



Vermont Department of Environmental Conservation

Commissioner's Office

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Agency of Natural Resources

Joint Legislative Committee on Administrative Rules
Vermont General Assembly

August 25, 2016

Dear Representative French and Senator MacDonald:

In February of 2016 the Agency discovered contamination in North Bennington and Bennington from the release of PFOA from the operations of the former Chemfab facilities. In order to ensure that concerns related to human health were addressed by responsible parties the Agency filed an emergency rule listing PFOA and PFOS as Vermont listed hazardous wastes and adopted a groundwater protection enforcement standard of 20 parts per trillion based on a standard established by the Vermont Department of Health. That emergency rule was approved by LCAR on April 21. The approved emergency rules were to expire on August 25, 2016.

It was our intent to immediately initiate rulemaking processes to adopt a permanent rule to address these standards when we learned that EPA was planning to issue final Health Advisories and Health Effects Support Documents with respect to PFOA and PFOS. Those final documents were issued in May 2016. In an effort to rely on the best available science and to allow the Vermont Department of Health sufficient time to review the final EPA documentation and make any adjustments to the Vermont Health Advisory for PFOA and PFOS we delayed initiating rulemaking.

The Vermont Department of Health issued a revised Health Standard on June 22 and we initiated rulemaking immediately thereafter. Two public hearings have been set for the week of August 26 and the comment period for the proposed rule ends September 9.

As a result of these events, it is necessary that we file an additional emergency rule to bridge the period between August 25 and when we bring a final proposal to the Committee for its review. A failure to request this extension would unnecessarily place the health of Vermonters at risk.

It is our intent to have a final rule filed with this Committee no later than the October 6 meeting of the Committee. We hope that you concur and approve these filings.

Sincerely,

A handwritten signature in black ink that reads "Trey Martin".

Trey Martin, Deputy Secretary
Agency of Natural Resources
