

## GWCC Meeting:

May 19, 2016

In attendance: Marjie Gale, Jon Kim, John Schmeltzer, Craig Heindel, Darlene Autrey, Ellen Parr Doering, Rod Lamothe, Kasey Kathan, Scott Stewart, Michael Smith, Kira Jacobs (call in)

EPA's new PFOA number is out at...70 ppt! Here are the links to the Fact Sheet and more.

Materials are live:

Blog: <https://blog.epa.gov/blog/2016/05/protection-for-drinking-water/>

Health Advisories website: <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>

Fact sheet: [https://www.epa.gov/sites/production/files/2016-05/documents/drinkingwaterhealthadvisories\\_pfoa\\_pfos\\_5\\_19\\_16.final\\_.pdf](https://www.epa.gov/sites/production/files/2016-05/documents/drinkingwaterhealthadvisories_pfoa_pfos_5_19_16.final_.pdf)

Link to EPA CCL 1- 4: <https://www.epa.gov/ccl>

### GWPRS:

There's been a shift in the time-line, currently there is an emergency rule in place to include Vermont's standard for PFOA/PFOS within the GWPRS. However, there is an expiration date on that emergency rule. Therefore, the Department is filing a high-priority rule to formally adopt these standards into the GWPRS. This high-priority rule is being filed shortly and is anticipated to make its way through the approval process by September. As there cannot be concurrent rule review of the same rule, this means that the substantial rule revisions currently in draft will have to wait until that time to be filed.

Prior to the filing, there will be another round of pre-rule-making review, including an opportunity for the groundwater coordinating committee to comment, likely throughout June and July. Things to look for in the updated draft (i.e. changes from the previously reviewed draft):

*Reorganization* – Many sections of the rule have been moved, primarily the structural changes have been made with the purpose of making it clearer as to what applies to the department (rule changes that need to occur etc.) and what applies to the regulated community.

*Presumptions of Compliance* – Only wastewater systems receive a presumption of compliance, language has been changed/added to make it clearer what a rule (within the Dept) will have to demonstrate in order to achievement of the general presumption of compliance.

*Points of Compliance* – Concept has remained in the current draft

*VAL Usage* – structuring the language such that the VAL only applies if there is a drinking water supply receptor is still in the works, but the concept has been discussed and it should be in the draft that will be made available for review

**PFOA:** John Schmeltzer, Jon Kim, Ellen Parr Doering

Since the last GWCC meeting two months ago, sampling has expanded both in North Bennington and to new locations. Exceedances have been detected in areas south of the Bennington Landfill and in Pownal, other locations outside of Bennington (IBM, Champlain Cable and others) are in the process of being samples. Saint

Gobain is installing treatment systems at all the impacted Bennington water supplies, the Pownal public system is installing a GAC treatment system in late June (likely July). Bennington and N. Bennington are looking into extending water lines to pick up residences impacted. N. Bennington sediment sampling has also been completed showing relatively low concentrations. Work is underway to better understand pathways and sources. A work plan for evaluation of the ChemFab plant was recently approved and sampling of biosolids from the wastewater treatment plant is being completed (to see if spreading of biosolids is contributing to some of the unpredictable patterns of contamination that have been observed)

Jon has been spending two days a week in the N. Bennington area looking at bedrock lithology and structure to begin the work on understanding potential groundwater pathways. He is also working with Bennington College to continue the work of obtaining accurate GPS locations for wells with tags to related location and well logs. Middlebury college students are completing a detailed geochem evaluation of ~30 wells and geophysical logging of wells is going to be completed in coordination with Suny-Plattsburg. Jon is working on a ISOPAC map (overburden thickness) to look at fate and transport for the unsaturated zone.

Kira asked how the coordination was among States during this process (NY, VT, NH), particularly in the area of communicating risk? Generally, the response was that this has been going well, but there was a suggestion that for the June GWCC meeting VDH be asked if they could discuss the differences between VT's 20 ppt and the new EPA's 70 ppt standards and the corresponding risk calculations.

#### **Science Advisory Committee – Marjie Gale**

The Science Advisory Committee (SAC) was formed this fall to discuss and address concern regarding the use of science in the Agency. Some projects that the group (or subgroups) are addressing include data management, resolution of scientific conflicts and establishment of demonstration areas on Agency lands

At Secretary Markowitz's request the committee has prioritized an evaluation of contaminants of emerging concern. Preliminary work has been on compiling a list on the scope of this project, including lists from within the Agency and from other sources like the EPA, USGS, VDH etc. With this list, the work will then be a process of eliminating things that are of little concern in Vermont due to their use/occurrence being minimal, and then establishing a priorities listing for the Agency. It was also noted that TSCA (Toxic Substances Control Act) reform recently moved out of committee at the federal level and a workgroup will be formed at the state level as part of Bill H.595.

**Legislative Updates** – Primary bill related to groundwater is H.595 which while primarily focused on the use of surface water as a potable water source for single family residences on lakes, also had a requirement for the technical advisory committee to look into and report back on the feasibility of water quality testing of new groundwater wells. This did not specify consideration of naturally occurring constituents. As has been the case in the past it is anticipated that some of the biggest questions regarding feasibility will be providing sufficient time for a well to reach equilibrium prior to testing (> 6 mo?) in order to get a representative sample.

**Review of Earth Disturbance Projects** -- There is some question of who has the authority or who is reviewing these projects. Extraction or blasting proposals going through Act 250 review may come to the department for consideration of waste and discharge issues, but not necessarily groundwater protection explicitly, and some earth disturbance projects may not trigger the requirement for Act 250 review and the multi-sector general permit does not have considerations for groundwater protection. There are existing BMP's, that are logical and seem to be functioning, so the question is more about the implementation of these BMP's and a decision-tree like approach to determine whether the BMPs apply and who has or should review. As this progresses the GWCC will be kept informed.

**NEXT MEETINGS:** For those that regularly can't make the Thursday meeting due to scheduling conflicts, we will try to hold occasional Wednesday or Friday meetings, the first of which will be in July.

**THURSDAY June 23<sup>rd</sup>**, 1pm at the Annex

**WEDNESDAY July 20<sup>th</sup>**, 1pm at the Annex