

Haverhill Planning Board Minutes

March. 4, 2014

Draft Subject to Review, Correction, and Approval at Following Meeting

1. Call to Order

The Chair called the meeting to order at 7:00 p.m.

Planning Board members present:

Don Hammond – Chair

Mike Bonanno

Tara Krause

Tom Friel

Mike Simpson

Planning Board Member Absent: Bill Daley – excused.

Also present: Ed Ballam, Clerk, Alexis Rastorguyeff, N.H. Department of Environmental Services

Members of the public included: Jerry Gherhridi, Barbara Marshall, Michael Dennehy, Dale Lewis, James Seidel, Homer May, Robert Roudebush, Susie Tann, Howard Hatch, Dick Woodside, Brian Smith, Paula Campbell, Anna-Lisa Pruitt, Maryellen Kirkpatrick, James Kirkpatrick, Richard McDanolds, Lara Saffo.

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Mike B. made a motion to go straight to public hearing. The motion was seconded by Mike S. the vote was unanimous.

4. Public hearing on a Citizens' Petition regarding the use of sludge on property in Haverhill.

Chairman Don H. told the public that questions and comments could be asked through the chairman. He asked the public to raise their hands and state their name for the clerk for the record. Don H. introduced the guest from the DES and said he would answer questions, but doesn't have a presentation.

Alexis Rastorguyeff said he was only present to present information regarding the state rules about sludge. He could not comment on the town's ordinance or the one that is being considered by the petition article.

Susie Tann asked a question about the sludge coming into treatment plants. She asked about the difference between Class A and Class B sludge.

Alex R. clarified that sludge is not brought into treatment plants it is generated by treatment plants. He said sludge is a byproduct of cleaning water. He said that product can be land applied in New Hampshire as long as it has a sludge quality certification. SQC. There is a rigorous process to get an SQC and the plant operator has to apply for that and meet certain criterion for chemicals, metals, pesticides and other materials. He said the plant operator also has to show that the treatment process kills off pathogens that can be detrimental to humans and environmental health. He said that once that is done, the sludge graded for quality. He said a Class B sludge has to be controlled further with certain application rules and can

only go certain sites that have permits to accept the material. He said there's also a Class A sludge, which is the highest level of sludge. He said Class A material can be sold, used in gardens and freely land applied without any state permits.

Alex R. said once a treatment plant gets a Class A rating for sludge, the state takes a step back and does not regulate where it goes, but does continue to regulate how it is made. He said when a Class A rating is given, the generator (treatment plant) is able to send the material to wherever it wants to send it. He added Class B product is regulated by the state where it goes through a state controlled permit process.

Jerry Gherhridi asked about testing for chemicals and stated there are 90,000 chemicals on the market. He asked how the state determines which chemicals the sludge is tested for because there's no way the state could test that many chemicals.

Alex R. said the state tests for about 100 volatile organic compounds including PCBs, pesticides and dioxins. He said there's no way to test for all materials because there may not be any means by which to scientifically acceptable test for the chemicals. He said some of the 90,000 known chemicals might be so "out there," it would be difficult to determine why the chemical would be in sludge in the first place. Alex R. said there has to be something to generate that chemical in the first place to warrant a test. If it wasn't generated and put into the waste stream, it's not going to end up in the sludge, Alex R. said. He said hair care products, skin care products might be in the waste stream, but humans are already exposed to it. To test for those items wouldn't prove anything except to confirm they are in the waste stream and people are already using it and are already exposed to it.

Alex R. said N.H. has the most rigorous standard for testing of sludge of any other state in the country. He said some other states might be more strict with land applications, but not testing of the sludge. He said may states just do what the federal Environmental Protection Agency (EPA) requires and just tests for 10 metals.

Jerry G. said that he interprets the comments made by Alex R. is that not much is known about chemicals in sludge. Alex R. said that's like saying we don't know much about the products we use every day from the grocery store, or hardware store.

Jerry G. said shouldn't that necessarily mean that caution should be used when sludge is land applied? Alex R. said it's not a perfect world and we can't live completely isolated in a bubble. He said he thought there is a reasonable amount of oversight and protection for quality certification that the state gives to the sludge. He said there hasn't been any issue with any sludge given quality certification that may have affected livestock and farm worker. He said sludge has been land applied for 20 years with no affect to farm workers or live stock. He said it's not a perfect system because there's no way to cover every single chemical in every single application, but he did not know how to get any more protection that is already afforded.

Dale Lewis said any treatment plant can produce both Class A and Class B products depending on treatments. Alex R. confirmed Dale L. comment. Dale L. said the standards for chemicals and metals are the same for both Class A and Class B products. Alex R. said that's right and pointed out the difference between the two classes has to do with pathogen kill off only.

Homer May asked Alex R. his name, title and position with the state. Alex R. said he works for the state of New Hampshire's Department of Environmental Services in the waste water engineering bureau in the water division as the permit and compliance officer for the residual management section.

