

Safe Water Advisory Group

City Council Report 01/08/2024

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. It is important to note that SWAG meetings have consistently covered topics on the City’s water quantity, quality, preservation and conservation efforts, and projects pertaining to the water master planning through the City’s annual Capital Improvement Plan process and other engineering studies.

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. Since the SWAG formed, they have met quarterly.

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, Portsmouth residents, and an environmental scientist. The SWAG’s current membership consists of the following members:

City Councilors: Richard Blalock, Vincent Lombardi

Community Members: Andrea Amico, Katrie Hillman, Rich DiPentima, James Hewitt

City of Portsmouth Fire Department: William McQuillen

City of Portsmouth Water Department: Brian Goetz

City of Portsmouth Health Department: Kim McNamara

City of Portsmouth School Board: Elizabeth Barrett

Environmental Scientist: Dr. Laurel Schaider

NH State Representative David Meuse

NH State Senator Rebecca Perkins Kwoka

The SWAG had 2 changes in membership this term. School Board member Hope Van Epps stepped down from the SWAG in the Fall of 2022 and School Board member Elizabeth Barrett was assigned to the SWAG in her place in December 2022. There was an open community member position that had remained vacant since 2021 when a prior SWAG member resigned after moving out of state. The open community member spot was filled by City of Portsmouth resident James Hewitt in September 2023. City staff, Mason Caceres, Water Quality Specialist II, Al Pratt, Water Resources Manager and Stephanie Seacord, Public Information Officer, attended meetings and provided water quality data and information to the group.

SWAG Meetings:

The SWAG met 5 times in 2022, 4 times in 2023, and covered a variety of topics, received quarterly updates from the City water department, received legislative updates from elected officials, and hosted several guest speakers. The SWAG hosted a Community Drinking Water Forum for the public in May 2022 at City Hall. SWAG members attended a tour of the Pease drinking water plant on Grafton Rd in December 2022. Below are the meeting dates, agenda, and guest speakers who presented to the SWAG in 2022-2023:

2022 – 5 meetings total:

February 22, 2022:

- Welcome & Introductions

- Healthy Homes & Lead Poisoning Program - presented by Beverly Baer Drouin, NH Division of Public Health
- Lead & Copper Regulations and City of Portsmouth Activities - presented by Al Pratt, Water Supply Operations Manager for the City of Portsmouth DPW/Water Division
- Q&A
- 2021 Year in Review and PFPrA Update
- Community Drinking Water Forum
- Future Meetings & Goals
- Public Comment

April 20, 2022:

- Welcome & approval of minutes (Andrea Amico, SWAG co-chair)
- Community Drinking Water Forum review (Brian Goetz, Deputy Director, City of Portsmouth DPW and SWAG co-chair & Andrea Amico)
 - o Topics
 - o Materials
 - o Discussion
- NH Legislative review – water bills - State Representative David Meuse
- Portsmouth Water System Quarterly Update
- PFPrA Update
- Q&A
- Public Comment

May 3, 2022:

Community Drinking Water Forum hosted by the SWAG

Video of the forum is here:

https://www.youtube.com/watch?v=98ShsRM_UEo&list=PLNWsoVwtYMQtbrxFp6ew178h7ojcRrygu&index=7&t=5199s

August 30, 2022:

1. Welcome, introductions, hybrid meeting logistics
2. Water Forum Update - Brian Goetz

3. Water Supply Update - Brian Goetz and Al Pratt
4. Update on results from PFAS tap sampling projects - Andrea Amico
 - PFPrA
 - Total Organic Fluorine
 - Short chain PFAS bioaccumulation
 - Discussion on future testing opportunities
5. US EPA updated Health Advisories - Overview - Dr Jonathan Petali, Ph.D. Toxicologist, Environmental Health Program. New Hampshire Department of Environmental Services
 - City's response
 - Dust sampling from recent Security Water, Colorado study
 - SWAG Q&A / Discussion
6. Lead & Copper sampling update
 - Status of recent water system samples
 - Consideration of free City lead water testing project
 - School board efforts and follow up since Feb 2022 SWAG meeting
7. SWAG Discussion of future meeting topics and goals
8. Final questions or closing thoughts
9. Public Comment

