TITLE 327 WATER POLLUTION CONTROL BOARD

#98-272 (WPCB)

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On June 9, 1999, the Water Pollution Control Board conducted the first public hearing/board meeting concerning the development of new rule 327 IAC 8-2.1. IDEM received comments from the following parties:

Ihor Boyko, Water Pollution Control Board

Jane Dustin, Indiana Division, Izaak Walton League, Water Quality Chairperson

Following is a summary of the comments received and IDEM=s responses thereto:

Comment: In section 3(g) on page 7 of the draft rule, where reference is made to variance or an exemption, and when working on the primacy package, our intent was not to allow exemptions, any exemptions, under Indiana law, so all you have are variances, so you don=t have exemptions. So, it wasn=t clear why the exemption language was included. (Boyko)

Response: The federal Consumer Confidence Report (CCR) rule language has requirements for what must be provided in a CCR if a system is monitoring under a variance or an exemption. Their rule language provides for both under the same definition and requirements. Since we do allow variances, even though we have not granted any, we are required to include the language. It is much easier to leave the definition and reporting requirements for exemptions in the state rule than it will be to justify deleting it when we apply for primacy for this rule. In addition, if a system also provides water in another state or purchases water from a system in another state, there could be instances where the definition of variances and exemption referenced in section 3(g) could be required to be included in a CCR for a public water system in Indiana.

Comment: What does it mean when you find that something is above the maximum contaminant level and you are told about it, and you look at the charts, and you say,A that doesn=t sound good.@ And you even are given this piece of information about your health, and some information is given Bwhich says, ASome people react,@ or something of this sort, and it really doesn=t give you very much information about something that might be riding over the limit, which is the MCL, the maximum contaminant level. You can remedy that by the things that they tell you to go on,AGo to the public library or hook up your Net and get some more information on that particular substance if you want to learn whether your family is in danger from the tap water you=re receiving.@ Now, where you can get into trouble here is knowing, from all this in this rule, who takes action and who is supposed to take action and where do they take action, and that is a very important piece of consumer confidence. The right to know means knowing what=s in there, but it also means knowing what=s going to be done about

it. And so, we need to look at this rule with a little more scrutiny and a little more insight to say, beyond this, we report to or we work with or we learn. Will the farmer cut off the glyphosate that is running over the top because he=s already used too much Roundup Ready? Will we learn that there is an overage on PCB and where it=s coming from? So forth. That kind of consumer right-to-know information is pertinent to those water supplies like Fort Wayne, Indiana and like Indianapolis, Indiana, where the surfacial water supply B our rivers, streams, and creeks B that come into the B supplying the thousands of people who depend on that water source. (Dustin)

Response: The Consumer Confidence Reporting requirements are only one (1) part of the consumer right-to-know provisions of the Safe Drinking Water Act Reauthorization of 1996. Another part of those provisions is the Public Notification Rule. The proposed public notification rule was published in the May 13, 1999, Federal Register and the final rule should be promulgated by the end of 1999. The public notification rule will require notification within twenty-four (24) hours for violations of the maximum contaminant level (MCL) for fecal coliform, nitrate, and nitrite, and within thirty (30) days for all other MCL violations. The information which is required to be published in the CCR for MCL violations is a secondary notification. In addition, for any violations which are addressed in the CCR, the system must include information on the length of time the violation occurred, any steps taken by the water system to address the violation, and any adverse health effects caused by the violation. There is also a requirement in the CCR rules that all systems must include the following language in their CCR:

> Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency=s Safe Drinking Water Hotline at (800) 426-4791.

This indicates that if anyone reading the report wants more information about health effects that they should contact the Environmental Protection Agency=s Safe Drinking Water Hotline. The Hotline staff will direct them to where they can get information over the Internet or will mail the information to the consumer. We agree that the CCR requirements will help provide a service to the public and that the rules are necessary.