements in stack test methods as they become available.

NHDES has determined that the RTO is reducing PFAS levels and that permit conditions are sufficient to ensure that as sampling and analysis methods of PFAS analytes improves with the development of stack test methods, NHDES can continue to evaluate the effectiveness of the RTO.

37. A comment was made that SGPP must be required to stack test for and report HFPO-DA and fluorinated raw material thermal breakdown compounds in RTO and bypass stack emissions based on their review of the 2021 and 2022 RTO stack tests and 2022 dip pan results. One commenter requested that SGPP be required to stack test for the same compounds as Chemours in Fayetteville, NC.

NHDES Response

Since issuance of Temporary Permit TP-0256 and the installation of the RTO, SGPP has been required to conduct annual stack tests and has done so in both [2021](#) and [2022](#) using OTM-45. OTM-45 is a stack test method applicable to the collection and quantitative analysis of specific semi volatile (boiling point > 100°C) and particulate-bound PFAS in air emissions from stationary sources. The stack test method lists 50 individual target analytes that have been evaluated for measurement by OTM-45. These include the 4 PFAS for which NH has established AGQS but it also includes precursors such as fluorotelomer alcohols and fluorinated replacement chemicals such as HFPO-DA.

Of the 50 individual target analytes that OTM-45 is capable of being collected and analyzed, during the 2021 stack test 19 PFAS compounds were detected in the RTO outlet and during the

2022 stack test 20 PFAS compounds were detected in the RTO outlet. Review of the data shows that the RTO is reducing emissions of HFPO-DA as well as other PFAS compounds. (See also response to Comment #36)

38. A commenter stated that HFPO-DA and its salts should be added to the Env-A 1400 RTAPs list.

NHDES Response

In 2022, RSA 125-I, *Air Toxics Control Act* was revised to require annual review by the department to consider peer-reviewed studies of the acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of inhalation exposure to an individual per and polyfluoroalkyl substance, and whether to establish or modify any classification or ambient air limit for such individual per and polyfluoroalkyl substance by adopting rules in accordance with the provisions of RSA 541-A. As of the review in 2022, there is a lack of adequate studies for developing Reference Concentrations (RfCs) for specific PFAS. Almost all toxicological studies of PFAS focus on adverse health effects following ingestion or, in extremely high concentrations, dermal exposure to certain PFAS. These studies do not evaluate impacts from inhalation exposure are relevant concentrations for developing RfCs. The underlying science behind the current NH AGQS, as well as EPA's proposed MCLs and HAs, are based on oral exposure. EPA has not indicated that the evidence used for the oral exposures are relevant for estimating risk from inhalation.

39. Two commenters noted that conditions for the production and use of HFPO-DA were stipulated in a 2009 consent order entered into between EPA Office of Pollution Prevention and Toxics and DuPont Company under the authority of the Toxic Substances Control Act (TSCA). The consent order requires 99% recovery and destruction or recycling of HFPO-DA in wastewater discharges and air emissions by HFPO-DA production facilities as well as by any customers using HFPO-DA.

NHDES Response

The Toxic Substances Control Act (TSCA) is administered by EPA and is therefore beyond the scope of the review of the air permit application.

40. One commenter suggested that some of the products of incomplete combustion from PTFE are potent greenhouse gases (GHG) including hexafluoropropylene (C₃F₆), carbon tetrafluoride (CF₄), methane (CH₄) and hexafluoroethane (C₂F₆). They stated that while SGPP is currently not required to report GHG emissions, given the facility's significant use of power, fuels, and natural gas (including running the RTO), they appear to be capable of emitting significant levels of GHG. We recommend that NHDES consider requiring SGPP to submit GHG emissions calculations and request that they include PICs emissions in that calculation.

NHDES Response

The Greenhouse Gas Reporting Program (GHGRP) is administered by EPA and is therefore beyond the scope of the review of the air permit application. A review of the [EPA website](#) and the 2021 information for [New Hampshire](#) shows that 17 facilities are subject to the GHGRP including power plants, landfills, gypsum facilities, pulp and paper mills and miscellaneous combustion sources. SGPP is not one of those facilities.

41. A comment was made that the State Permit to Operate should be postponed until SGPP completes remedial actions to remove these chemicals from the soil. Comments were also made regarding deposition of PFAS to the roof and to roof drains and lack of ongoing

maintenance and cleaning of the roof and roof drains to keep PFAS emissions from entering onsite and offsite stormwater.

