

Blair Folts
984 Province Lake Road
Effingham, NH 03882

February 24, 2022

Dear Effingham Planning Board,

I speak to you tonight about the Application for Site Plan Review for Meena LLC that is before you. The property is listed as Tax Map 401-5. Firstly, I would like to say thank you to all of you on the planning board for your service to the Town. I know that several of you have been on this board for 2 decades and that is a lot of service. In my own research on this application, I was humbled by how much reading you have to weed through including typos, spelling errors, relevant and irrelevant documents, waivers and if the applicant is in compliance with all of the town regulations and that is a ton of work! I know you also all are trying to do the best for our town and I applaud your commitment and your service.

As a tax payer and resident in Effingham since the early 1980s, I respectfully ask you to pay extra attention to this application because of its location in our drinking water protection area. As you all know, I have personally spent 25 years focused on being a voice for water---a critical resource that has no voice of its own and because of its often “hidden” location in underground aquifers is often misunderstood even by abutters and residents who have wells that provide drinking water to their homes. Effingham has a lot of water resources which allows for a unique ability to provide amazing clean drinking water to anyone who chooses to live here. This area of New Hampshire is located over the State’s largest stratified drift aquifer, next to Phillips Brook and within close proximity to Ossipee Lake. Soils in this area are highly transmissive which make them great for recharging water through rain and snow events, but they are also very vulnerable to contamination. The application by Meena to create a gas station over land that was altered long before it was a gas station makes it an incredibly inappropriate area for a gas station. It was a former gravel pit and excavated to build developments nearby and roads so that now that site has little top soil, is close to the ground water (2-4 feet) and very vulnerable to contamination from spills and leaks.

I know that people have argued that NH Department of Environmental Services has said that a gas station is “ok” since the tanks are now “state of the art.” However, also note that only one branch of NH DES—the one that permits the tanks, has said this. There are other bureaus in DES that continue to stress that gas stations should not be located in drinking water zones and they continue to support towns in their efforts to create Aquifer Protection Ordinances similar to the one that Effingham has as a way to protect ground and surface waters. There is nothing that is fail safe about a gas station. As we all know, above ground spills are very common at all gas stations. We also all know that State, local and federal policy change constantly when it comes to the environment. I urge the planning board to put on their best thinking and look across the border in Maine to see what is happening to farms in Northern Maine currently. As you have most likely heard, to date, 700 large dairy and other farms are now completely contaminated with “forever chemicals” also known as PFOAs from the application of “sludge.” At one time, Government officials, including Maine DEP, urged farmers to spread this sludge as compost on their fields. They are now finding that this sludge has contaminated the soils so much that hay,

milk, vegetables and meat are also contaminated and families are losing their generational farms. This is an example of information changing over time from “fail safe” to “contaminated.”

In Effingham, the planning board has the opportunity at this point to protect the aquifer drinking water, Ossipee Lake and Phillips Brook from risk of contamination from VOCs from a gas station. I respectfully ask that the planning board strongly consider denying this permit as a way to protect the health, welfare and safety of our community. If you need expert advice please consider hiring an outside firm that could better explain why this application before you puts this community of Effingham, Ossipee and Freedom directly at risk and poses further concern to our downstream neighbors in Porter, Parsonsfield, Maine and beyond.

Effingham residents voted in an Aquifer Protection Ordinance over a decade ago to address the protection of ground water but also of surface water. This property not only is located over the aquifer but it is within feet of Phillips Brook which runs directly into Ossipee Lake—which is located in very close proximity to this property. Research conducted on monitoring wells in that area show that ground water flows north which further puts Ossipee Lake at risk should a leak or spill happen on this land and get into ground water. From a ground water “plume” perspective, this area is also just “up watershed” from Effingham Falls where there are homes, the Town Office, Effingham School and Farm by the River—an organic farm.

As a tax payer and resident of Effingham, I voted for this ordinance and its updates back in 2011 along with others in our town. It is a good and **simple ordinance** that defines clearly what is **not permitted in a Groundwater Protection zone because these activities pose a risk to drinking water and surface waters resources.**

**From the Groundwater Protection Ordinance Section 2207:
Section 2207 Prohibited Uses**

A. The following uses are prohibited in the Groundwater Protection District.

1. The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;
2. The development or operation of a solid waste landfill;
3. The outdoor storage of road salt or other deicing chemicals in bulk;
4. The development or operation of a junkyard;
5. The development or operation of a snow dump;
6. The development or operation of a wastewater or septage lagoon;
7. The development or operation of a petroleum bulk plant or terminal;
- 8. The development or operation of a gasoline station.**
9. The development or operation of a golf course.
10. The development or operation of a dry cleaning facility.
11. The development or operation of a vehicle race track or vehicle proving grounds.
12. The development of a car/vehicle wash facility not utilizing closed system water recovery technology.

Finally, I would like you to ask the applicant a question. Since they are aware of the DES report from when the tanks were taken off this property and the gas station use was discontinued in 2015, they also are aware that the soil was contaminated. When they went forward with installing their new tanks without any town permits of approval or site plan permit, the work done by them further disturbed these soils and possibly released chemicals into the groundwater. They also removed the soil that was there to install their tanks and I would like to know where

that contaminated soil went? In most cases, contaminated soil, even just from a railroad track, has to go to a special facility to be burned. The haulers are given receipts of how much soil is removed. Can the applicant please provide that information and tell the public where this soil went? Since this work was done illegally, there were no safeguards and if I were an abutter here I would like to know that the Town would test my well water to make sure that there are no VOCs in my well or naphthalene which was listed in that report as being 3 x higher in concentration than the recommended allowable level. The applicant has created an unknown level of risk to local resident's wells from their illegal installation of the tanks.

Thank you for all your time tonight and over the years you have served on the Planning Board. Please protect our small rural community and our awesome water resources by denying this permit. Thank you.

Sincerely,
Blair Folts