

H.80

An act relating to the use of chloramine as a disinfectant in public water systems

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The general assembly finds and declares that the disinfection of public water supplies is acknowledged to be one of the most significant public health accomplishments of all time, and that:

(1) The Champlain water district is the first water system in Vermont to use the disinfectant known as chloramine;

(2) Before using chloramine, the Champlain water district was in compliance with the U.S. Environmental Protection Agency Stage 1 regulations for disinfectants and disinfectant byproducts in public water supplies, which are in effect until October 1, 2012;

(3) Since the Champlain water district began the use of chloramine as a disinfectant in April 2006, more than 80 people who use Champlain water district water have reported adverse human health effects, including rashes, respiratory problems, and digestive problems;

(4) It has been reported that people using water from the Champlain water district cannot filter out all the chemical byproducts;

(5) It has been reported that doctors lack sufficient studies to make diagnoses of the public health effect of chloramine in public water supplies;

(6) There have been no Vermont epidemiological studies on the dermal, respiratory, and digestive effects of human exposure to chloraminated drinking water;

(7) There is considerable controversy about whether the Champlain water district, the department of health and the department of environmental conservation have adequately responded to the public health concerns raised by the use of chloramine;

(8) The agency of natural resources and the department of health should work together to review the health and safety of the use of chloramine as a disinfectant and make efforts to enhance response to public health concerns raised by individuals alleging harm to health due to the use of chloramine as a disinfectant.

Sec. 2. 10 V.S.A. § 1675 is amended to read:

§ 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
REVOCATION

(a) Authority to issue, renew, or deny permit. The secretary may issue, renew, or deny a public water system permit required by this chapter. As part of this authority, the secretary may issue general operating permits for the operation of transient noncommunity water systems.

(b) Avoidance of public health hazard or risk. A public water system permit shall be issued or renewed only upon a finding by the secretary, included in the permit, that operation of the system will comply with the standards adopted under this chapter and will not constitute a public health hazard or a significant public health risk.

(1) In making this finding for the issuance of a permit for a new public water source, the secretary shall consider the probable effects of existing and likely future land use practices, including the effects of the uses of agricultural lands, that may affect the quantity or quality of the water associated with any proposed public water source, and whether such practices are likely to constitute a public health hazard relating to such source. The secretary shall not issue a permit for a new public water source if he or she determines that such existing or likely future land use practices are likely to constitute such a public health hazard.

(2) In making this finding for the issuance of a permit for ~~the addition of a new type of~~ change in type of disinfectant, the secretary shall, after consultation with the department of health, consider the likely effects on health from ~~the use of the new type of~~ a change in type of disinfectant. The secretary shall not issue a permit for a new or existing public water system if he or she determines that ~~use of a new type of disinfectant~~ the change in the type of disinfectant used will result in a health effect that is likely to constitute a public

health hazard. For the purposes of this section, a change in the type of disinfectant used by a public water system does not include increased or decreased dosage of a previously permitted disinfectant.

(c) Notice and hearing.

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(2) The secretary shall give notice to the public of each application by a public community system for the ~~addition of a new type of~~ change in type of disinfectant to be used. Notice shall be by publication in a newspaper of general circulation for the area containing the ~~proposed~~ public water system and by ~~causing a notice to be~~ posted in the clerk's office for the municipality in which the system is located. The secretary shall also give notice to appropriate state agencies. The secretary shall provide an opportunity for written comment and shall, upon request, provide for a public hearing on the application before ruling on the application. The secretary may require the applicant to submit additional information which the secretary considers necessary in order to support the findings required in subsection (b) of this section, and may refuse to grant a permit until the information is furnished and evaluated. The secretary may also consult with the commissioner of health, as necessary, in making decisions regarding health issues raised by the application. The commissioner's response, if any, shall be part of the public record for the application.

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Sec. 3. CHLORAMINE PUBLIC HEALTH IMPACT ~~TRIAL~~ REVIEW

(a) The secretary of natural resources, in consultation with the department of health and the Champlain water district, shall review the public health impact of the use of chloramine and shall continue to consult with the users of the Champlain water district whose health has allegedly been adversely impacted by the use of chloramine as a disinfectant chemical in the water supply of the Champlain water district.

(b) On or before January 15, 2010, the secretary of natural resources shall report to the house committee on fish, wildlife and water resources, the senate committee on natural resources and energy, the house committee on human services, and the senate committee on health and welfare with the information generated or collected under the requirements of subsection (a) of this section. The report shall also include a summary of the U.S. Environmental Protection Agency's literature survey of the health impact of chloramine as a disinfectant.