December 7, 2022:

1. Welcome and Introductions
 - a. Thanks to Hope Van Epps
 - b. Welcome Liz Barrett
2. Approval of August 2022 Minutes
3. Tour of Pease Drinking Water Treatment Facility
4. Water supply update

5. PFPrA update
6. Lead effort updates
7. Discussion of future SWAG meeting topics
8. Public comment

2023 – 4 total meetings:

March 7, 2023:

1. SWAG survey results
2. Year in review 2022
3. Legislative update / EPA MCL update
4. Dover NH Tolend Landfill presentation (Dover City staff and their engineering consultant)
5. Q&A
6. Public Comment

June 7, 2023:

1. Water Supply Update & Master Plan
2. Water Sampling Overview
3. SWAG Membership
4. Lead update
5. EPA PFAS regulation update
6. PFPrA update
7. Public Comment

September 20, 2023:

1. Welcome & Introductions - New member - Jim Hewitt
2. Seacoast Drinking Water Commission – Private Well Sampling Initiative - Amy Hudnor, M.S., Private Well Coordinator, NHDES Drinking Water & Groundwater Bureau
3. Water Supply Update
4. Master Plan Update
5. Water Quality Report
6. PFBA results
7. Pending PFAS MCLs
8. Lead Sampling Update
9. PFPrA Update
10. Recommendations to City Council by end of year
11. Public Comment

December 13, 2023:

1. Seacoast Private Well Workshop Update
2. Water Supply Update
3. Water Projects Update
4. Lead Update
5. SWAG Annual Report
6. Public Comment

Notable Updates from 2022-2023:

Changes in regulations coming soon:

The U.S. Environmental Protection Agency (EPA) issued four lifetime health advisories for several PFAS on June 15, 2022. Health advisories issued for two contaminants – perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) – replaced and drastically lowered health advisory levels (HALs), which EPA had published approximately six years ago. In May 2016, EPA had set the HAL for individual or combined concentrations of PFOA and PFOS at 70 parts per trillion ("ppt"). The June 2022 HAL for PFOA is 0.004 ppt – a level 17,500 times lower than the May 2016 HAL. For PFOS, the June 2022 HAL is 0.02 ppt, a level 3,500 times lower than the May 2016

HAL. The two remaining PFAS-related health advisories EPA published on June 15, 2022 – for GenX chemicals and for PFBS – were entirely new and were set at 10 ppt and 2,000 ppt respectively.

On March 14, 2023 EPA released proposed National Primary Drinking Water regulations for PFOA, PFOS and four other PFAS. EPA is proposing to set a Maximum Contaminant Level (MCL) of 4.0 parts per trillion (ppt) for PFOA and 4.0 ppt for PFOS and is proposing to address four additional PFAS (GenX, PFBS, PFNA, and PFHxS) as a mixture using a Hazard Index. A Hazard Index accounts for the increased risk from mixtures of PFAS.

These upcoming regulations, if finalized by the EPA, will impact the City of Portsmouth by having to install treatment for PFAS above the MCLs at the Portsmouth well, the Collins well, and the Greenland well. The Greenland well is currently out to bid to have well treatment designed and constructed and \$2.5 million has been approved for this project. The City of Portsmouth has been proactive in getting preliminary design plans in place for PFAS treatment using granular activated carbon (GAC) of these wells to set the stage for full design if the 4 ppt MCLs are promulgated by the EPA. The City has also been in discussions with the US Air Force re: reimbursement for costs associated with the Collins well and the Portsmouth well as both are in the Southern well field close to the former Pease Air Force Base. It is also important to note that these regulations could have impacts to private well owners impacted by PFAS contamination near the Coakley landfill who may currently have PFAS levels in their wells below the current NH state MCLs for PFAS, but may be above the EPA's MCLs once finalized.

