

The Birmingham News

New water rule sought to reduce cancer risks

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The state's environmental regulatory agency is moving toward adopting a rule to reduce the risk of cancer from the state's lakes and streams.

The Alabama Department of Environmental Management has posted a proposal to adopt a new rule requiring every water pollution permit to reduce the level of cancer-causing chemicals.

The proposal would allow a risk of cancer in 1 in 1 million people, down from the current allowance of 1 in 100,000.

To be adopted, the rule must face a public hearing, written comments from the public, and a vote by the Alabama Environmental Management Commission.

Some were surprised in December when the commission announced it would begin the process, called rule-making, to write a new standard, said David Ludder, a former general counsel of ADEM who is now represents activist groups.

"I think it is unusual," Ludder said. "But I think they were faced with a situation where the evidence clearly suggested that making this change would reduce the risk of cancer."

On the other side, he said, no one produced much evidence that the change would cause an economic burden on any group.

River advocates, environmentalists and health groups have been asking the state to tighten water quality standards for most of ADEM's 25-year history.

Usually, the department has not responded unless the change were required by federal law or a loss in court. In this case, the U.S. Environmental Protection Agency allows states to choose between the 1 in 100,000 and 1 in 1 million standard.

The proposed rule, if adopted by the commission, would apply to most of the state's waterways. But it would not apply to those that are in such perpetually poor condition that they are not suitable for fish and wildlife. There are fewer than 200 miles of such streams statewide.

In its December vote, the commission proposed a rule for 57 carcinogens that Alabama plants put into rivers, creeks and lakes. The only carcinogen left out of the rule is arsenic. Alabama already has a tougher arsenic standard than other states.

Furthermore, there is some argument that arsenic changes its form when it reaches fish tissue so that eating fish tissue contaminated with arsenic is far less harmful than it would be otherwise.

Arsenic is primarily produced by power plants and other coal users.

A public hearing will be at 10 a.m. March 19 in the ADEM building in Montgomery. Written comments are given equal weight and may be sent to:

ADEM Hearing Officer, Outreach Branch, Permits and Services Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL, 36130-1463.

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