

Safe Water Advisory Group

City Council Report 12/20/2021

Background:

The City of Portsmouth Safe Water Advisory Group (SWAG) was approved by the Portsmouth City Council on October 5, 2020 “as an advisory group related to Safe Drinking Water”. The mission of the SWAG is to review and communicate the latest science on the health and environmental effects of drinking water contaminants (with a heavy focus on PFAS), to monitor federal and state level legislative changes, and to anticipate policy changes that could impact the city of Portsmouth. The SWAG held an initial meeting on December 15, 2020, to discuss format, schedule, and a mission for the group. The SWAG members voted to have 2 co-chairs, Brian Goetz (Deputy Director of Public Works) and Andrea Amico (Portsmouth resident and PFAS community leader), leading the group in setting agendas, organizing meeting content and speakers, and facilitating the meetings. The City of Portsmouth maintains a website for the SWAG with reference documents, meeting minutes, videos of meetings, membership, and more.

Membership:

The SWAG membership consists of representatives from the Portsmouth City Council, NH State Legislature, City of Portsmouth staff (DPW, Fire Department, and Health Department), Portsmouth School Board Member, Portsmouth residents, and an environmental scientist. The SWAG started 2021 with the following members:

City Councilors: Cliff Lazenby, Deaglan McEachern

Community Members: Andrea Amico, Lindsey Carmichael, Katrie Hillman, Rich DiPentima

City of Portsmouth Fire Department: Russ Osgood

City of Portsmouth Water Department: Brian Goetz

City of Portsmouth Health Department: Kim McNamara

City of Portsmouth School Board: Hope Van Epps

Environmental Scientist: Dr. Laurel Schaider

NH State Representative David Meuse

NH State Senator Rebecca Perkins Kwoka

The SWAG had 2 members resign in 2021. City of Portsmouth firefighter Russ Osgood retired and resigned from the SWAG. Assistant Fire Chief William McQuillen replaced Ross Osgood on the SWAG to represent the City of Portsmouth’s fire department

perspective. City of Portsmouth resident Lindsey Carmichael resigned when she moved out of state. The open vacancy of a Portsmouth resident on the SWAG when Ms Carmichael resigned has not been filled.

Meetings:

The SWAG met 5 times in 2021 and covered a variety of topics. One of the first tasks of the SWAG was to create a SWAG Overview document to establish a baseline level of information the SWAG was starting from. This was written and fully approved by all members of the SWAG in April 2021 (the document is located on the SWAG website). A variety of topics relevant to drinking water were covered at the 5 SWAG meetings in 2021 consisting of speakers/presenters from the SWAG and outside the SWAG. Members of the SWAG attended a presentation and tour of the Madbury Treatment Plant hosted by the City of Portsmouth on October 22, 2021. Below are the meeting dates, topics, and speakers presented to the SWAG in 2021:

February 2, 2021:

- SWAG Overview Document discussion
- Overview of Portsmouth Water Systems (history, supply sources, operations, contaminants of concern, PFAS source) - presented by Brian Goetz, DPW Deputy Director City of Portsmouth & Al Pratt, Water Resource Manager City of Portsmouth.

April 6, 2021:

- PFAS at the national level and what other states are doing to address PFAS - presented by Dr. Laurel Schaidler, Silent Spring Institute
- PFAS regulation in New Hampshire - presented by Dr Jonathan Ali, NH DES Toxicologist
- PFAS in the City of Portsmouth - presented by Brian Goetz & Al Pratt, City of Portsmouth
- Community-led PFAS sampling projects - presented by Andrea Amico, Testing for Pease

June 10, 2021:

- Portsmouth school process/rules for water testing - presented by Ken Linchey, Portsmouth School Department
- PFAS community organizing and how it has impacted progress on PFAS awareness & action - presented by Andrea Amico, Testing for Pease
- Water legislation (current & pending) at the State & Federal level - State Representative David Meuse, NH State Senator Perkins-Kwoka, Peter Clark from Senator Shaheen's office)

September 1, 2021:

- Private well owners - presented by Brandon Kernen, NHDES Drinking Water & Groundwater Administrator
- Climate Change & effects on drinking water presented by Al Pratt, Water Resource Manager, City of Portsmouth
- Update on Haven Well re-opening, treatment, & testing - presented by Brian Goetz, DPW Deputy Director, City of Portsmouth