NHDES Response

Site investigation activities at and in the vicinity of the SGPP facility are ongoing and have included laboratory analysis for PFAS including, but not limited to, compounds such as HFPO-DA, of various media including soil, groundwater, surface water, and area drinking water. Following completion of site investigation activities, SGPP submitted a Remedial Action Plan (RAP) in accordance with Env-Or 606.10, *Remedial Action Plan* that discusses potential remedial alternatives to address soil and groundwater contamination located at the SGPP facility and adjacent properties. While HFPO-DA and some of the shorter chained compounds have been identified in various media at the site, they are generally found in areas with elevated PFAS (such as high concentrations of PFOA) and therefore are anticipated to be addressed in concert with other PFAS under a selected remedial alternative. NHDES is actively reviewing and in discussions with SGPP regarding the RAP and potential remedial alternatives to reduce the risk to human health and the environment resulting from releases at the facility. Any potential ongoing release of PFAS would need to be adequately understood and considered as part of that evaluation to ensure the selection of a successful remedial alternative for the site. The investigation of stormwater is being conducted under the ongoing site investigation activities at the site and any clean up would be addressed in the RAP.

42. NHDES also received comments that are beyond the scope of the review of the air permit application and for which NHDES does not have specific supplemental information ready to present at this time. Examples of such comments are listed below:
- (a) Concerns over the disposal practices of the material removed from the main header during maintenance activities.
 - (b) Request to require SGPP to sample potentially impacted surface water, groundwater, and drinking water for the PFAS compounds in the Chemours 2019 Consent Order Appendix C list.
 - (c) Request for NHDES to evaluate the contribution of HFPO-DA and its degradation products on surface water, groundwater and drinking water so that AGQS can be developed.
 - (d) Concerns about the cost borne by the public or the municipalities for granulated activated carbon (GAC) systems, reverse osmosis systems, increases in water bills in order to install a filter to address the PFAS contamination in town water.
 - (e) Concerns that continued operation of SGPP would result in higher costs of cleanup and management for municipalities and individuals.
 - (f) Concerns that the money spent on remediation was taxed.
 - (g) Request for the permit to include requirements to help the Town of Merrimack plan emergency management contingencies at SGPP including storage and disposal practices of raw materials, maintenance protocols, and scheduling.

Findings of Fact

NHDES has based its decision with respect to the application for a State Permit to Operate for SGPP on the following findings of fact:

1. SGPP filed an application for a State Permit to Operate in accordance with the requirements of Env-A 608, *State Permits to Operate* and RSA 125-C:10-e, *Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water*.
2. NHDES conducted a comprehensive review of the proposed project. In addition, NHDES carefully considered public comments submitted either in writing during the public comment period or in oral testimony during the public hearing. Based on its review and consideration of all the available information, NHDES determined that SGPP will be able to comply with all state and federal air rules.
3. NHDES has determined that the State Permit to Operate, with amendments noted below, contains adequate operating limitations, emissions limitations, monitoring conditions, recordkeeping conditions, and reporting conditions to ensure compliance with all applicable state and federal air regulations.

Changes to Draft State Permit to Operate

1. Condition VI., Monitoring and Testing Requirements, Table 6, Items 15 and 16 have been updated to remove the language that allowed for less frequent stack testing for PFAS.
2. Condition VI., Monitoring and Testing Requirements, Table 6, Item 17 merged with Table 6, Item 11 for streamlining purposes.
3. Condition VI., Monitoring and Testing Requirements, Table 6, Item 11 has been updated to clarify that installation of gauges is optional and to streamline the annual capture efficiency testing language.
4. Condition VIII. Reporting Requirements, Table 8, Item 5 has been updated to reflect a typographical error identifying the application numbers associated with the State Permit to Operate.

In summary, after consideration of comments received during the public comment period, NHDES has made the aforementioned changes to the State Permit to Operate.

Director's Decision

After consideration of the State Permit to Operate application and all public comments, the application is approved and a State Permit to Operate is hereby issued.

Any person aggrieved by this decision may appeal to the [NH Air Resources Council](#) ("Council") by filing an appeal that meets the requirements specified in RSA 21-O:14 and the rules adopted by the Council, Ec-Air 200, *Procedural Rules*. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council. Information about the Council, including a link to the Council's rules, is available at <https://www.nhec.nh.gov/air-resources-council/about>.

If no petition is filed within the 30-day period, this decision will become final.



August 16, 2023

Craig A. Wright
Director
Air Resources Division

Date

ec: USEPA Region I
Chris Angier, Saint-Gobain Performance Plastics Corporation
William Kempeskie, Saint-Gobain Performance Plastics Corporation
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