

Fw: Perchlorate Discussion with NJDEP Acting Commissioner

Eric Burneson to: Pamela Barr, Nanci Gelb, Cynthia Dougherty

Cc: Elizabeth Doyle, Ephraim King

03/16/2010 10:01 AM

Beth and I spoke again this morning with Commissioner Martin, regarding the regulatory determination for perchlorate.

The Commissioner asked us to summarize the past involvement of the National Academies of Science and any future plans for NAS involvement. Beth summarized the past deliberations of the NAS on perchlorate and I advised them that the Agency did not at this point intend to ask for further review by the NAS.

They also asked whether the final EPA regulatory determination expected this summer would include a specific MCL or single health based value for perchlorate. I explained that it might give an indication as to what life stage we are focusing on, but it would not include a proposed MCL or MCLG, those values would be a part of a proposed rule making. We stated that the bottom line of the notice would be whether or not EPA would regulate perchlorate but we could not promise the notice would provide a single health based concentration on which future regulatory decision making will be based.

They were also interested in the time frames by which New Jersey would have to implement a Federal standard if the Agency decides to regulate perchlorate. I explained that the maximum time under the SDWA is 3 and a half years to promulgate and 3 more years to implement for a total of 6 and a half years following an EPA decision to regulate perchlorate. I also mentioned that it is possible that Senior EPA Managers could decide that we must accomplish these steps more quickly.

----- Forwarded by Eric Burneson/DC/USEPA/US on 03/16/2010 09:43 AM -----

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Cc: Cynthia Dougherty/DC/USEPA/US@EPA, Ephraim King/DC/USEPA/US@EPA, Nanci Gelb/DC/USEPA/US@EPA, Pamela Barr/DC/USEPA/US@EPA, Elizabeth Doyle/DC/USEPA/US@EPA, Linda Boornazian/DC/USEPA/US@EPA
Date: 03/12/2010 04:37 PM
Subject: Perchlorate Discussion with NJDEP Acting Commissioner

Pete and Nancy:

Cynthia Dougherty wanted me to let you know that Beth Doyle and I participated in a telephone conversation this morning with the Acting Commissioner of the New Jersey Department of Environmental Protection, Bob Martin.

Mr. Martin wanted to speak with EPA officials who had an understanding of the scientific and regulatory issues related to perchlorate in drinking water. The context is that the NJDEP proposed a perchlorate drinking water standard of 5 ppb last year, and because of New Jersey's "sunset" provisions, the Acting Commissioner has to make a decision by Tuesday on whether or not they will issue the standard or void the proposal.

In response to the questions that Mr. Martin posed, Beth and I explained:

- the regulatory determination notices EPA has published on perchlorate in the past,
- the underlying health effects of concern with perchlorate exposure
- the health reference levels (HRLs) that the Agency has been considering as part of the regulatory determination
- the difference between New Jersey's proposed standard and the HRLs we have been considered,

Mr. Martin also asked when we expected EPA to make a regulatory determination for perchlorate. I responded that EPA is still evaluating the information received from commentors on the past notices and that based on Pete Silva's testimony to the Senate Environment and Public Works Committee the expected time frame for the regulatory determination is summer, 2010.

Mr. Martin asked if Beth and I might be available on Tuesday morning to discuss any further questions he might have. We responded that we would make ourselves available.

Following the conversation, I sent the note below to Mr. Martin to clarify that the regulatory determination was not a regulation in and of itself.

----- Forwarded by Eric Burneson/DC/USEPA/US on 03/12/2010 04:32 PM -----

From: Eric Burneson/DC/USEPA/US
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Cc: Elizabeth Doyle/DC/USEPA/US@EPA, Cynthia Dougherty/DC/USEPA/US@EPA, Pamela Barr/DC/USEPA/US@EPA
Date: 03/12/2010 10:52 AM
Subject: Clarification and more detailed information from our call this morning

Gentlemen:

I wanted to follow up our conversation to make you aware of a point I did not make which is that the next step in EPA's process is to make a regulatory determination **which is not a regulation**. If EPA decides to regulate perchlorate then the Safe Drinking Water Act allows EPA up to 2 years to propose and then another year and a half to promulgate a final regulation.

Also for your staff's reference please find links to some more detailed information on the information we discussed earlier today.

The EPA actions on the regulatory determination and the risk assessment can be accessed from this page
<http://www.epa.gov/safewater/contaminants/unregulated/perchlorate.html>

The Senate Environment and Public Works Hearing in which a statement was made about the time frame for a regulatory determination can be viewed at the following link

http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=514e81cc-802a-23ad-4ac1-53dc5389bb53

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