James Kirkpatrick asked for clarification between the Class A and Class B sludge. Alex R. said all treatment plants produce sludge from materials that are sent to the plant for treatment. He said any treatment plant can earn a Class A or a Class B rating depending on how much effort they want to put into treating it. For instance he said if a plant services a metal plating company that produces 80 percent of water treated will produce a very different kind of sludge than a plant that treats 80 percent domestic waste water. In the big picture, however, Alex R. said, "sludge is sludge." The Solid and semi solid material generated by the plant, and how the plant treats it, will determine the classification the sludge receives.

James K. said there must be a difference or there wouldn't be different rules for land applications. Alex R. said yes, there are differences. Class B is allowed to have a certain amount of pathogens in it and Class A is allowed to have only a certain amount less of pathogens. Class B is allowed to have a more pathogens because it is only allowed to go to permitted sites where there are additional safety measures that prevent casual contact by the public to the material. Sites that accept Class B sludge are supposed to be limited access sites, Alex R. said. The process is that natural biological matter that is in the elements, like sunlight, will be killed off.

Dale L. said the environmental kill of pathogens in Class B sludge will allow it to meet the Class A standards. Alex R. said that the bottom line, after a period of time, the sludge becomes soil. Susie T. added that the sludge would still have metals. She said the metal content would still be the same. She said the Ph of the soil will react with metals.

Alex R. said soil chemistry can bind metals in sludge, and it's the same in any soil it doesn't have to be just sludge, it can be done with lime applications and chemical fertilizers. Susie T. the Ph of the site has to be monitored carefully.

Dale L. said the site has to be reevaluated every five years for a new permit. Alex R. said at the end of five years, there are new soil samples taken at areas where Class B sludge has been spread. Dale L. said there's no statistical change in the samples.

Alex R. said there are standards that regulate the amount of metals that can be put on a site over the lifetime of the permit. Susie T. asked for exact numbers. Alex R. said it varies for different metals. There's certain criterion that affect different metals accumulatively over the life of the permit. Susie T. said the composition of soil can change fairly dramatically over the five years. Alex R. said the regulations are for not just the five-year permit time, but any renewals and the total years the permit is in place. Alex R. said only a small fraction of the amount of the total metals allow can be deposited on the site during the five year permit.

Dick Woodside said he was confused by the difference between Class A and Class B and asked about continuing testing of the treatment plants and the different types of sludge being produced. Alex R. said each year, depending on the type of sludge being produce, there's a schedule frequency of testing that must be completed. He said by statue there's an annual test required by an independent third-party to

verify quality. Alex R. said every generator of SQC sludge has annual testing requirements and the more sludge being generated, the more testing is required. Dick W. asked how often are generators reclassified from Class A to Class B sludge. Alex R. said there have been some incidences where generators have exceeded chemical limits and they've been ordered to stop land applying sludge until they have corrected the issues and the material is satisfactory again. He said it's difficult to go from a Class B facility to a Class A facility because the plant would have to change the way it treats sludge. It means capital improvements, changing processes, he said. Normally, if a plant gets a Class B SQC, that's the way they stay, he said. If a plant gets a Class A SQC, they stay that way, he said. He said it is possible for a plant to go from a Class A SQC status to a Class B status because it is too expensive to maintain or upgrade the equipment to keep the Class A status and they make a decision to go to Class B.

James Seidel asked about what happens to sludge that cannot be land applied. Alex R. said it has to be handled some other way, including hauled to landfills, incinerated, trucked out of state. He said it can only be land applied on a farm or used by a consumer if it has an SQC. Without that, it cannot go on the ground, he said. He also said the same is true for out of state sludge, trucked into New Hampshire. Class B sludge can only be trucked into New Hampshire if it has an SQC. Class A, he said is a different story.

James S. asked how often is sludge tested for land application. Alex R., again, said it depends on the quantity generated by the treatment plant on a yearly bases. Can be as infrequently as once or twice a year for a small generator, a larger generator might have to test four times a year. The more that is generated, the more testing is required, he said. James S. asked how often Woodsville's sludge is tested. Alex R. said he did not know off the top of his head.

Robert Roudebush asked the difference between land applied and landfilled sludge. Alex R. explained that if the sludge does not have an SQC, it cannot be land applied which means it has to be taken to a landfill. Robert R. asked what landfilling means. Alex R. said that's like taking it to a dump, like Turnkey Landfill, the same place that garbage goes. Alex R. said not every landfill will accept sludge. Lara Saffo asked why some landfills would not accept sludge. Alex R. said some don't want the additional tonnage. Landfills have a finite amount of space and they can only have so much put in them and some landfills only want municipal solid waste and not use the space up for sludge.

Lara S. asked about testing and what sludge is tested for. Alex R. said it is the same criterion used to determine the SQC. Susie T. asked for the exact numbers. Alex R. said there are 10 metals and referred to documents he had with him. He said for further clarification about the frequency of testing, plants generating less than 1,600 wet tons a year, or about 1,600 cubic yards, testing is done twice a year. If it's between 1,600 and 8,250 tons, testing is done once per quarter, 8,250 tons and 82,600 tons once every two months, more than 82,600 tons generated, testing is done once a month.

