



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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ROBERT W. GOLLEDGE, Jr.
Commissioner

**The Commonwealth of Massachusetts
Department of Environmental Protection
NOTICE**

Notice is hereby given pursuant to the requirements of MGL Chapter 30A, that the Massachusetts Department of Environmental Protection will hold public hearings on proposed revisions to both 310 CMR 22.00: Drinking Water, and 310 CMR 40.0000: Massachusetts Contingency Plan.

The proposed revisions to 310 CMR 22.00 will establish a state Maximum Contaminant Level (MCL) of 2.0 ppb for perchlorate replacing our interim drinking water guidance of 1.0 ppb. To date, the U.S. Environmental Protection Agency (EPA) has not established an MCL for perchlorate pursuant to the federal Safe Drinking Water Act. Given the public health concerns over the consumption of perchlorate in drinking water, MassDEP is for the first time recommending the establishment of an MCL in the absence of a federal standard pursuant to its independent state regulatory authority under M.G.L. c. 111, s.160 and 310 CMR 22.00.

MassDEP's MCL is based on a thorough review of the scientific literature including recent research reports as well as consideration of the analyses performed by other independent scientists such as the National Academies' National Research Council. Our review raises public health concerns for sensitive subpopulations from exposure to perchlorate above 2.0 ppb.

MassDEP's perchlorate MCL proposal is the outcome of the application of a risk management strategy. Statewide occurrence monitoring conducted in 2004 using then newly improved analytical techniques identified a relatively low number of contaminated water supplies suggesting a manageable aggregate cost for clean-ups. Treatment technologies were also being proven capable of removing perchlorate to levels in support of our interim guideline. However, the development of an MCL must take into consideration other relevant factors. MassDEP's investigations into perchlorate contamination at several public water systems identified contributory effects from common disinfection treatment chemicals, previously unknown sources of perchlorate (including blasting agents), fireworks, wastewater discharges, and a low background level of perchlorate in some areas where a source remains to be identified. These additional potential sources of perchlorate may represent widespread routes for the introduction of perchlorate in drinking water and thus increase costs to public water systems of complying with a state MCL for perchlorate. Disinfection of drinking water has been called one of the most important public health activities of the past century. To ensure that this benefit is not lost due to the possible introduction of perchlorate from the use of disinfection chemicals, MassDEP will avoid establishing an MCL at a level

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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that creates a disincentive on the part of public water systems to continue or, when necessary, introduce disinfection to counter microbial contamination and associated risks to public health. The MCL of 2.0 ppb provides the best overall protection of public health, considering the benefits of disinfection, while retaining a margin of safety for sensitive populations: the fetus, infants, young children, pregnant or nursing women and individuals with low levels of thyroid hormones. At the same time, MassDEP has called upon the U.S. EPA to investigate perchlorate contamination as a result of the disinfection process and to provide guidance on the development and implementation of best management practices for disinfection and other activities that can contribute perchlorate to a drinking water source.

Additionally, the proposed revisions will remove 22.06D to eliminate the now completed occurrence monitoring requirement for perchlorate, amend 22.06 to incorporate regular sampling, analysis and reporting requirements, add corresponding changes for perchlorate to 22.16 (Public Notification) and 22.16A & Appendix M (Consumer Confidence Reporting). All told the regulations will ensure that public water suppliers monitor for perchlorate, keep the public informed of the results and respond appropriately if levels exceed the MCL.

The proposed revisions to 310 CMR 40.0000: the Massachusetts Contingency Plan establish Reportable Concentrations and Method 1 Cleanup Standards for perchlorate in soil and groundwater. These revisions were originally proposed, and public hearings held, in 2004. The current proposal adopts the proposed Massachusetts perchlorate MCL as the MCP GW-1 Standard. In addition, to promote regulatory consistency in the evaluation of contaminated drinking water, the Department proposes to clarify when it is necessary to conduct an Immediate Response Action under the MCP (310 CMR 40.0951(3)).

Perchlorate exposure is of public health concern because it disrupts the normal function of the thyroid gland. These health concerns are of most concern for sensitive subpopulations. At higher levels, exposure to perchlorate is a risk for the general population. These proposed revisions are intended to promote the public health and general welfare by ensuring that public water systems in Massachusetts provide to the user water that is safe and fit to drink.

The hearings will be held:

April 10, 2006 - 5:00 PM
Peebles Elementary School (Gymnasium)
70 Trowbridge Road
Bourne, Massachusetts

April 11, 2006 - 3:00 PM
MassDEP Boston Office
One Winter Street,
2nd Floor Conference Room
Boston, MA 02108

April 19, 2006 - 4:00 PM
MassDEP Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

April 20, 2006 - 4:00 PM
MassDEP Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

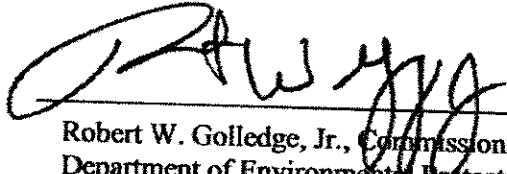
April 25, 2006 - 3:00 PM
MassDEP Western Regional Office
436 Dwight Street
Springfield, MA 01103

April 27, 2006 - 4:00 PM
MassDEP Central Regional Office
627 Main Street
Worcester, MA 01608

Persons planning to give oral testimony at the hearing are encouraged to provide a written summary thereof. Written comments by any person may be submitted before, during, or after the hearing, but no later than May 12, 2006 when the hearing record will close. Questions about the hearing and public comments on the proposed regulations should be directed to David Terry, Drinking Water Program, One Winter Street, Sixth Floor, Boston, MA 02108, (617) 292-5529. The proposed revised regulations will be made available for review at MassDEP's Boston and Regional offices and can be viewed at <http://mass.gov/dep/water/drinking/percinfo.htm>.

Date: March 10, 2006

BY ORDER OF:


Robert W. Golledge, Jr., Commissioner
Department of Environmental Protection