October 22, 2021:

- SWAG members received a presentation and tour of the Madbury Treatment plant - presented and guided by Al Pratt, Water Resource Manager City of Portsmouth

November 22, 2021:

- Recap of last year meetings, open discussion, PFPrA finding, report and recommendations for Portsmouth City Council in December 2021 - facilitated by SWAG co-chairs (Brian Goetz and Andrea Amico)

SWAG Goals:

Early on in the SWAG meetings, goals were discussed and established among SWAG members. Below are the SWAG goals and the status of the goals as of this report:

1) Have an overview of the water system and what is tested for in our water.

Goal achieved in Feb 2021

2) Understand contaminants of concern the city is facing.

Goal partially achieved in Feb 2021 and throughout SWAG meetings in 2021. Evolving with more data.

3) Overview of pending legislation and potential future legislation that will support the community.

Goal achieved in June 2021. Evolving as more legislation is proposed and passed.

4) Review NH state PFAS guidelines and science/reasoning used behind it.

Goal achieved in April 2021.

5) Host a clean drinking water forum to provide education and Q&A session for city residents.

Goal not achieved - planning for community forum in 2022

6) Report back to the City Council by the end of 2021 (or sooner as needed).

Will be achieved on Dec 20, 2021

PFPrA Finding:

Testing for Pease had the opportunity to participate in a Pilot Study with the Natural Resources Defense Council (NRDC) to test tap samples from communities across the country for a more expansive, targeted list of PFAS. One residential tap sample from the City of Portsmouth was analyzed as part of the pilot study by Eurofins Labs for 70 targeted PFAS. The tap sample results showed 7 PFAS found in the Portsmouth tap sample totaling 50.1 parts per trillion (ppt). One PFAS was detected that had never been tested for before - PFPrA at 35 ppt. Prior tap samples tested in the City of Portsmouth for PFAS tested for 28 targeted compounds showed low levels of 6 to 9 different PFAS ranging from a total of 3.7 to 15.4 ppt.

PFPrA is not a PFAS that has been commonly talked about and Andrea Amico and Brian Goetz reached out to NH DES, laboratories and academics for more guidance. PFPrA is a short chain compound (3 carbon chained compound). NH DES confirmed there is no toxicological data on this compound. PFPrA is not regulated by EPA nor required to be tested for by public water supplies. PFPrA has been detected in many other sources (polar ice caps, bottled water, rain water, and other water supplies in different states). Reverse osmosis (RO) filtration can effectively filter it from water and granular activated carbon (GAC) filtration is less effective, similar to other short-chain PFAS compounds. Only one commercial lab (that we know of at this time) can test for PFPrA and validate the results (that lab is Eurofins). Eurofins charges ~ \$1000 per sample. Portsmouth is exploring options to test another tap sample and all the sources of water for PFPrA to confirm the findings of the pilot study and potential source(s) of PFPrA in the City's water supply. Andrea Amico wrote a letter to NH DES and the US EPA asking for technical assistance from the US EPA to analyze additional samples from Portsmouth on November 30, 2021. The NRDC pilot study is wrapping up data collection from other communities across the nation and plans to publish a report in 2022 to give study participants and communities more context on the study findings.

New Hampshire Water Legislation:

Information was provided by NH State Representative, SWAG member, and City of Portsmouth resident David Meuse on 11/22/2021 regarding legislative bills that were

passed, pending or tabled. A full list of those bills is provided at the end of this report.

SWAG Recommendations to Portsmouth City Council:

