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Water Quality and Contamination Public Hearing

Jointly Held by:
The New York State Senate and Assembly
Standing Committees on Health

and the

New York State Senate and Assembly
Standing Committees on Environmental Conservation

Testimony Provided by Village of Hoosick Falls Mayor David Borge

September 7, 2016

Good afternoon. My name is David Borge and I am the Mayor of the Village of Hoosick Falls. Thank you for inviting me here today.

As many of you likely know, I provided testimony at last week's hearing in Hoosick Falls. Those comments primarily focused on how Village officials first learned of the potential presence of PFOA in our municipal water supply, and what we did as a result. I reviewed the information we received from county, state and federal officials. And I informed you of the steps the Village took to negotiate with Saint-Gobain to obtain free bottled water for residents, and a treatment system to remove PFOA from our drinking water supply.

I'd be happy to answer any questions about that testimony today. But rather than repeat facts that I reviewed last week, I'd like to focus my comments today on what regulators might do in the future, when another community faces the challenges of finding an unregulated toxic chemical in its drinking water.

In the summer of 2014, the Village Board didn't understand what PFOA was. We didn't know how to test for it, because our water supply wasn't required to do so. We did the only thing we knew how to do — we contacted the county health department. And in turn, the county contacted New York State.

County and state regulators couldn't be more clear. New York State didn't classify PFOA as a regulated contaminant. So no testing was required of the Village municipal water supply to determine if, in fact, PFOA was present at elevated levels.

Of course, as you know, the Village Board was uncomfortable with closing the door on further investigation. We also took the five minutes that Mr. Hickey did to review online information about PFOA. We saw EPA's provisional health advisory, and we saw the information available from our neighbors in Parkersburg, West Virginia.

So we collected water samples on our own. And the results indicated levels of PFOA in the drinking water above EPA's health advisory.

We soon learned that, because PFOA was unregulated, no county, state or federal funding was available to us — not for bottled water, not for a pilot study to evaluate treatment options, not ultimately for a treatment system. Doors were closed to us left and right. So we turned to Saint-Gobain, the company assumed to be responsible for the contamination.

Fortunately, in this case, Saint-Gobain quickly became a willing partner, and in less than a year, had agreed to provide bottled water and fund a treatment system at the Village water treatment plant. A year may sound like a long time, but we were pressing forward deliberately and methodically. Finding a lab that was qualified to test for PFOA was a challenge. Plus, no regulator was telling us that residents shouldn't be drinking the water.

Imagine, however, a different scenario, where the responsible party doesn't accept responsibility, refuses to discuss the issue, refuses to conduct an investigation on its property, shuts all doors and creates roadblocks at every turn.

How long would residents drink contaminated water under such a scenario? How much exposure would occur? How high would PFOA levels in residents' blood be?

All because the federal and state governments aren't providing clear guidance on what a community should do in the face of unknown contamination, and the potentially responsible party is unwilling to accept responsibility.

The actions of state and federal officials over the course of the last week are further evidence of our experiences over the last nearly two years. Agencies having a difference of opinion, and our community stuck in the middle.

It doesn't have to be this way, nor should it.

Why couldn't New York State reach out to their counterparts at EPA, early in this crisis, and have a face-to-face discussion about what the Village ought to do? Not truncated e-mail correspondence, but a meeting, a discussion, to determine what they collectively recommend the Village ought to do?

If New York State didn't understand the steps that needed to be taken in light of EPA's provisional health advisory, why wasn't such a meeting held in 2015 to discuss it? Village and Town officials would have welcomed such a meeting, and would have participated if asked.

Now you might ask why the Village didn't call such a meeting. Frankly, at the time, we didn't see the need. NYSDOH was assisting us with a pilot study to evaluate treatment technologies that might reduce PFOA in the drinking water. EPA at the time, to the best of our knowledge, wasn't involved. We were contacting everyone we could think of to obtain

funding for bottled water and a treatment system. We involved state and federal elected representatives. Progress was being made, albeit slowly.

We were surprised to learn, in a news article last week, that EPA had urged New York State to issue a no-drink advisory for the Village sometime in the Fall of 2015. While this may have occurred, we could find no evidence of such a communication and we were certainly not made aware of such a communication. Not by the state, and not by EPA's attorney who contacted me in early November 2015. Nothing about a no-drink advisory was mentioned to Village Trustees until we received a letter from EPA on November 24, 2015, the day before Thanksgiving.

Further, we question why it took so long for EPA to issue its own no-drink advisory, in the absence of NYSDOH issuing one. EPA didn't issue a clear directive until mid-December.

Obviously, this confusion, this finger pointing, can't be allowed to happen again.

We are hopeful that, as a result of these hearings, a process or guidance document can be developed for communities to follow if they are facing a situation similar to what we've had to face.

At a minimum, this guidance should answer the following questions:

- Who should be notified when elevated levels of an unregulated compound are believed to be present in drinking water;
- If sampling for this compound is not performed on a routine basis, should sampling be performed to confirm the chemical's presence? If so, what funding is available for a community to obtain the samples? How should a laboratory be identified to perform the sampling? Can New York State perform the sampling instead?
- Who specifically can a community work with to learn more about the unregulated chemical and the potential risks posed to local residents?
- How will EPA and New York State work together to determine the next steps in the investigation? Which agency will have primary responsibility for working with the community during the investigation.
- Should an alternate water supply be established for residents? If so, where would funding be available? Who will establish the program with a vendor and develop the program details? How much water should be made available for residents to ensure they receive an ample volume?
- Is it acceptable to continue showering or bathing in the contaminated water? If so, why?
- If a no-drink advisory is promulgated, what does that mean for pets and farm animals? Is it acceptable for residents to continue using the contaminated water for irrigation? For pools and hot tubs?
- Should a permanent alternate water supply be evaluated?
- Is funding available for a community to hire its own team to investigate the issue, find treatment, deal with the potentially responsible parties and with regulators, and keep residents informed?
- What information should be provided to residents about unregulated chemicals?

It's likely there are a multitude of issues that could arise when a strange, unknown contaminant is detected in drinking water. I've attempted to name just a few.

Village officials would be happy to assist in the development of such a guidance document so no community will be in the uncomfortable, unfortunate and potentially hazardous position that the Village of Hoosick Falls found itself to be.

Thank you.