MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

BOARD ACTION

- **Board of Directors**
  Communications and Legislation Committee

May 8, 2007 Board Meeting

8-7

Subject

Express support, if amended, for federal Perchlorate legislation

Description

Perchlorate is an inorganic compound used as an oxidizing agent in solid rocket fuel. There is the potential for perchlorate contamination if drinking water supplies are near aerospace, munitions and fireworks facilities. Perchlorate can interfere with the thyroid gland's ability to produce hormones necessary for normal growth and development. Perchlorate contaminated groundwater seeping into Lake Mead through the Las Vegas Wash area found its way into Metropolitan's Colorado River supplies. Levels as high as 18 parts per billion (ppb) were detected in untreated drinking water. Once the source of this contamination was identified, Metropolitan, along with the United States Environmental Protection Agency (US EPA) and regulatory agencies in Nevada, worked to isolate and treat the source of perchlorate loading into the Colorado River. Since that time, monitoring has indicated "non-detect" levels entering Metropolitan's distribution system. Also, of great importance, a number of areas have significant perchlorate contamination plumes in local groundwater basins in the Inland Empire and San Gabriel areas.

California has aggressively sought regulation of perchlorate since its detection in water supplies nearly a decade ago. The California State Legislature introduced, passed and saw the Governor sign into law several bills aimed at regulating perchlorate and its environmental impacts. One of these legislative efforts led to the establishment of a drinking water standard for perchlorate. A proposed 6 ppb maximum contaminant level (MCL) for perchlorate is awaiting public comment prior to its final adoption in California.

Some critics have argued California's proposed 6 ppb MCL is not protective enough for sensitive sub-populations (e.g., pregnant women, children and infants). However, the data for regulating perchlorate at a lower level is currently unavailable, and justification for a stricter standard relies on a number of assumptions and interpretations.

Analysis

United States Senator Barbara Boxer (D-California) has introduced two bills regarding perchlorate. S. 24 (**Attachment 2**) would direct the US EPA to establish a health advisory, followed by a drinking water standard for perchlorate. This bill emphasizes the need to protect sensitive sub-populations, primarily pregnant women and children. The second of Senator Boxer's bills, S. 150 (**Attachment 3**), would direct the US EPA to continue monitoring for perchlorate throughout the nation and if detected, require public notification.

On March 28, United States Representative Hilda Solis (D-California) introduced H.R. 1747 (**Attachment 4**), the Safe Drinking Water for Healthy Communities Act of 2007, and its initial policy hearing took place on April 24, 2007 in the Environment and Hazardous Materials Subcommittee of the House Energy and Commerce Committee. Representative Solis' bill would: (1) require US EPA to publish a national drinking water standard in the Federal Register no later than 12 months after enactment of H.R. 1747; and (2) not later than 18 months after publication set a national primary drinking water regulation for perchlorate.

AB 1127 (Carter, D-Rialto) (**Attachment 5**), was introduced in the California Legislature and was amended to authorize the Department of Health Services to contract with the Santa Ana Watershed Project Authority to assess and treat drinking water for perchlorate contamination in and around the City of Rialto. Because of its geographic limitation, staff is not recommending any position on AB 1127 at this time.

Attachment 1, Summary of Pending Perchlorate Legislation for 2007/2008, outlines the federal legislation introduced in the 110th Congress and the single bill pending in the California State Legislature.

Drinking water trade association groups, particularly the American Water Works Association, the Association of California Water Agencies, and the Association of Metropolitan Water Agencies, have yet to adopt positions on the three federal measures. Water utilities have consistently called for the US EPA to make a regulatory determination on perchlorate, which is viewed as the first step toward establishing a national drinking water standard. Although California is scheduled to adopt its own MCL for perchlorate in the near-term, a national drinking water standard would assist in the clean up of hundreds of Department of Defense facilities in Southern California and around the country.

Potential Amendments

Staff has consistently recommended that firm datelines for adopting drinking water regulations not be codified into either federal or state drinking water legislation. Potential amendments to this legislation should seek to remove firm deadlines for US EPA to promulgate a national drinking water standard for perchlorate and instead focus on accelerating the scientific analysis to lead towards development of a national drinking water standard. Staff believes that any changes to the law should preserve the process in the Safe Drinking Water Act Amendments of 1996 requiring regulations to be developed as necessary.