- The SWAG to be reinstated in 2022 with the new incoming City Council - plan for quarterly meetings, scheduled in advance for the entire year. Mayor elect Deaglan McEachern made a motion at the SWAG meeting on November 22, 2021, to reinstate the SWAG for next year and the motion was unanimously approved by all present SWAG members.
- The SWAG will host a community drinking water forum with Q&A in 2022 to educate the community on water quality in the City of Portsmouth. It is recommended that the forum take place during National Drinking Water week in May 2022 with the format, content, and structure to be planned by the SWAG. SWAG members will gather input from the community beforehand on topics and questions to be addressed at the forum. Content would include PFAS Awareness and Education throughout the City of Portsmouth. Additional activities could be coordinated with DPW, School Department, Health Department, and Fire Department
- The DPW currently provides periodic updates on water quality and quantity through their website, however, they are in various documents. It was suggested that a quarterly newsletter to community members be created to combine all water related issues. DPW will work with SWAG to update their format and provide a draft to the SWAG to review and provide feedback.
- The SWAG will continue to monitor developments regarding contaminants of emerging concern.
- The SWAG will continue to monitor for legislation at the State & Federal level that will help address water quality issues in the City. City staff and SWAG members should testify at State hearings on water contamination legislation that is pertinent to the City and community.
- The SWAG will collaborate with NH DES to identify and outreach private well owners in the City of Portsmouth to inform them on water testing recommendations and available labs.
- The SWAG continue monitoring developments related to the PFPrA finding closely and work with the City of Portsmouth, NH DES, and US EPA for guidance on performing additional testing. The City of Portsmouth should explore options for funding additional samples (tap and water sources) from Portsmouth to be analyzed by Eurofins or other certified laboratories for the 70 PFAS targeted list to confirm PFPrA findings from the pilot study. Andrea Amico has also made a request to NH DES to ask US EPA for their technical assistance in analyzing additional samples from Portsmouth for PFPrA in a letter sent on 11/30/2021.
- City of Portsmouth needs to improve community education on PFAS and other

contaminants of concern (e.g., lead) and on safe disposal of PFAS-containing items (e.g., water filters at their end life, Teflon pans, etc).

Though not directly related to the City's drinking water system's water quality, some members of the committee had the following recommendations:

- The SWAG should discuss the potential impacts on drinking water from Coakley Landfill in more depth at future meetings.
- City of Portsmouth should conduct additional and more comprehensive PFAS testing of the new artificial turf at Community Campus. If PFAS are detected in the turf, additional PFAS testing of water running off the turf should be routinely tested for PFAS to monitor for leaching into the surrounding wetlands and storm water.

References:

SWAG Overview Document: https://www.cityofportsmouth.com/sites/default/files/2021-04/SWAG_overview_final_04062021.pdf

City of Portsmouth SWAG webpage meeting and presentation information: <https://www.cityofportsmouth.com/citycouncil/safe-water-advisory-group>

Summary of Water Related Legislation in New Hampshire

Bills Signed Into Law:

HB 236--extends statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances to six years. (House concurred with Senate change adding one line at the request of the NH Attorney General)

HB 256--adding members from Londonderry to the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals into the air, soil, and groundwater in Merrimack, Bedford, and Litchfield.

HB 271 — relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater. Senate added amendment to enable the Department of Environmental Services to make grants using available funding from American Rescue Plan to eligible municipalities and drinking water and wastewater systems to address PFAS contamination.

HB 413—establishes a solid waste working group on solid waste management planning and requires the Department of Environmental Services to make certain rules regarding

compost. (House concurred with Senate changes)

SB 146 —an omnibus environmental bill that among other things extends the deadline for the PFAS fire-fighting foam take-back program to July 1, 2023.

Bills Killed Outright:

HB 177—prohibiting the siting of a landfill near a state park.

HB 265-- requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

HB 368—establishing the elements of a claim for medical monitoring and the damages that may be awarded when a defendant negligently causes exposure to a proven toxic or hazardous substance

Bills with Final Votes Coming in January:

HB 335—requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water (retained in House committee; committee recommendation was to ITL, likely killing the bill)

HB 135 — requires parties deemed responsible for pollution of a drinking water supply to be financially responsible for supplying drinking water and connecting victims to municipal water supply (retained in Senate; Senate Committee recommendation was to ITL, likely killing the bill)

HB 368 —establishes the elements of a claim for medical monitoring and the damages that may be awarded (tabled in House; likely dead for this session)

HB 478 — Requires Saint Gobain Performance Plastics to pay for the remediation of water in certain wells in Merrimack that it contaminated (retained in House committee; committee recommendation was to ITL, likely killing the bill)

HB 611 —Abolishing fluoridation in water (retained in House committee; committee recommendation was OTPA)