

Safe Water Advisory Group (SWAG) Meeting Minutes
Tues 6/10/2021 | 6:30-8:00pm via Zoom

Attendees: Deaglan McEachern, Brian Goetz, Andrea Amico, Hillman, Rich DiPentima, Rep. David Meuse, Hope Van Epps

Presenters

Ken Linchey, Portsmouth School Department

Andrea and Lindsey, Community Organizing Around PFAS

Representative David Meuse, Legislative Update on Water Related Issues

Senator Rebecca Perkins-Kwoka, Legislative Update on Water Related Issues

Peter Clark, Special Assistant for Projects & Policy for Senator Shaheen, Legislative Update on Water Related Issues

- Andrea welcomed meeting participants
- The minutes from the 4/6/21 meeting were accepted and approved

Replacements for Outgoing SWAG Members

Russ Osgood – Andrea will be reaching out to another fire fighter to see about filling Russ' spot

Lindsey Carmichael – Moving to Florida at the end of the summer. One of the roles Lindsey fills is Secretary, so if anyone is willing to take on this role please let Andrea or Brian know.

Future Meetings Logistics & Schedule

- Return to in person meetings is based on current guidance – people agree that as long as the virus is under control we will return to in person meetings in September.
- SWAG meeting schedule for the remainder of the year: September 2021, November 2021, (drinking water quality forum also in November, December 2021 (early in the month)
- Future SWAG meeting topics: private well data, expanding PFAS testing methods

Brian: Portsmouth Water Quality Report is about to be mailed out.

Ken Linchey, Water in the Portsmouth Schools

- All bubblers have been replaced with Elkay bubblers/filters in the middle and elementary schools and there is work happening now to replace all of the bubblers in the high school
- In 2016 all facilities were tested for the presence of lead
- New Franklin was the only facility that tested positive for lead; the issue was addressed and remediated
- In 2018 the SB247 lead bill was passed and the school then tested all district schools for the presence of lead. The only 'hit' that was found was a sink at New Franklin used to

clean instruments. The sink was removed. The bill requires testing water every five years, so all areas will be retested again in 2023 and 2028.

- Looking to replace one to two bubblers per year with an Elkay bubbler/filter unit.
- All results have come back under the allowable threshold

Andrea Amico & Lindsey Carmichael: Community Organizing: Impacts on PFAS Awareness, Progress & Action

- Community Advocacy Overview
- Overview of the impact of grassroots community action
- Overview of Local, State, Federal advocacy efforts,
- Overview of remaining work to be done
- Andrea mentioned the two ongoing Pease-related Health Studies: The Pease Health Study and the PFAS-Reach study (focusing on PFAS and immune function)

Legislative Updates

State Representative David Meuse

HB 256: Adding members from Londonderry to commission to investigate and analyze the environmental impacts of PFAS

HB 236: Extends statute of limitation on civil actions relative to damage caused by PFAS to six years (from current statute of three years)

HB413: Establishes a solid waste working group on solid waste management planning and requires the Department of Environmental Services to make certain rules regarding compost

Bills That Are Still Alive

HB 177: prohibiting the siting of a landfill near a state park

HB 271: Relative to standards for PFAS in drinking water and ambient ground water. Senate added amendment to enable DES to make grants using available funding from American Rescue plan to eligible municipalities and drinking water and wastewater systems to address PFAS contamination.

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

Killed Outright

HB 265: Requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water

Retained in Committee (could come back in 2022)

HB 335: Requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water

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

HB 368: Establishes the elements of a claim for medical monitoring and the damages that may be awarded

HB 478: Requires Saint Gobain Performance Plastics to pay for the remediation of water in certain wells in Merrimack that it contaminated

HB 611: Abolishing fluoridation in water

Rebecca Perkins-Kwoka

It would be great to see a win on the PFAS remediation loan fund. Generally speaking she said that most of the water bills are met with a practical understanding that they need to get passed and they haven't been subjected to too much partisan bickering.

