

**Testimony for the
Senate and Assembly Joint Public Hearing
on Water Quality & Contamination**

*September 12, 2016 at 11 a.m.
Legislative Auditorium, William H. Rogers Building
Smithtown, NY*

Anthony Iannone
Superintendent, Hicksville Water District
(516) 931-0184
aiannone@hicksvillewater.org
www.hicksvillewater.org

I would like to thank the Honorable Chairs of the Health and Environmental Conservation Committees of the Senate and Assembly Senator Hannon, Assemblyman Gottfried, Senator O'Mara, and Assemblyman Englebright, as well as the other distinguished committee members, for the opportunity to provide you with pertinent testimony regarding water quality. My name is Anthony Iannone, and I am the Superintendent of the Hicksville Water District. I am here today representing the Water District on behalf of District Water Commissioners, Nicholas J. Brigandi, Karl Schweitzer and William Schuckmann, with the purpose of discussing with you our urgent need for guidance pertaining to unregulated contaminants, as well as the need for improved partnership with regulators at all levels in the mission of providing our community with drinking water of the highest quality.

We thank you for the opportunity to testify and use this platform to discuss our need, and frankly the need for all public water suppliers, for direction in dealing with unregulated containments. As you know, the United States Environmental Protection Agency under the Safe Drinking Water Act has a program known as the Unregulated Contaminant Monitoring Rule, otherwise referred to as UCMR. Essentially, this rule was created so that the EPA could conduct and manage nationwide sampling programs to monitor and assess the prevalence of contaminants in water which were not currently regulated under the Safe Drinking Water Act.

The latest EPA sampling program, known as UCMR3, included an unregulated contaminant known as 1,4-Dioxane, amongst about a dozen other contaminants. 1,4-Dioxane is a synthetic industrial chemical that has been found in groundwater at sites throughout the United States as a result of wastewater discharge, unintended chemical spills, leaks or wrongful disposal practices.

Our District conducted UCMR3 testing in 2013 and 2014 as part of the nationwide EPA study, and in mid-2015, we learned that we had a level of 34 micrograms per liter detected in our Well No. 4-2, which from what I've been told is the highest level found in the country as part of this program.

Currently, there is no federal drinking water standard for 1,4-Dioxane. New York State has a drinking water standard of 50 micro grams per liter for Unspecified Organic Compounds, which at this time would include 1,4-Dioxane. So, the level found at the well is below that standard. However, with no guidance from the EPA or New York State with regard to what the level means, what the health effect might be, or what actions we should be taking, we were left completely on our own to assess the situation and make decisions about whether or not we should take any action. Even after discussing this issue with the Nassau County Department of Health, we received no direction, as they said they were waiting on the State. To this day, years after the samples were taken, we have no guidance or direction from the Health Department or the EPA.

Left to our own devices, we made a conservative decision to take the well off-line and continue to conduct tests of the water to monitor the level and evaluate any fluctuations. This was done recognizing that we would be putting additional stress on our other supply facilities, but without the support and guidance we would have expected from either the Health Department or the EPA, we aired on the side of caution.

You must understand that this was a very difficult decision for us. On the one hand, all of our water quality meets and exceeds all federal and state standards, including for 1,4-Dioxane. But because this was a new situation and there was uncertainty about the appropriate next steps to be taken, the lack of direction from the regulatory experts put us in a very tough position. We are not health effect experts. The EPA and the DOH are.

I don't understand how they can possibly ask us to test for things when they have absolutely no plan and no idea in how to deal with the results. Leaving the action and reaction to the water suppliers in assessing

the water quality situation, developing a plan and communicating the meaning of the results to the public is a disregard by the EPA and DOH of their regulatory responsibility.