Lara S. asked if the plants self test. Alex R. said the plants self report and the regulations say every plant has to have one test done by a third-party that is required. Statue requires that every SQC holder has to submit a check for \$500 to cover the cost of the third-party testing to have samples analyzed. Alex R. said often, state officials will go out and collect those samples personally from treatment facility and send those out for the third-party testing. Lara S. asked if state officials travel t Woodsville for sample. Alex R. said he has not personally, and isn't sure if someone from his office has collected samples from Woodsville. Alex R. said he is certain that Woodsville follows the standards to maintain its SQC rating.

Alex R. said that there's a representative from his office, Tim Sweat, who tries to travel to every land application site in the state for inspection. Alex R. said Mr. Sweat tries to visit while the Class B sludge is being applied to make sure everything is done properly.

Maryellen Kirkpatrick asked about out-of-state sludge. She asked if NH tests the sludge, or does it accept the testing done out of state. Alex R. said rarely does NH receive out of state sludge, but when it does, that sludge has to have SQC from NH. Alex R. said NH would have to be working with that out-of-state generator before the sludge is brought to NH to issue that SQC. That might come from analysis from one of their third-party testing agencies, or from the state agency where the sludge is generated, he said. He added that the object is to make sure the sending treatment plant meets NH standards before anything can be land applied.

Jerry G. he didn't understand why NH would allow other states to send sludge to NH if this state is so tough on sludge. He said a lot of states around the area don't allow out-of-state sludge. Alex R. said he could not speak for other states. He said if the other states that want to send sludge to NH have the same quality standards as NH, there would be no reason to stop out of state sludge from coming into NH. He said NH "poop is no better than anyone else's poop."

Jerry G. said that a person living in the Boston area and getting "strange medications" from Boston area hospitals, that means he would rather have the poop from this area than Boston. Alex R. said he was going into strange territory because there are lots of times where "strange medications" can be given to anyone in home settings that are introduced to treatment plants in this area or septic systems. He said there's no perfect world and NH is not isolated in a bubble. If out-of-state generators meet the requirements that are established, the sludge is no different.

Mike Dennehy asked about the differences between Class A and Class B in a standard treatment facility in a rural area, like here. Alex R. said again the only difference between Class A and Class B is the amount of pathogens in the material. They both have to meet the same chemical standards and the same metals standards. He said by pathogens, he means "bugs." The bugs have to be killed off a lot more for a Class A products. That's why Class A products are allowed to be freely distributed by consumers at their homes in gardens and other applications, Alex R. said.

Mike D. said is it possible for a municipality to require treatment plants to only produce Class A sludge. Alex R. said there is no requirement for a treatment plant to receive any SQC to produce Class A or Class B sludge. He said treatment plants can simply choose to send sludge to landfills or burn it or truck it out of state. However, he said, if the treatment plant wants to beneficially use it, or land apply it, they must have a SQC.

James K. asked about the difference between the state's rules and the town's rules and the petition article. Alex R. said he could not speak to Haverhill's current ordinance. He said his understanding of the petition article would mean the state rules would be applicable to the town and the state would be liable to enforce the rules. Alex R. said NH is a home rule state meaning towns are allowed to pass more stringent rules than what the state has, but if the towns do that, it's up to the towns to enforce their own rules. He said the state will not come in and enforce stricter town rules. He said if there is an issue where town rules are violated, it's up to the town to address the issue. He said if there's a violation of state rules, the state has the obligation and right to remedy the violation.

James K. asked about the state's authority to enforce the town's current ordinance. Alex R. said if the town's rules go beyond the state's rules, the state has no obligation or authority to enforce the town's rules.

Michael D. said enforcing the town's rules would be more expensive to the town than to the state. Alex R. said it's up to the individual town to decide.

Susie T. asked about sludge stockpiling rules. Alex R. said stockpiling is the practice of bringing in material to a site and waiting to spread it on the ground for use by crops. He said there are specific requirements for where material can be stock pile, especially Class B material on a site. He said in flood plains, there are specific setbacks from rivers, not only for stockpiling but for land applying as well. He said there are some designated rivers where stockpiling is not allowed in a specified corridor from the high water mark on each side and in that corridor, land application is not allowed within 250 feet of the designated river. And, if sludge is land applied within that 1,200 foot corridor, it has to be incorporated, or tilled into the soil within 48 hours after the sludge is applied. He said that means the land is only suitable for corn ground, not hay ground because it has to be tilled into the soil. He said farmers don't harrow grass or hay crops.

Susie T. asked about stockpiling on the 100 year flood plain. Alex R. said sludge cannot be stockpile on a 100-year flood plain. Alex R. said the rules are available on the DES website on line, including setback requirements, site permits. He also said he was available for questions.

