



## Stricter rules approved for certain pollutants in Ala waters

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MONTGOMERY, Ala. (AP) — State environmental officials voted Friday to approve stricter requirements for levels of certain pollutants in Alabama waterways, which should make the cancer risk level for dozens of cancer-causing pollutants in state waters far lower than it is now.

The Alabama Environmental Management Commission voted 3-1 to lower the acceptable level of 71 pollutants in Alabama waterways. The rule change tightens restrictions for 14 non-carcinogenic pollutants and 57 carcinogenic pollutants, but excludes arsenic, a known carcinogen.

Lynn Sisk, chief of water quality management for Alabama Department of Environmental Management, said the change reduces the cancer risk level for the carcinogenic pollutants in Alabama's waters from one in 100,000 to one in a million.

Former ADEM general counsel David Ludder had petitioned the commission on the cancer risk issue on behalf of state environmental groups a year ago. The commission, which oversees the state agency, turned down that request but decided in December to begin the rulemaking process on the similar proposal approved Friday.

Sisk said the new requirements will mostly affect industries — such as chemical manufacturers, iron and steel plants and wood treatment plants, among others — that have permits to discharge those pollutants.

"Those industries that are permitted to discharge those compounds may see more stringent permit requirements," he said.

Michael Sznajderman, a spokesman for Alabama Power, one of the companies potentially affected by the more stringent restrictions, said the utility has no problem with the new requirements since arsenic was excluded.

He said Alabama Power opposed the original proposal, which included arsenic, because of the state's already stringent regulation of the element. He said arsenic, which occurs naturally, is found in small amounts in coal, so it would have been very difficult and costly for the utility's coal-powered plants to lower arsenic levels.

Commissioner Sam Wainwright cast the lone dissenting vote. Explaining his opposition, Wainwright cited prior comments by Ludder, who had questioned whether the exclusion of arsenic was based on scientific research.

Wainwright said he was concerned that the exclusion of arsenic from the more stringent requirements may seem arbitrary and could lead to lawsuits.

Commissioner Kathleen Felker said the decision to exempt arsenic was not arbitrary, that the federal Environmental Protection Agency was consulted on the new requirements. Alabama already regulates arsenic significantly more stringently than other states in the region, she said, so they didn't feel it needed to be further restricted.

State environmental groups expressed satisfaction at the commission's vote.

"I think it's a great step forward for public health in Alabama, and I commend the commission for passing it,"

Adam Snyder, executive director of Conservation Alabama, a nonprofit lobbying group, said Friday after the vote.

Snyder said environmental groups had questioned arsenic's exemption because they wanted to make sure that it was based on scientific research and not because it would benefit any particular industry.

He said he was satisfied with the new requirements as they stand and would have been disappointed if the proposal hadn't passed simply because of the arsenic exemption.

"This is something that our group has worked on for 18 months now, and I'm very happy that it has passed," he said.

The approved changes won't take effect until they are reviewed by the legislative review committee. That committee has 35 days to look them over once it receives them.

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