Following some simple research, we know that 1,4-Dioxane was used primarily as a solvent stabilizer and is commonly found comingled with existing VOC groundwater plumes. We know that our affected well is already impacted by such a plume, and although we have treatment on the well, it is not effective in removing this contaminant. Again, based on our sole initiative, we have tested and studied multiple water treatment processes that could possibly be effective in removing 1,4-Dioxane, just in case it becomes regulated. With no assistance, guidance, or support from the State or the EPA, Hicksville was proactive in planning and funding the study, in an effort to find an effective treatment solution that, if successful, could then be used by all water suppliers should a drinking water standard be set.

Not only has the DOH, DEC and EPA been absent during this process, but we made written requests to both the DEC and EPA for information, support, assistance and guidance. We received very little to nothing. In fact, we recently made a request to the EPA for assistance in requiring any upgradient known superfund sites to conduct a sampling round for 1,4-Dioxane. As we were evaluating treatment alternatives in advance of a potential standard, and the 1,4-Dioxane found was likely part of an existing groundwater plume, it was important to understand the extent of the concentrations that could possible impact our well. Here was the substance of the EPA's response:

Dear Mr. Iannone:

Your letter requests that EPA undertake a sampling program of sites that could be impacting Well No. 4-2 with 1,4-dioxane, which was first detected by the Water District in 2013 as part of the Unregulated Contaminant Monitoring Rule (UCMR) program. In accordance with the process required by the Safe Water Drinking Act (SDWA), EPA is evaluating contaminants for which water systems monitored under the third UCMR (UCMR3). EPA is currently compiling results from this sampling effort, in order to evaluate the contaminants detected under UCMR3 to determine whether to regulate any of them in the future. To regulate a contaminant under the SDWA, EPA must find that it: 1) may have adverse health effects; 2) occurs frequently (or there is substantial likelihood that it occurs frequently); and 3) there is meaningful opportunity for health risk reduction for people served by public water systems.

If water sampling results indicate that drinking water contains UCMR3 contaminants at levels greater than health advisory levels, EPA recommends that water systems quickly undertake additional sampling to assess the level, scope, and localized source of contamination to inform next steps. If follow-up sampling confirms the presence of UCMR3 contaminants at levels above the health advisory levels, drinking water systems and public health officials should promptly provide consumers with information about the levels in their drinking water.

As indicated in our June 7, 2016 response letter to your earlier April 18, 2016 correspondence, EPA has not collected groundwater data in the area upgradient of Well No. 4-2. Although your letter requests that EPA undertake a sampling program at properties that could be impacting Well No. 4-2 EPA does not conduct such sampling under the SDWA program, etc....

My takeaway from this response is – good luck Hicksville, you're on your own. That seems to be the message from all regulators, at the local, State and federal level. I find it utterly ridiculous that we are supposed to undertake a sampling program to find the extent of an unregulated contaminant. There is no way this should be a burden placed on the public water supplier.

We need a much more comprehensive and proactive federal and state regulatory program whereby the background information on any new contaminants we are asked to sample for is fully vetted, evaluated, understood and communicated. There is no way public water suppliers should have the burden of interpreting such results, deciphering what they mean, creating a plan and communicating information with the public. This should all be worked out in advance of doing the actual testing, so that our industry, both regulator and supplier, are, and appear, to be cohesive. This lack of up front effort and planning puts all of us in a very poor position.

Now for the important question: is 1,4-Dioxane going to be regulated? If I take you back to 2003, perchlorate was a part of the UCMR program and all we heard about was that it was going to be regulated down to possibly 1 microgram per liter. That would put many wells out of service on Long Island and require tens to hundreds of millions of dollars for treatment. It's 13 years later and there is no standard and no talk of a standard. Year after year we heard from the State and EPA – maybe, maybe not - regarding a standard for perchlorate. Public water suppliers can't operate this way. Some suppliers actually invested in treatment in anticipation of a standard, to the tune of millions, only to now question if they made the right decision. If 1,4-Dioxane is the next regulatory perchlorate, please let us know as soon as you can so we won't waste our time, money and resources.

I would like to thank you for the opportunity to address the committee and for your future consideration.