More expansive PFAS testing results:

PFPrA:

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 in June 2021. An initial 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. This was reported to the City Council at a meeting in December 2021. Andrea Amico requested NH DES and the US EPA to conduct sampling and analysis of PFPrA of Portsmouth municipal water to see if this result could be replicated and confirmed. NH DES and US EPA agreed to test additional samples in 2022 and NRDC agreed to fund 2 additional tap samples in 2023, as well. A summary of the PFPrA findings from 2022-2023 are below:

<u>Date</u>	<u>PFPrA Results</u>	<u>Lab</u>
June 2021	PFPrA = 35 ppt	Eurofins lab - CA
March 2022	PFPrA = 2.1 ppt	Eurofins lab - PA
March 2022	PFPrA = non detect*	EPA ORD - NC
April 2023	PFPrA = 13 ppt	Eurofins lab - CA
June 2023	PFPrA = non detect **	Eurofins lab - CA

** Non detect, but the detection limit used by the EPA was 10 parts per trillion (ppt) meaning any levels of PFPrA below 10 ppt would be interpreted as non detect

** Non detect, but had an elevated reporting limit, nearby interference PFBA

PFPrA was detected in 3 of the 5 samples analyzed for PFPrA. Brian Goetz, Al Pratt, and Andrea Amico participated in a call in July 2023 with NRDC, EPA Office of Research and Development (ORD), Eurofins labs, and NH DES to discuss the results. No additional testing will be performed at this time. EPA released a tox profile on PFPrA with the key points: PFPrA has been detected in surface and waste waters in or around manufacturing facilities; no human studies have been done on PFPrA, but there are 7 animal studies, 30 supplemental studies; a total uncertainty factor of 300 was applied when creating the tox profile. You can read the EPA PFPrA tox value document here: https://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryId=358291&Lab=C

[PHEA](#) . Reverse osmosis is effective at filtering out PFPrA if individuals are concerned about this PFAS in their water.

NRDC published a peer reviewed paper on their tap water sampling study with the key findings:

- The 70 analyte PFAS test method highlights need for expanded testing of PFAS in drinking water
- Samples collected from Alaska, Alabama, Arizona, California, Colorado, Florida, Louisiana, Massachusetts, Maine, Michigan, Minnesota, North Carolina, New Hampshire, Oregon, South Carolina, and Texas.
- PFAS detected in 30 of 44 drinking water samples
- Found 26 unique PFAS, including 12 not covered by EPA Methods 537.1 or 533
- Ultrashort chain PFPrA detected in most samples with PFAS
- UCMR5 reporting requirements predicted to underreport PFAS

NRDC's peer reviewed paper published in June 2023 can be found here:

<https://www.sciencedirect.com/science/article/pii/S0048969723015966?via%3Dihub#ab0015>

There is also a resource paper with a summary on PFPrA issued by the Clean Cape Fear Public Utility Association published in August 2023 that can be found here:

<https://www.cfpua.org/DocumentCenter/View/15390/PFPrA-White-Paper-8-3-23?bidId=%27>

Total Organic Fluorine:

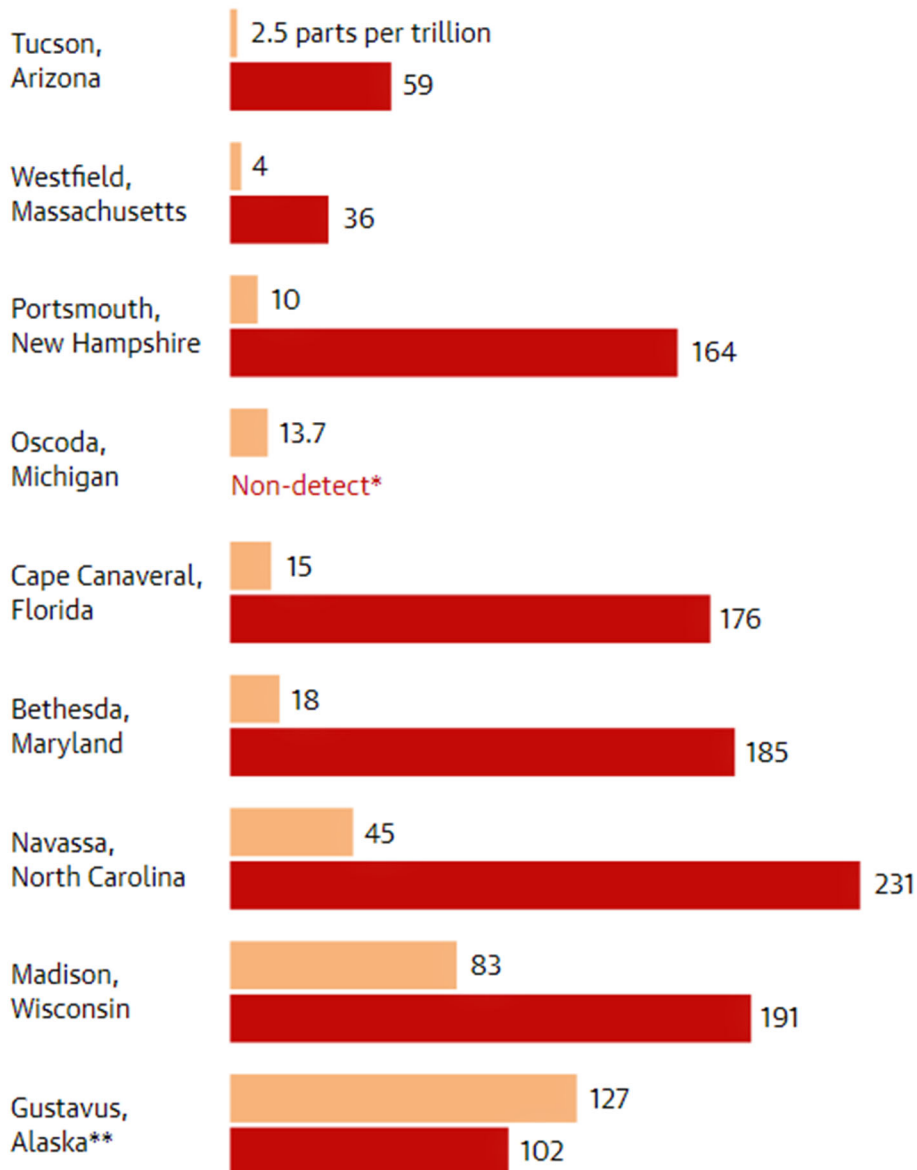
A reporter from The Guardian reached out to PFAS communities across the country requesting tap samples for a project looking at PFAS levels using a standard US EPA method vs a Total Organic Fluorine (TOF) method. Andrea Amico worked with City staff to collect tap samples of Portsmouth municipal water in March of 2022 for this project. Nine other communities also participated in the project and submitted tap samples. The sample for the EPA method was sent to Eurofins and the sample for the TOF method was sent to Dr Graham Peaslee at the University of Notre Dame. The Portsmouth tap sample had 10 ppt of PFAS using the EPA 537 method and 164 ppt using the TOF method. The TOF method does not analyze for specific compounds (only total fluorine). Dr Graham Peaslee thinks the difference in results from the EPA method and the TOF method could be due to ultra short chain PFAS that cannot currently be tested for using

targeted testing methods.

Here is a summary of the results from all the communities that were tested in this project:

Water test used by US misses PFAS detected by other test type

■ EPA 537 test ■ Total Organic Fluorine test



Guardian graphic. Source: Guardian analysis with University of Notre Dame PFAS researcher Graham Peaslee. *Non-detect does not mean PFAS were not in the water, but the levels were likely below what the test could read. ** Within the margin of error.

You can read the Guardian article here: <https://www.theguardian.com/us-news/2022/jul/06/us-drinking-water-pfas-toxic-forever-chemicals-epa-tests>

City receives award for source water protection:

NHDES Commissioner Robert E. Scott presented the 2023 Source Water Protection Award to the City of Portsmouth at the NHDES's annual Source Water Protection Conference, saying, "This award is presented to Portsmouth for the City's multi-year effort to protect high-priority water supply lands around the Bellamy Reservoir. This effort stands out as a model in terms of protecting critical water supply lands that serve to protect the reservoir, a primary source of drinking water for the City."