An unidentified person from the audience asked about sludge spreading rates. Alex R. said two things determine spreading rates, the type of crop being grown and the history of nutrient management on the site. When material is land applied, whether it's manure or biosolids, the amount of nitrogen is measured and used by the crops, he said. Alex R. said each year, the people with permits to land apply Class B sludge will determine the amount of nitrogen per acre that needs to be applied and determine the amount of fresh material that can be each year. He said the farmer, or whoever is managing the site, needs to calculate the amount of sludge needed for the nutrient management plan. The amount of material spread is calculated and recorded and monitored to make sure that no more than what was needed was applied, he said.

Jerry G. asked if the state determines how much nitrogen and phosphorus is in sludge. He said he would imagine that farmers would want to know how much commercial fertilizer they need per acre. He said he would also imagine they would want to know how much nitrogen and phosphorus is in the sludge they are going to be spreading. He said there are lots of unknown ingredients in sludge, and he wondered how farmers would know about the nitrogen and phosphorus. Alex R. said the organic content of sludge is tested on an on going bases. He said sludge is tested for phosphorus, potassium, nitrogen, ammonia and it does not vary that much. He said there is usually only a five to 10 percent fluctuation in the amount of those material in sludge from year to year. He added the numbers are updated whenever the testing is done on the sludge, whether it's twice a year or more. So, when a nutrient management plan is developed, the amount of material needed is determined for the particular field and particular crop.

James K. asked about enforcement records. He asked about how many licenses have been revoked for non-compliance and permits pulled. Alex R. said, to his knowledge, the state has not revoked any site permits for land application of sludge. He said normally, the permit holder is following the rules, maybe

not perfectly, but to a vast degree. To go to the level of revoking a permit is not a matter taken lightly, he said as it can mean someone's livelihood, he said. Farmers rely on the biosolid material, he said, so the state has not revoked any permits. He added there have been instances where there are variations of what should be done, but they have always been addressed by the permit holder. He said during his tenure with the state, there have been no permits revoked.

James K. asked about the dumping of sludge that hasn't tested properly. Alex R. said the state has pulled SQC generators when results indicate that they are no longer in compliance. He said the state tells them to stop delivering any material to permitted sites until the problem has been resolved. He said that issue has happened several times during his tenure.

Susie T. said the state would only know that depending on the schedule of testing. Alex R. said that is correct, it would hinge upon the routine testing based on material generated.

Homer May asked the Planning Board members to explain in simple terms the difference between the town's current ordinance and the petition article. He asked if Alex R. could explain the difference.

Chairman Don H. said the DES representative doesn't know about the town's ordinance and wouldn't be able to explain it.

Homer M. asked the Planning Board to explain how the current ordinance works. Don H. said it was a public hearing on a proposed article. The Planning Board's job is to provide the means for a public hearing, Don H. said. He added the Planning Board can't defend or explain the petition article and it was up to those who brought the article to the town to do that.

Homer M. said it was pretty sad that the planning board couldn't explain the town's ordinance and the difference with the petition article. Don H. said it not the board's responsibility to explain the petition article. Homer M. said the board has to know enough to recommend or not recommend the petition. Don H. said the Planning Board has decided to not recommend the article.

Mike B. said at the last meeting in February, the board decided not to recommend the article which was verified by a poll after the meeting.

Clerk Ed B. said the ballot says the article is not recommended by the Planning Board. Don H. said the article is not supported by the Planning Board.

Dale Lewis said the difference between the town's ordinance and the state's is the testing for heavy metals for every load. Don H. said the biggest is the mapping. Dale L. said mapping is required to get a permit anyway. Susie T. agreed that mapping was required to get a permit from the state. Don H. said the town's rules are more stringent than the state's in that it requires mapping every five feet. Dale Lewis said the elevation is a minor requirement.

Susie T. said she recently spoke to a land surveyor in town to talk about the mapping concern and she understand the town's current ordinance does need to be updated. She said the land surveyor said the requirement for topographical mapping every five feet is necessary for the townspeople's protection to know what the slopes are so the town's ground water and subsurface ground water is protected.

Dale Lewis asked Susie T. about changing the requirement for testing of metals on every load. Susie T. said she would not recommend changing that at all. She said changing that would be way too dangerous.

Alex R. the state requires mapping that has no direct bearing on the actual slopes and contour of the land. The state rules are very clear that the site is allowed only a certain amount of slope based on site review. Alex R. said he's inspected sites and had to ask certain fields be removed from the permitted areas because they don't meet the slope requirements. Alex R. said the slope is more important than how fine the topographic map is delineated. If the land is too steep, sludge cannot be land applied on that particular field.

Susie T. said the town's ordinance is more stringent in its mapping requirements and the slope restriction is, she thought, 18 percent. Alex R. said that is different than how the land is mapped topographically. Maps that show elevations are different than topographical maps, Alex R. said.