Peter Clark

General Legislative Update

- There are two new bills that Senator Shaheen is co-sponsoring (along with Senator Gillibrand and Senator Padilla). The first is the Filthy 50 Act. This bill would expedite testing, clean up, removal and remediation of PFAS at all US military installations in state owned National Guard facilities. It would focus on the 50 most contaminated sites in the country. Pease is number 42 on this list. The bill was introduced this week.
- Clean Water for Military Families Act: Another bill, which is a companion bill to the Filthy 50 Act, would authorize \$10 Billion dollars for the Department of Defense to get that work done proposed in the Filthy 50 Act.
- Senator Shaheen was the primary sponsor of this bill along with Senator Murkowski. This bill would fix a measure that put in place with the 2017 Tax Cut in Jobs Act that led to taxes on critical water infrastructure.
- Last month the Senate passed the Drinking Water and Wastewater Infrastructure act. The bill is currently with the House of Representatives. If it advances it would authorize \$35 billion in new investments in water infrastructure.
- American Rescue Plan & funding for water and wastewater. That bill provides \$350 billion for coronavirus state and local recovery funds. NH is receiving more than \$1.4 billion. These funds are meant to be flexible and meant to respond to the pandemic and they can be used for water, wastewater infrastructure, among many other detailed infrastructure needs.
- Senator Shaheen has been championing the PFAS Testing and Treatment Act which would invest \$20 billion over the next ten years to help communities remediate PFAS in drinking water and ground water.
- Infrastructure negotiations are ongoing. Senator Shaheen is one of a small group of lawmakers working with President Biden on a bipartisan path forward for an infrastructure package.
- Today Senator Shaheen was able to question the Secretary of Defense, Lloyd Austin, about making PFAS testing and clean up a priority. The Senator was also able to ask about the stark difference between the federal guideline and NH strict MCLs.

Questions

Andrea asked Ken Linchey what kicked off bubbler project: was it a desire to reduce plastic bottle waste or was it for the filtration features? Ken said that Little Harbor School implemented the bubblers as part of a senior class gift. Initially it was an effort to reduce single use plastic bottle use in school. The Elkay filters have a 3000 gallon capacity for effectively filtering water. There is a color-coded system that monitors the usage and indicates when it's time for a filter swap out.

Andrea asked about testing for lead every five years. Ken said that that requirement comes from state level legislation, SB247. The school department test every bubbles or faucet.

Andrea asked Ken if there are any other contaminants the school is required to test for other than lead? Ken, said no, not at this time.

Rich DiPentima asked Ken about the discovery of lead in schools. He asked if there were still lead pipes in schools and Ken said that no, there are not. Ken explained that the source of the lead was in fixtures, not pipes. Ken reiterated that there are no infrastructure concerns with the existing infrastructure.

Andrea asked if there was communication to the parents about the fact that lead was found in a few spots but was always below allowable thresholds: Ken said yes, he believes that the principal did communicate it.

Hope Van Epps asked if Lister Academy was included in the lead testing? Ken answered that yes, Lister Academy was included on the list. Renovations are planned for this school and when they're done on that facility Elkay bubblers will be installed. Currently they are using Poland Spring.

Andrea asked about the support (bi-partisan) for clean water legislation. Is the fact that a lot of legislation has been tabled an indicator of anything in particular? David Meuse responded that COVID made it more important for bills to come to committee ready to go (because COVID prevented interaction in the hallways before and after meetings, for example). There were a limited number of days on the calendar and one way to compress the calendar is to retain bills. David feels as if people are more willing to get behind clean water legislation because it's not a blue or red issue.

Rebecca Perkins-Kwoka added that there were a lot of pieces of legislation that had good bi-partisan support that she thought would make it through but didn't. There seemed to be some factions within the republicans that made passage difficult.

Peter Clark weighed in and echoed Senator Perkins-Kwoka's sentiments that the republicans were not as cooperative with legislation. There is bi-partisan work on this issue, more than many others.

Brian asked Peter about NH being out in front with the PFAS issues because we sampled for it. Because of that there are many places in NH that have PFAS issues, because we test for it. There is a reactionary stance. Brian suggested the Senator Shaheen try to make testing more regulated. Peter said part of the issue is that PFAS needs to be designated as a hazardous substance under CERCLA. If that was the case, then the federal government would have an easier path forward to get involved.

Andrea asked if the water in the kitchens in the schools is filtered? Ken answered no.

Public Comment: None.

Link to YouTube recording of the meeting:

<https://www.cityofportsmouth.com/citycouncil/safe-water-advisory-group>