In addition to the award, the City of Portsmouth DPW Water | Wastewater | Stormwater Division presented a session on "Protecting Portsmouth's Surface Water Supply." Al Pratt and Duane Hyde, Land Conservation Director for Southeast Land Trust, offered a case study examining how "planning, outreach, land protection grants, and the City's partnership with Southeast Land Trust, the Town of Madbury and landowners have created opportunities for the protection of the Bellamy Reservoir."

Protecting the Bellamy Reservoir and its watershed is critical to maintaining water supply quality for the long-term in the Portsmouth Water System because the Reservoir is the primary supply of the fresh water treated at the City's Madbury Water Treatment Facility and delivered to regional communities around the seacoast. NHDES honored the City with the 2023 Drinking Water Source Protection Award for its efforts to acquire and conserve land that surrounds or includes wetlands, rivers, streams, and larger bodies of water like the Reservoir to protect the City's water resources from the pressures of development and help the Portsmouth Water System provide quality drinking water.

Lead water testing initiative:

After learning more about the prevalence of lead in children in Portsmouth from NH DHHS Beverly Drouin at the SWAG meeting in February 2022, the SWAG discussed the City offering a free lead water testing program to City residents and customers buying municipal water. To customers served by the Portsmouth drinking water system. The City Council approved \$2,500 in funding for the FY24 budget. Outreach began during the fall of 2023 and sampling is ongoing with over 41 customers requesting samples to date.

On November 30, 2023, the Superintendent of Portsmouth School Department, Dr Zachary McLaughlin, emailed the school community that lead testing done at the Portsmouth school departments in 2023 revealed lead detected above the new state standard of 5 parts per billion (ppb) in 41 water outlets throughout the school buildings. Dr McLaughlin and Ken Linchey (Director of Buildings & Grounds/Maintenance) presented more detailed information and data on the lead testing to the SWAG at our December 13, 2023 meeting. The school department reported that all the water outlets above the state standard for lead have been taken off line or have posted signs advising against drinking water. Repeat testing is currently underway and plans to remediate all the fixtures above the state standards are being scheduled. There is also a plan to take samples from the main water line at Little Harbor School to see if that is a possible source of lead.

Pease Million Air Fuel Farm Project:

Questions and concerns were raised by State Representative David Meuse at the June 7, 2023 SWAG meeting re: the potential plan of a fuel farm being installed at Pease by the company Million Air. The Newington Selectman also wrote a letter addressed to the PDA and to the Newington residents in June 2023 expressing concerns about the project. It was not an agenda item for that meeting therefore the discussion was brief. A follow up meeting was scheduled on June 27, 2023, with Andrea Amico, Brian Goetz, Al Pratt, Suzanne Woodland, NH State Representative David Meuse, and NH State Representative Robin Vogt at Portsmouth City Hall. The community concerns about the fuel farm project, the impacts to nearby wetlands, and the close proximity of the fuel farm to the Haven well (a primary drinking water source for the Pease Tradeport that is already significantly impacted by PFAS contamination) was discussed. The plan formulated in the meeting was the City of Portsmouth would request that the Pease Development Authority (PDA) host a meeting to share more information about the project and to hear from the community re: concerns. Suzanne Woodland emailed the PDA Executive Director Paul Breen on July 14, 2023 requesting PDA host a meeting. Andrea Amico followed up to the initial email to Mr Breen clarifying the request for a community meeting and with questions from the community. Mr Breen did not respond to the email. At this time, the SWAG will continue to monitor the status of this project as new updates become available.

Water Master Plan:

In 2023 the City Council voted to remove the Master Water Plan from the Capital Improvement Plan (CIP) which was inserted by the City's Planning Board. Despite the Water Master Plan being formally taken out of the CIP, Brian Goetz and other City water

operations staff have been actively working on various aspects of the Water Master Plan and the effort is ongoing. Currently, aspects of that plan are being addressed by a study being performed by an engineering consultant which includes tank inspections, flow tests and hydraulic model updates. Other aspects of water supply planning over the years were detailed in the City's June presentation to the SWAG as part of their water supply update. This information is shared quarterly as part of the ongoing Water Supply Update. This presentation is available on the SWAG webpage.