Policy

Drinking Water Quality, M.I. 46191- April 12, 2005

California Environmental Quality Act (CEQA)

CEQA determination for Options #1 and #2:

The proposed action is not a project under CEQA because the proposed action involves continuing administrative activities (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

CEQA determination for Option #3:

None required

Board Options

Option #1

Adopt the CEQA determination and express support, if amended as described in this board letter, for S. 24, S. 150 and H.R. 1747.
Fiscal Impact: None

Option #2

Adopt the CEQA determination and express support for S. 24, S. 150 and H.R. 1747.
Fiscal Impact: None

Option #3

Take no action.
Fiscal Impact: None

Staff Recommendation

Option #1

5/2/2007
Linda Waade *Date*
Deputy General Manager, External Affairs

5/2/2007
Jeffrey Kightlinger *Date*
General Manager

Attachment 1 – Summary of Pending Perchlorate Legislation for 2007/2008
Attachment 2 – S. 24
Attachment 3 – S. 150
Attachment 4 – H.R. 1747
Attachment 5 – AB 1127

BLA #5369

Summary of Pending Perchlorate Legislation for 2007 - 2008

Bill Number (Author)	Summary	Status	MWD Position Based on Board Adopted Policy Principles
Federal Legislation			
S 24 (Boxer)	Would amend the Safe Drinking Water Act by calling on the US EPA (1) to establish, not later than 90 days after the date of enactment of this Act, a drinking water health advisory for perchlorate; (2) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and (3) to ensure the right of the public to know about perchlorate in drinking water by requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.	Referred to the Senate Committee on Environment and Public Works	Support if Amended
S 150 (Boxer)	Would require the US EPA to establish, not later than 90 days after the date of enactment, a health advisory for perchlorate and establish a national primary drinking water regulation for perchlorate that fully protects sensitive sub-populations (pregnant women, fetuses, infants and children)	Referred to the Senate Committee on Environment and Public Works	Support if Amended
HR 1747 (Solis)	Would amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate not later than 18 months after enactment.	Heard in the House Sub-committee on Environment and Hazardous Materials on April 25, 2007	Support if Amended
California State Legislation			
AB 1127 (Carter)	Would authorize the California Dept. Health Services to contract with the Santa Ana Watershed Project Authority for the purposes of assessing and treating drinking water for perchlorate contamination in and around the City of Rialto.	Re-referred to Assembly Committee on Environmental Safety and Toxic Materials (two-year bill)	Watch

II

110TH CONGRESS
1ST SESSION

S. 24

To amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Perchlorate Monitoring and Right-to-Know Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant; and

(B) is also used in fireworks, road flares, and other applications.

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services

that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention pub-

lished the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A);

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a ''Drinking Water Equivalent Level'' of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain

pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found;

(11) on August 22, 2005 (70 Fed. Reg. 49094), the Administrator proposed to extend the requirement that perchlorate be monitored in drinking water under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' promulgated pursuant to section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)); and

(12) on December 20, 2006, the Administrator signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' (72 Fed. Reg. 368 (January 4, 2007)).

(b) PURPOSE.—The purpose of this Act is to require the Administrator of the Environmental Protection Agency—

(1) to establish, not later than 90 days after the date of enactment of this Act, a health advisory that—

(A) is fully protective of, and considers, the body weight and exposure patterns of pregnant women, fetuses, newborns, and children;

(B) provides an adequate margin of safety; and

(C) takes into account all routes of exposure to perchlorate;

(2) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and

(3) to ensure the right of the public to know about perchlorate in drinking water by requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.

SEC. 3. MONITORING AND HEALTH ADVISORY FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate that fully protects, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, newborns, and children), considering body weight and exposure patterns and all routes of exposure.

''(ii) MONITORING REGULATIONS.—

''(I) IN GENERAL.—The Administrator shall propose (not later than 60 days after the date of enactment of this subparagraph) and promulgate (not later than 120 days after the date of enactment of this subparagraph) a final regulation requiring—

''(aa) each public water system serving more than 10,000 in-

dividuals to monitor for perchlorate beginning not later than October 31, 2007; and

"(bb) the collection of a representative sample of public water systems serving 10,000 individuals or fewer to monitor for perchlorate in accordance with section 1445(a)(2).