Brian Smith asked who enforces the town's current ordinance. Susie T. said the selectmen do. Brian S. asked how they do that. Susie T. said the selectboard plays a part in actually going out to the field to make sure the load is what it says it is in the documents coming from the treatment plant and the materials in the truck that are delivered with the contracted vendor and that's one part that they play and if there is a complaint they need to track it down. Susie T. then said she wanted to get back to liability. She asked Alex R. what the state's view would be regarding liability. She gave an example of sludge that runs off her land and contaminates her neighbor's well. She asked Alex R. to speak to the liability of that scenario. Alex R. said if the permit holder have violated the standards set, that would be enforceable by the state. However, if the permit holder has violated something that is beyond the state requirements, the state would not have the legal authority, even if they wanted to, to go after someone for rules that are not written into the state statute.

Susie T. asked about the definition of permit holder. She said it could be a vendor, not a farmer. Alex R. said normally Resource Management Inc., a vendor, generates all the paper work for permittee, but in some cases, it can be the actual farmer, however, in most cases, it is not.

Susie T. said according to Cornell Waste Water Management Institute, she said they warn farmers to be extremely careful about the liability issues about sludge being spread. She said a lot of farmers have been left holding the bag on wells being contaminated, or someone being sick and the farmers haven't been informed of the liability. Alex R. said to his knowledge there hasn't been any cases like that in the state.

Mike D. said he believes he is hearing the town is saying they are better qualified to take care of the ordinance than the state. He said he has a little problem with that. He said the selectboard could change annually. He said the state has people trained to handle sludge management. He said the state has employees that do this day in and day out. He questioned how the town would be able to handle it.

Susie T. said she wanted to make two comment regarding the statement. First she said she believe the town's ordinance needs to be update. Mike D. said it needs to be thrown out. Susie T. said she did not agree with that position because the town has local protection. She said she could not speak to all parts of the ordinance. She said the town's ordinance affords local control. She said she would also like to challenge a statement made by Alex R. regarding to a statement that he made regarding the fact that we are exposed to chemicals in our daily lives. She said a lot of people choose not to use chemicals in our

homes or to have chemical exposures to their bodies. She also said the state's ordinance, and the town's ordinance does not test for some of the interactions that can happen between these dangerous chemicals. She said there have been so many accidents, not in NH, but in other parts of the country and in other countries where people have been exposed to very dangerous chemicals and people can't recover. She said the town needs the Planning Board to appoint a committee of citizens to take a critical look at the issue. She said there is so much information out there. She said the state has been helpful with the issue and she's had productive conversations with people in the DES and she thinks the town needs to sit down with DES and go over some of the fine points. She said she didn't think the way to do it is to change the town's ordinance based on a petition that 27 people signed. She said she thinks it is a much more serious issue. She said right now the town has the ability and the control over sludge spreading and the town needs to maintain the control until the town can look at the issues using best practices management. She said the town needs to look at the scientific literature that's out there. Susie T. then asked Alex R. about precautions dairy farmers should be taking regarding the uptake of metals. She said Cornell speaks to feed management particularly in regards to cadmium and molybdenum, sulfur and iron. She asked Alex R. if he was familiar with the study.

Alex R. said regarding the spreading of sludge on silage crops, the uptake of metals into a silage crop is only a small fraction of what is put down and what is being put down is a very small amount also. He said the farmers don't want to damage their "cash cows" by spreading heavy metals. Alex R. said he believes farmers are quiet well verse in what cows are happy with and what they are not happy with. He said make broad brush statements that say cows that eat silage from fields spread with sludge are contaminated with heavy metals is not accurate. Alex R. said with commercial fertilizers, there are no regulations what so ever what can be in a chemical fertilizer. The only thing they have to guarantee is it's got to be 10-10-10, he said adding that the remaining material can be "god knows what else in the bag" and as long as it is not somehow totally toxic to animals or humans, it can be in there. He said just because it is a chemical fertilizer, it doesn't mean it's any purer than what sludge would be as far as what would be uptaken and what would happen to the cows.

Dale Lewis said it has been a while since he has a soils class at the Thompson School of Agriculture at the University of New Hampshire, but what he recalls is soil is maintained at a Ph of 6.5 to 7 and from that, the mineral update will be fairly well balanced. Dale L. said problem arise with a low soil Ph which can lead to concentration problems. He said if soil Ph is maintain in a safe range, plants will take up only what they need to grow. He said human need some of those minerals and metals in their bodies. He said he learned that a Centrum vitamin capsule ground up and sent in for a sludge test, it would not qualify for land application and it would have to be sent to a landfill. He said people take vitamin pills like crazy. He said looking at the label would reveal a host of materials that might be found harmful if people were exposed to.

Alex R. said that as long as the soil is healthy and the farmer manage crops properly, the plants will take up what they need and they will not take up extra metals just because there happens to be extra metals there. He said there are exceptions to that, for instance a corn crop planted at a superfund site with mercury and other materials, the plants might take up those materials. He said under normal farming practices the crops are only going to take up what they need.

Susie T. said some sludge are treated with lime and it might affect a crop. Alex R. said a lime-stabilized sludge with a high Ph would tend to 'sweeten' soil and too much lime would calcify the soil. Dale L. said that's why soil is tested.

