

Submitted by Noreen Downs, Madison resident – 6-13-23

Jeff Lewis statement in the CDS was “As long as they (Meena LLC) have the necessary permits from DES we weren’t looking for anything further than that”.

I believe Planning Board is applying too much weight to the NHDES approval and permitting for the safety of your community. I can appreciate the complexity, however,

1. There is greater technology today that the NH DES Oil Remediation and Compliance Bureau should be using before permitting UST sites. More site-specific requirements should be part of the regulations prior to permitting. Bob Newton demonstrates this with his presentation on the state of the site, given the depth of the water table, the status of the soils, bioretention pond placement and layering, and stormwater runoff in an area with steep slopes. Now more than ever, we need more safety. While this site may have been permitted 30+ years ago, it is too small to truly contain any accidents from impacting it’s neighbors and the vulnerable aquifer.

2. I have had calls and correspondence with the Drinking Water and Groundwater Bureau and the Oil Remediation and Compliance Bureau. I see conflict.

I spoke with Cynthia Klevens, Engineering Section Manager, of the Drinking Water and Groundwater Bureau after I saw that the Public Water Supply well on site was listed “inactive”. I asked if it would be permitted back to active status? She confirmed with DES ORCB the approval for UST replacement stands because the setbacks apply to new UST’s only, not replacement of existing. Even though the PWS well was approved after the “permanent” removal of the old USTs in 2015.

I inquired of ORCB just what “permanently closed” meant.

“Permanent” means - lasting or intended to last or remain unchanged [indefinitely](#).

Plenty of regulations to adhere to in ENV-Or 408 for “temporarily closed”, but nothing outlined for “permanently closed”. This would lead one to believe that this site application is not a “replacement”. That it is “New” site (subject to all RSA and ENV regulations, et-backs etc.). But then Bob Bishop, Administrator for NH DES ORCB explains to me in a phone call today that a UST site has to be

“permanently closed” before a replacement can be installed. Really poor language here. Guess it really means “temporary” until a new application for a UST installation comes along.

The RSA and ENV definitions are so complex he called me about my concern for “permanent”, versus “new”. New System, New facility, New UST site. All have different meanings. “Replacement” versus no mention of closed or abandoned anywhere in the regulations. He couldn’t write it all in an email soon enough for me.

3. Please take into account what NH DES does not take liability for – stated in the approval letter. Their plan review by NH DES Waste Management Division, does not guarantee the adequacy of the approved plan nor does it supersede any federal, state or local ordinance or regulations.

Nor does the approval relieve the owner of the responsibility to install the system according to acceptable engineering design and construction practices.

I ask the PB to heed the science and stand up to the inadequate NHDES permitting process for this site. They leave the site plan responsibility in your hands. The site is inadequate. Please uphold your duty to the neighbors who rely on this water source for their lives, and deny the application.