"(II) DURATION.—The regulation shall be in effect unless and until monitoring for perchlorate is required under a national primary drinking water regulation for perchlorate.

"(iii) CONSUMER CONFIDENCE REPORTS.—Each consumer confidence report issued under section 1414(c)(4) shall disclose the presence of any perchlorate in drinking water, and the potential health risks of exposure to perchlorate in drinking water, consistent with guidance issued by the Administrator.".

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II

110TH CONGRESS
1ST SESSION

S. 150

To amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Pregnant Women and Children From Perchlorate Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant; and

(B) is also used in fireworks, road flares, and other applications;

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including

delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A); and

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a ''Drinking Water Equivalent Level'' of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found.

(b) PURPOSES.—The purposes of this Act are—

(1) to require the Administrator of the Environmental Protection Agency to establish, by not later than 90 days after the date of enactment of this Act, a health advisory for perchlorate in drinking water that fully protects pregnant women, fetuses, infants, and children, taking into consideration body weight and exposure patterns and all routes of exposure to perchlorate; and

(2) to require the Administrator of the Environmental Protection Agency to establish promptly a national primary drinking water regulation for perchlorate that fully protects pregnant women, fetuses, infants, and children, taking into consideration body

weight and exposure patterns and all routes of exposure to perchlorate.

SEC. 3. HEALTH ADVISORY AND NATIONAL PRIMARY DRINKING WATER REGULATION FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) SCHEDULE, HEALTH ADVISORY, AND STANDARD.—Notwithstanding any other provision of this section, the Administrator shall publish a health advisory and promulgate a national primary drinking water regulation for perchlorate, in accordance with the schedule and provisions established by this subparagraph, that fully protect, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, infants, and children), taking into consideration body weight, exposure patterns, and all routes of exposure.

''(ii) HEALTH ADVISORY.—Not later than 90 days after the date of enactment

of this subparagraph, the Administrator shall publish a health advisory for perchlorate in accordance with clause (i).

''(iii) PROPOSED REGULATIONS.—Not later than August 1, 2007, the Administrator shall propose a national primary drinking water regulation for perchlorate in accordance with clause (i).

''(iv) FINAL REGULATIONS.—Not later than December 31, 2007, after providing notice and an opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for perchlorate in accordance with clause (i).''.

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I

110TH CONGRESS
1ST SESSION

H. R. 1747

To amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2007

Ms. SOLIS (for herself, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. PALLONE, Mr. ALLEN, Mr. INSLEE, Mr. WEINER, Mrs. CAPPS, Mr. HINCHEY, Mr. STUPAK, Mr. WYNN, Ms. DEGETTE, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe Drinking Water for Healthy Communities Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Perchlorate is a chemical used as the primary ingredient in solid propellant for rockets, missiles, and fireworks.

(2) Large-scale production of perchlorate-containing chemicals in the United States began in the mid-1940s and large volumes have been disposed of in various States since the 1950s.

(3) Perchlorate is an oxidizing anion that originates as a contaminant in ground and surface waters and is highly soluble and exceedingly mobile in aqueous systems, persisting for many decades under typical ground and surface water conditions.

(4) The most prevalent sources of perchlorate contamination in environmental media can be traced to the manufacture and improper disposal of wastes from blasting agents and military munitions and to a lesser extent fireworks.

(5) Ninety percent of perchlorate in the United States is produced for use by the Department of Defense and the National Aeronautics and Space Administration.

(6) According to the Government Accountability Office, in May 2005, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States. The Government Account-

ability Office concluded that because there is no standardized approach for reporting perchlorate data nationwide, a greater number of sites may exist.

(7) According to the Government Accountability Office, in May 2005, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States. The Government Accountability Office reported that concentrations of perchlorate in drinking water ranged from 4 parts per billion to more than 420 parts per billion.

(8) Environmental Protection Agency data likely underestimates the total drinking water exposure, as illustrated by the findings of the California Department of Health Services that perchlorate has contaminated approximately 276 drinking water sources and 77 drinking water systems in the State of California.