Maryellen K. asked why isn't it just required to have every treatment plant produce Class A sludge. Alex R. said it is much more expensive to produce Class A sludge and, as long as access to Class B sludge sites is restricted and the setbacks are followed, the amount of pathogens in Class B sludge are still completely safe to the farm workers. He said at least in NH, there have never been problems. He also said that throughout the country, in the decades that sludge has been land applied, there have been studies on effects on animals and humans and, for the most part, everything has come back negative, or inconclusive. Alex R. said he is not aware of any scientific result that has a link between land application of sludge and animals and humans getting sick. He said there might be some exceptions, if someone is ultra high sensitive or allergic, that's a different story. He said from a general public health perspective, he said not aware of any instances where germs in sludge have caused anyone to become sick.

Susie T. said she wanted to challenge Alex R. He said he knew she would. Susie T. said she had in her hands different information. Dale L. said if anyone looked long enough and far enough, on the internet, they could find someone to say anything. Susie T. said that's the whole point is to look deep into the issue and to find the facts and that's why she was not in favor of the citizens' petition. She said the issue needs to be researched much further. She said according to a Land Application of Treated Sewage Sludge Community Health and Environmental Justice from the May 2013 points out there is current research that does point out human risk. Dale L. said anything can be found on the internet. Susie T. said she is concerned about public health. Dale L. said he is too.

Susie T. said she had more information from Cornell in regard to farm family. She said it recommends farm families minimize the bio accumulative chemicals that may be ingested by the farm family she said the study says sludge contains toxic chemicals that build up in body fat and last a long time. She said the study points out the dangers of PCBs and bio accumulative chemicals. She said the study says that sludge applied to pastures or forage areas expose animals to toxic chemicals. She said if the sludge is not tilled into the soil and animals ingested sludge directly, there is an increased risk. She said the study recommends farm workers wash their hands and don't track materials into their home. She said there's so much information that more study needs to be done. Dale L. said the study points out common sense items.

There was an inaudible exchange between Susie T. and Dale L. Susie T. said the town needs safeguards in place. Dale L. said he's been a farmer a long time and used sludge on fields for years.

Don H. called the meeting back to order and asked that the audience refrain from arguing with each other.

Homer M. asked about farmers who get paid to take sludge. Alex R. said he the state doesn't pay any one to take sludge. He said there may be contractual arrangements been vendors and farmers. He said farmers generally pay for fertilizer and that would mean there is some sort of business contract between the farmer and the plant generator. He said there has to be some mechanism that makes sludge more attractive than commercial fertilizer.

Susie T. said that from what she understands from Woodsville's treatment plant that generates Class A sludge, that RMI, the vendor, shows up at the door to pick up sludge and the town pays them to take it away. She added that the farmer then also pays RMI for the sludge. Don H. commented that the town of Haverhill doesn't pay anything to dispose of sludge as it belongs to the Precinct of Woodsville and they pay any fees associated with the treatment plant. He said the precinct may pay RMI, but the town does not.

Alex R. said that treatment plants generate sludge and it has to go somewhere and disposal is not going to be done for free in most cases. He said RMI does charge a fee, but he believes it is far less than what a landfill would charge for disposal of the same amount of material. He said that even Class A sludge, without a market for the material, it's no better than trash and would have to be taken to a landfill for disposal.

Jerry G. said he had a question for Dale L. regarding a newspaper article in the Feb. 12, Journal Opinion, in which Dale L. was quoted as saying he liked using sludge because it was inexpensive. He asked if Dale L. pays for sludge or gets paid to use it. Dale L. said he pays for sludge. Jerry G. said there are stories about farmers who are paid to accept sludge. Dale L. said maybe there are farmers who do get paid, but he's not one of them.

Brian S. said it is cheaper for farmers to buy that kind of fertilizer than it is any other kind available. He said nobody gets sludge for free and no one gets paid to accept it.

Dale L. said he gets his sludge from RMI which does the soil testing and match the amount of product needed to grow the amount of crop we expect to grow factoring in the soil and they do the flagging and keep farmers out of trouble. He said they mark the boundaries.

Howard Hatch said that just because he opts not to use sludge doesn't mean that he doesn't mean he doesn't agree with it being used. He said people used backhouses in years past. He said people used to use 18 percent DDT on farms and arsenic that was used on the soils in the 1930s bags and bags of arsenic land applied. He said the town is also filled with thousands of septic systems that are little bombs of concentrated septic sludge. Howard H. said the best way to get rid of sludge is to incorporate it into soils and let nature take care of it. He also said he did not believe there are any farmers who are going to go under because they're not allowed to use sludge. He said there may be a difference in price, but it won't put anyone out of business. He said he does not use sludge on his property because of image and what people think and they believe there is a problem. He said we create the poop and sludge every day and we ought to figure out how to take care of it. He's not in favor of letting other sludge coming into town. He added that of the eight or nine farms in town, there may be only two who want to use it. He said he also did not believe that a member of the board of selectmen would be able to look in the back of a truck and know if what they are looking at is Class A or Class B sludge. He said there might be feminine products in Class B sludge and he wouldn't want to see that land applied. He thanked Alex R. for his time and for answering questions. He said he thought the public was pretty hard on him, and he fielded the questions well.