Water legislation summary:

The summary below has been provided by NH State Representative and SWAG member David Meuse:

Bill #	Description	Analysis	Committee	Status	Sponsors
HB 2	Budget trailer bill	1. Changes the name of the PFAS loan fund to the PFAS response fund, and adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media. 2. Also establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund and makes an appropriation of \$1,000,000 for the fund. Municipalities and community and non-profit, lake and	Finance	Passed in the House and Senate and signed by the governor. It mirrors HB 212 and HB 276 (see below) and effectively absorbs and replaces both bills.	Rep. Weyler, Rock. 14

		river watershed association may apply to NH DES for funding.			
HB 205	Relative to testing of private wells	This bill requires that installers of new well pumps test the water for certain contaminants. This bill also requires that property buyers be notified of the presence of certain contaminants in well water before the execution of a contract for purpose.	Resources & Recreation	Tabled in House; dead for 2023	Rep. Meuse, Rock. 37; Rep. Grote, Rock. 24; Rep. Edgar, Rock. 29; Rep. Malloy, Rock. 24; Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Balboni, Rock. 38; Sen. Altschiller, Dist 24
HB 212-FN-A	appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances	This bill: I. Changes the name of the PFAS loan fund to the PFAS response fund. II. Adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface	Resources & Recreation	Passed in House; referred to and RETAINED by House Finance Committee. (The provisions of HB 212 were	Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Rombeau, Hills. 2; Rep. Dunn, Rock. 16; Rep. Lascelles, Hills. 14; Sen. Chandley, Dist 11; Sen. Carson, Dist 14

		water, wastewater, air, biota, and other media. III. Makes an appropriation to the PFAS response fund.		mirrored in HB 2—effectively ending the need for HB 212.)	
HB 242-FN	relative to banning PFAS in food packaging	This bill bans the use of food packaging containing perfluoroalkyl and polyfluoroalkyl substances (PFAS).	Commerce	Referred for Interim Study	Rep. Dunn, Rock. 16; Rep. N. Murphy, Hills. 12; Rep. Rung, Hills. 12; Rep. W. Thomas, Hills. 12; Rep. K. Perez, Rock. 16; Sen. Carson, Dist 14
HB 247	relative to protective well radii	This bill removes encroachment waivers, requires the use of a setback reduction form, and removes certain requirements for amended septic system plans.	Resources & Recreation	Passed in House and Senate and signed by the governor.	Rep. McConkey, Carr. 8; Rep. Jonathan Smith, Carr. 5; Rep. Avellani, Carr. 4
HB 276-FN-A	establishing the cyanobacteria mitigation loan and grant fund	This bill establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund.	Resources & Recreation	Passed in House and RETAINED by House Finance Committee. Note: this bill was absorbed into HB2, effectively ending the need for it.	Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Darby, Hills. 11; Rep. Coker, Belk. 2; Rep. J. MacDonald, Carr. 6; Rep. Crawford, Carr. 3

HB 310	requiring developers to secure hydrology analysis certifying adequate water capacity and potability when building new subdivisions	This bill requires developers to secure certain hydrological analysis for subdivisions.	Resources & Recreation	Killed in House	Rep. McGhee, Hills. 35; Rep. Grill, Hills. 18; Rep. Spier, Hills. 6
HB 342-FN	relative to lead testing in children	This bill establishes a blood lead level testing requirement for children entering day care and public schools.	Health, Human Services, Elder Affairs	Vetoed by the governor after passage in the House and Senate.	Rep. N. Murphy, Hills. 12; Rep. W. Thomas, Hills. 12; Rep. Rung, Hills. 12; Rep. Newell, Ches. 4; Rep. Vail, Hills. 6; Rep. Meuse, Rock. 37
HB 398	relative to notice of PFAS contamination prior to the sale of real property	This bill requires certain notice of PFAS and other groundwater contamination prior to the sale of real property.	Resources & Recreation	Recommended Ought to Pass with Amendment. Full House vote coming in January.	Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12
HB 414-FN	relative to health insurance coverage for preventative PFAS care	This bill requires insurers to cover preventative PFAS care.	Commerce	Recommended Inexpedient to Legislate. Full House vote coming in January.	Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12
HB 465-FN	restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products	This bill restricts the use of per and polyfluoroalkyl substances in rugs, carpets, and aftermarket stain and water resistant treatments sold in New Hampshire.	Commerce	Referred for Interim Study	Rep. Ebel, Merr. 7; Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Grote, Rock. 24; Rep. Malloy, Rock. 24; Rep. Mooney, Hills. 12; Rep. Dunn, Rock. 16; Rep. B. Boyd, Hills. 12; Rep. Merner, Coos 1; Sen.