(9) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including but not limited to lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk.

(10) The Centers for Disease Control and Prevention has concluded that perchlorate exposure appears to be widespread in the United States populations.

(11) The National Academy of Sciences released a report on January 10, 2005, which recommended a perchlorate reference dose of 0.0007 milligrams per kilogram per day.

(12) The Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but in 2005, established a ''drinking water equivalent level'' of 24.5 parts per billion for perchlorate. A drinking water level assumes the only exposure pathway is through drinking water and does not account for other non-drinking water exposure pathways, such as food and breast milk.

(13) On January 22, 2003, the Environmental Protection Agency issued interim assessment guidance for perchlorate applicable to all Office of Solid Waste and Emergency Response programs, recommending the use of the provisional cleanup levels for perchlorate in groundwater ranging from 4 to 18 parts per billion with the added suggestion to carefully consider the lower end of the provisional range.

(14) On January 26, 2006, the Environmental Protection Agency issued Office of Solid Waste and Emergency Response guidance increasing the Environmental Protection Agency's provisional cleanup levels for perchlorate in groundwater to 24.5 parts per billion.

(15) In March 2006, the Children's Health Protection Advisory Committee advised the Environmental Protection Agency that the Agency's preliminary remediation goal (PRG) for perchlorate is not protective of children's health, as it can result in a nursing infant exposure that is 5 to 10 times higher than the recommended dose (Rfd) of 24.5 parts per billion.

(16) Perchlorate inhibits the uptake of iodine by the thyroid gland (which is necessary to produce important hormones which help regulate normal human health and development), presenting a risk to human health in vulnerable populations, including pregnant women and children.

(17) In October 2006, the Centers for Disease Control and Prevention found significant changes in the level of thyroid hormones in humans exposed to perchlorate. For women with low iodine levels, perchlorate exposure was associated with changes in the

production levels of hormones by the thyroid. About 36 percent of women in the United States have lower iodine levels.

(18) Given the seriousness of the potential adverse effects associated with perchlorate and the fact that children were at risk, combined with the absence of a Federal drinking water standard (MCL) for perchlorate, California proposed a drinking water standard of 6 parts per billion, and Massachusetts promulgated a drinking water standard of 2 parts per billion.

(19) Other States, including Nevada, Texas, New York, and Maryland, have issued some form of drinking water guidance for perchlorate, including a drinking water action level, health-based guidance, and a health based advisory level at ranges from 1 part per billion to 18 parts per billion.

(20) Perchlorate has been detected in the soil, surface waters, and groundwater at 55 Department of Defense facilities across the country, with off-site migration occurring at some facilities.

(21) As of 2003, the Department of Defense policy on perchlorate requires sampling only where a perchlorate release due to Department activities is

suspected and a complete human exposure pathway is likely to exist.

(22) According to the Environmental Protection Agency, the Department of Defense is deferring all remedial action relating to perchlorate contamination at or from its facilities until a Federal perchlorate drinking water standard is adopted.

(23) The Environmental Protection Agency has historically failed to exercise its enforcement authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to compel the Department of Defense to undertake remedial actions to address perchlorate contamination at Department facilities that are listed on the Superfund National Priorities List.

(24) There are as many as 22 contaminants without Federal drinking water standards for which the Environmental Protection Agency has set site specific cleanup levels for the remediation of groundwater, making the lack of response actions for perchlorate contamination at Department of Defense Superfund facilities a unique situation.

(25) The Environmental Protection Agency has failed to take enforcement action against the Department of Defense to cause the Department to

mitigate or remediate the perchlorate contamination emanating from its Aberdeen Proving Ground facility that has adversely impacted the drinking water supply for the City of Aberdeen, Maryland.

(26) Since 2002, the Department of Defense actively sought to exempt the Department from State and Federal public health and environmental laws which protect drinking water supplies from chemical constituents of military munitions including perchlorate.

SEC. 3. NATIONAL PRIMARY DRINKING WATER REGULATION FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) SCHEDULE AND STANDARD.—Notwithstanding the deadlines set forth in paragraph (1), the Administrator shall promulgate a national primary drinking water regulation for perchlorate pursuant to this subsection, in accordance with the schedule established by this subparagraph.