Alex R. said he Class B sludge should not contain any tampon plastic parts because the filters are supposed to take that material out. He said if anyone has seen that or knows where that material is spread, he would like to know about it because it is not supposed to be in any sludge.

Howard H. said that any farmer who is practicing good farm management practices won't have a problem using sludge. He said it won't be piled next to neighbor's houses or near wells as the standards are pretty strict. He said that 250 feet from water is a long way and it shouldn't cause any problems.

Jerry G. said that back years ago there may have been arsenic used in soil and pesticides, but the hormones and chemo drugs and medicines that are now available were not used back then. Now, that stuff enters the waste stream unregulated, he said, adding that it has to go somewhere.

Dale L. said a lot of that kind of material goes into Woodsville treatment plant. He said Cottage Hospital, Grafton County Nursing Home and the Opera Block are possible sources for medicines and that type of material entering the waste stream.

Susie T. challenged that statement saying waste from Cottage Hospital and Grafton County Nursing Home doesn't enter the Woodsville treatment plant.

Don H. refuted Susie T.'s statement saying both Cottage Hospital and the nursing home are connected to Woodsville's treatment plant. Susie T said she talked to the plant operator who said they were not connected and she said he must not have told her the truth. Don H. said there's a pumping station at Grafton County Nursing Home that sends waste to Woodsville. Susie T said the operator said no, but she stands corrected.

Don H. said that he understands that Dale L. does not spread any sludge in Haverhill currently. He asked to be corrected if he was wrong. Dale L. said he does not spread Class B sludge in Haverhill. Don H. said he wanted everyone to know that Dale L. doesn't use sludge in Haverhill. An unidentified male in the audience said he thought Dale L. said just did not spread Class B sludge. Don H. asked if Dale L. used any sludge in Haverhill. Dale L. said he uses Class A sludge in Haverhill.

Alex R. said that once a treatment plant gets a Class A rating, the state has very little restrictions on where it can be used. Alex R. said it's treated like compost. Dale L. said Class A sludge can be bought at any farm and garden store.

A woman who did not identify herself asked Alex R. how his department's staff has been affected by state budget cuts. He said his department is unique in that it has a different funding mechanism and has not had any staff reductions. He said his department has the same staff it had when he started 20 years ago. He said there are five people in his department. Someone asked if that number was dedicated to covering the entire state. He said yes, but they get the job they were charged to do done. He said every year every site is checked as a rule and inspections are done as required by the statute.

Susie T. said in regards to the sludge that is imported to NH, she asked if the state accepts the standards from the sending state. Alex R. said if the sending state's standards are more stringent than NH's we accept them, but they have to at least meet NH standards. An unidentified man asked about testing of that material in NH. Alex R. said the material is tested out of state and if it meets NH standards, it is accepted. Again, Alex R. said that anything that goes on the ground in NH has to have an SQC that meets NH standards. Alex R. said the third-party testers are very strict about their standards and the quality of their work. He cautioned about making the allegation that out of state third-party testers might fudge results because the generator wants them to. He said third-party testers are in business because they do what they

are supposed to do. He said if they ever got caught “with their fingers in the cookie jar” they would be out of business quickly because regulatory agencies rely on those very same labs for information and work.

Richard W. said he wants to know a lot more about RMI. He said they buy sludge, they truck it they sell it and they test it. Alex R. corrected him saying RMI doesn't test it, they work with municipalities and farmers. Alex R. side the generator is the SQC holder, like Woodsville treatment plant, or the Nashua treatment facility or the Concord treatment plant, they are all the SQC holders. He said they are the ones ultimately legally responsible for making sure the materials are used the way they are supposed to be used. They have the legal obligation, he said, to do the testing. He said the generators contract with companies like RMI to have that material taken from their plants, have it trucked, spread, or disposed of properly. He said RMI acts like a manager. He said RMI doesn't generate the sludge they do not own it and the ultimate responsibility goes to the generator.

Susie T. said that RMI is also a member of a major lobbying group that she said she could not remember the name of. Alex R. said it was the North East Biosolids and Residuals Association (NEBRA). Susie T. said organic growers are not allowed to use sludge. She said Whole Foods, DelMonte and Heinz will not use plants grown with sludge.

Alex R. sludge is almost never used on crops grown for human consumption. He said the federal regulations don't preclude use of sludge on crops for human consumption, but the length of time between the application of sludge and the time crops can be harvested is so long growers would lose at least one growing season and that's not practical for farmers to use it because they can't sell the crop that year. Alex R. said DelMonte and others wouldn't use it anyway. He added that with Class A, it's a different story, the percentage of sludge that is Class A is much smaller than Class B and there wouldn't be enough Class A available for them to practical use it anyway. He said sludge is used primarily for feed corn and silage.

An unidentified woman asked about the pathogens from Class B sludge. She asked if it was OK for people to walk by areas with Class B sludge applied because the pathogens can become airborne.