					Watters, Dist 4; Sen. Chandley, Dist 11; Sen. Ricciardi, Dist 9; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5
HB 534	relative to water assistance for natural disasters	This bill creates a water assistance fund to be used to repair and replace drinking water treatment sources damaged by natural disasters. The bill also makes an appropriation to the fund.	Resources & Recreation	Died in committee of conference after the House and Senate could not agree on an appropriation. (The House wanted \$2,500,000 and the senate \$500,000).	Rep. B. Boyd, Hills. 12; Rep. Petrigno, Hills. 43; Rep. L. Gould, Hills. 2; Rep. Hakken-Phillips, Graf. 12; Sen. Rosenwald, Dist 13
HB 56	relative to permits for the siting of new landfills	This bill establishes a formula for determining the distance for which a new landfill shall be located from a perennial river, lake, or coastal water.	Env. & Ag.	Passed in House; Killed in Senate	Rep. M. Murray, Hills. 37; Rep. Massimilla, Graf. 1; Rep. Almy, Graf. 17; Rep. Petrigno, Hills. 43; Rep. Hamer, Hills. 19; Rep. Stapleton, Sull. 6; Rep. Simpson, Rock. 33; Sen. Watters, Dist 4
HB 592	relative to buffers around wetlands	This bill exempts temporary impacts and small impervious surface impacts projects from local overlay districts and permits for	Resources & Recreation	Killed in House	Rep. Horgan, Straf. 1

		construction, excavation, or filling near wetlands.			
HB 602-FN	relative to landfill siting	This bill establishes additional requirements for siting of landfills as permitted by the department of environmental services.	Env. & Ag.	Recommended Ought to Pass with Amendment. Full House vote coming in January.	Rep. Simon, Graf. 1; Rep. Mooney, Hills. 12; Rep. Rung, Hills. 12; Rep. Rochefort, Graf. 1
SB 123-FN	Relative to the adoption of ambient groundwater quality standards by the department of environmental services	This bill allows the commissioner of the department of environmental services to adopt certain ambient groundwater standards.	Energy and Natural Resources	Passed in Senate and House and signed by the governor.	Sen. Watters, Sen. Perkins-Kwoka, Sen. Gray, Sen. Award, Sen. Altschiller, Rep. Rung, Rep. Notter, Rep. Healey, Rep. Thomas
SB 159-FN-L	Establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire(Formerly 'relative to permits for the siting of new landfills')	This bill establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.	Energy and Natural Resources	Passed in Senate and House and signed by the governor	Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. Bouldin, Hills. 25; Rep. Fedolfi, Hills. 30
SB 211-FN	Relative to background investigations of solid waste and hazardous waste facility permit applications	This bill adds to the requirements of background investigation and criminal records checks for solid waste and hazardous waste facility permit applicants.	Energy and Natural Resources	Passed in Senate and House and signed by the governor.	Sen. Pearl, Sen. Lang

SB 60	relative to water quality	This bill makes changes to the timeline for certifications by the department of environmental services of activities that may result in a discharge into surface water bodies.	Energy and Natural Resources	Passed in Senate and House; not yet signed by the governor.	Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Avar, Dist 12; Rep. Renzullo, Hills. 13
SB 61	relative to surface water setbacks for landfills	This bill enables the department of environmental services to adopt rules relative to surface water setbacks for landfills.	Energy and Natural Resources	Died after the House failed to concur with a Senate amendment.	Sen. Avar, Dist 12; Sen. Lang, Dist 2; Sen. Ward, Dist 8; Sen. Watters, Dist 4; Sen. Carson, Dist 14
SB 62	relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund	This bill clarifies landowner liability provisions relative to the hazardous waste cleanup fund and updates references to the term hazardous wastes and hazardous substances. The bill is a request of the department of environmental services.	Energy and Natural Resources	Passed in Senate and House and signed by the governor.	Sen. Avar, Dist 12; Sen. Watters, Dist 4; Sen. Murphy, Dist 16