''(ii) PROPOSED REGULATIONS.—Not later than 12 months after the date of the

enactment of this subparagraph, the Administrator shall publish in the Federal Register a proposed national primary drinking water regulation for perchlorate.

"(iii) FINAL REGULATIONS.—Not later than 18 months after the date of publication of the proposed national primary drinking water regulation required by clause (ii), after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for perchlorate.".

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AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL No. 1127

Introduced by Assembly Member Carter
(Principal coauthor: Senator Negrete McLeod)

February 23, 2007

An act ~~relating to public health~~ *to add Section 116365.6 to the Health and Safety Code, relating to drinking water*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as amended, Carter. Public health: percholorate: ~~state standards: report.~~ *drinking water standards: City of Realto: perchlorate.*

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and ensure the quality of domestic water supplies.

Effective July 1, 2007, responsibility for the administration of the above-described provisions will be transferred to the State Department of Public Health.

The bill would authorize the department to contract with the Santa Ana Watershed Project Authority for the purposes of assessing and treating drinking water for perchlorate contamination in and around the City of Rialto, including the identification of perchlorate contamination in drinking water sources, the assessment and identification of inorganic and organic perchlorate in those sources, and the treatment of drinking water to meet primary drinking water standards for the protection of public health.

~~Existing law, the Perchlorate Contamination Prevention Progeam, required the Department of Toxic Substances Control to adopt regulations by December 31, 2005, specifying the best management practices for managing perchlorate materials after the effective date of those regulations, except in compliance with the best management practices specified in those regulations.~~

~~This bill would require the State Department of Public Health, no later than June 30, 2008, to prepare and submit to the Legislature a report reviewing state standards for perchlorate in drinking water that currently limit the amount of perchlorate in drinking water to 6 parts per billion, containing specified information and recommendations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 116365.6 is added to the Health and Safety Code, to read:

116365.6. The department may contract with the Santa Ana Watershed Project Authority for the purposes of assessing and treating drinking water for perchlorate contamination in and around the City of Rialto, including the identification of perchlorate contamination in drinking water sources, the assessment and identification of inorganic and organic perchlorate in those sources, and the treatment of drinking water to meet primary drinking water standards for the protection of public health.

SEC. 2. The Legislature finds and declares that the drinking water of the City of Rialto and the surrounding communities has been seriously impaired by perchlorate contamination in groundwater aquifers, and that state funds may be advanced for the purposes of providing the citizens of that area with pure and potable water consistent with the requirements of Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code. It is therefore declared that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution, and that the enactment of this act as a special law is necessary.

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) After many months of review, the State Department of Public Health has adopted a public health goal for reducing the maximum allowable limit for perchlorate in drinking water to 6 parts per billion (ppb).~~

~~(b) On October 5, 2006, the federal Centers for Disease Control (CDC) issued a report stating that the health threat to women, pregnant women, and fetuses from perchlorate contamination is more serious than earlier believed.~~

~~(c) The state's adoption of a limit of 6 ppb for perchlorate in drinking water was determined before the results of the CDC study were available for public review.~~

~~(d) The State of Massachusetts, after due deliberation, has recently adopted a state standard for drinking water that limits perchlorate to 2 ppb, and has determined that this lower allowable limit for perchlorate is necessary to ensure that drinking water is safe for human consumption.~~

~~SEC. 2. (a) The State Department of Public Health shall, no later than June 30, 2008, prepare and submit to the Legislature, a report on state standards for perchlorate in drinking water that currently limit the amount of perchlorate in drinking water to 6 parts per billion, taking into consideration the findings of a federal Centers for Disease Control (CDC) study on perchlorate that was issued on October 5, 2006. The report shall also consider a recently adopted Massachusetts state standard for perchlorate that limits the levels of perchlorate in drinking water in Massachusetts to 2 ppb.~~

~~(b) The report shall discuss its findings with regard to both the CDC study and the Massachusetts state standard for perchlorate described in subdivision (a), and shall make recommendations concerning any changes that should be made in existing state standards for perchlorate in drinking water.~~

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