Alex R. said studies have been done and at worst they've been inconclusive. He said the restrictions for Class B sludge are such that the farmer is going to want to incorporate, or till the material into the soil because he's going to want to get as much nutrients into the soil as possible because that's what he is paying for. He said if sludge is top dressed for silage and it gets dusty and dry and something walks through it to kick it up, it is possible something could become airborne and someone inhaling it, and is sensitive, it is possible. He said the same thing can happen with cow manure which is also high in pathogens.

Susie T. said bio aerosols are a big deal.

Don H. asked if anyone else has questions of Alex R. or comments. Hearing none he thanked Alex for attending the meeting. He received applause from the audience.

Barb Marshall said she wanted to thank the board for listening to the questions during the public hearing for almost an hour and half. Don H. said that is the planning board job.

Mike B. made a motion to come out of public hearing seconded by Mike S. the vote was unanimous and the hearing was closed at 8:30

5. Approve Minutes of Previous Meeting

Mike B. made a motion to approve the minutes of the last meeting. Tom F. seconded the motion. The vote was unanimous.

6. Scheduled Public Appearances

None

7. Correspondence/Communications

None

8. Reports of Committees

None

9. Pending Business

Gravel pits – postponed to next meeting

10. Other New Business

Mike B. said there are two planning board members who are up for reappointment by the selectboard.

Mike B. said he would like to be re-appointed. Tara Krause is also up for reappointment. Mike S. made a motion that the board recommends and supports the reappointment of Mike B. and Tara K. to the planning board. Don H. seconded the motion. The vote was unanimous with two abstentions, Mike B. and Tara K.

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

Ed B. said the reason for the public hearing was in response to some residents who brought some issues with the last public hearing and suggested there may need to be some additional investigation about the validity of the last public hearing. He said he missed the 10-day notice in the newspaper rule by 12 hours. One way to help mitigate the issue was to hold another public hearing. Ed B. said that this public hearing notice was above what the state requires. Ed B. apologized for not getting the notice out in a timely fashion. He said he did so to try to save the board members a second special meeting just for the public hearing on the petition article. Don H. said this meeting was good and the representative from the state was a good idea because he could answer questions. Tom F. said it was also good to have the perspective from both sides, something the board had not had before.

13. Comments of the Planning Board

Mike S. asked for clarification of the board's position on the petition article. He said he recalls stating that the board did not feel it had enough information to make a decision about the article but he heard something different during the public hearing. Don H. said the state statute says the board has to make a yes or no recommendation on the article and could not be neutral. Ed B. said he polled the board and the majority voted not to recommend the article. Tara K. asked if the selectboard could have been asked to make a recommendation on the petition article considering it is the entity that has to govern it. Ed B. said not according to the RSA. Tom F. said it is the Planning Board's to make the decision. Tom F. said it was his perception that the board was not in favor of the petition article because we did not have the enough information. Tom F. said there needed to be an absolute yes or no, and the polling clarified that.

14. Other

Susie T. thanked the board for its work. She said her group supports the planning board and has launched an ad campaign endorsing the fact the board does not support the adoption of the petition article. She said an ad will be appearing this week and it will ask for a committee to be formed to look at the issue. Tom F.

said he believes there is common ground and both sides need to sit down and come up with what is best for the town. Susie T. the ordinance needs to work for everyone. Ed B. said he believed the selectboard needs to come up with the committee because it is there ordinance and they are the ones responsible for enforcing it. Tom F. said he and Robert Roudebush would bring it up at the next selectboard's meeting on Monday night. He invited Susie T. to attend the meeting. Tara K. suggested that Howard Hatch be part of that committee. She said she view him as a unifying person between the two sides. Susie T. said the ordinance needs to be re-done. She said she has read the ordinance at least twice since the first public hearing and she said there are so many flaws. She said she does not want to "throw baby out with the bath water." Tom F. said he also believes that Howard H. would be a good choice for the committee. He said Howard H. has the expertise to bring the committee together and his experience and voice is necessary on the committee.

Don H. said if the selectboard doesn't want to take on the committee, the planning board will do it.

Robert R. asked if there had ever been a similar dialog with Susie T. and the other side. Susie T. said no there had not been. Robert R. asked why not. Susie T. said she didn't know, and it was a really good question. Don H. said the board was able to get Susie T. and her group at one time, and then the board could get Dale L. and his group another time, but they could not get them all together for a long time. Don H. said he has been on the board of a long time and he had never seen both sides in the same room at the same time. Robert R. said that Alex R. was good and knowledgeable. Susie T. said his boss is even better and she's had long conversations with him on the phone and he has said he is willing to come up to Haverhill and discuss the issues. Susie T. said she would like to see a committee of five people work on the issue. Susie T. said she doesn't need to be part of the committee. She said the board needs to call in experts and listen to what they are saying and then develop questions and from there you develop what makes the most sense.

15. Adjournment/Next Regular Meeting

The meeting was adjourned at 8:50 p.m. The next meeting is scheduled for March 25.

Respectfully submitted,

Ed Ballam, Planning Board Clerk