**Update on the SWAG Recommendations to Portsmouth City Council in 2021 –
UPDATES IN BLUE:**

- 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. **Completed Feb 2022.**

- 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. **Completed May 2022.**

- 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. **A Quarterly Water Supply Status Report is posted on the water webpage at: <https://www.cityofportsmouth.com/publicworks/water/supply-status>**

This information is also presented by water supply staff at every quarterly SWAG meeting and all meetings are open to the public, meeting minutes are kept, and meetings are video recorded and placed on the City's You Tube channel.

- The SWAG will continue to monitor developments regarding contaminants of emerging concern. **Completed and ongoing with many discussions and presentations occurred on this during 2022-2023 and will likely continue.**

- 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. **Completed and ongoing with multiple legislative updates given by SWAG member and NH State Representative David Meuse as well as guest speakers who presented on EPA proposed regulations.**

- 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. **Completed Nov 2023.**

- 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.

Completed 2022 & 2023.

- 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). **Partially completed with the Community Drinking Water forum in May 2022 and outreach on lead awareness and testing done by SWAG members in 2023. Still need to provide opportunities for safe disposal of PFAS containing items for City residents.**

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. **Not completed but included as part of the Coakley Landfill Group's work. Information on the ongoing work and meetings is located on the City's website at:**

<https://www.cityofportsmouth.com/legal/coakley-landfill>

- 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. **Partially completed in 2022 when the City paid for additional PFAS testing of the Community Campus artificial turf and PFAS was detected in the turf. No additional PFAS testing of water run off from the turf, surrounding wetlands, or storm water drainage system has been conducted and the environmental impacts of the turf to the surrounding area, including wetlands, are currently unknown.**

SWAG Recommendations to Portsmouth City Council in 2023:

- The SWAG to be reinstated in 2024 by the City Council - plan for quarterly meetings, scheduled in advance. DPW will continue to provide quarterly updates on water quantity, water quality, ongoing City projects pertaining to drinking water and water conservation, and updates and progress on master planning to the SWAG as well as keep that information on their website, in the annual drinking water quality report, and other documents.
- The SWAG will continue to monitor developments regarding contaminants of emerging concern and discuss advanced PFAS testing opportunities to get ahead of additional PFAS that may be in the water that is not currently tested for by EPA methods.
- 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 City will continue with design and construction of the Greenland Well treatment system and preliminary designs of PFAS treatment for the Collins, and Portsmouth wells in preparation of pending EPA MCLs for PFAS with those updates being provided to the SWAG.
- The SWAG will continue to monitor developments and advancing of the science related to PFPrA and other emerging PFAS chemicals detected in the City drinking water.
- The SWAG will continue to monitor the lead testing and remediation efforts at the Portsmouth School Department.
- City of Portsmouth to consider providing alternative disposal options of PFAS-containing items (e.g., water filters at their end life, Teflon pans, etc).
- City of Portsmouth should continue to stay engaged on the Million Air project at Pease and encourage the PDA to host a community meeting on the status of the project, the impact to wetlands, the protections put in place to prevent water contamination, the protocols to address potential spills or leaks, and allow community Q&A with PDA and key project stakeholders.
- City Council should consider funding additional free lead water testing to residents once the initial \$2500 is exhausted as this is a valuable service to our residents in a city with old housing stock and documented exposure to some residents in the City.

- City of Portsmouth should be willing to participate in testing opportunities for emerging contaminants and contaminants of concern - especially when no cost to the City - to better understand what contaminants may be in the water supply.

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 routine PFAS testing of water running off the artificial turf fields to determine if there are environmental impacts to the surrounding wetlands and storm water drainage system.

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>