

DEP defends water pollution standards



Jeff Burlew, Democrat senior writer 7:09 p.m. EDT May 20, 2016



(Photo: Democrat files)

The Department of Environmental Protection is defending its proposed new pollution limits for Florida surface waters, saying they aren't weaker than current standards and won't decrease the protection they provide people

But environmental groups assert the agency is in fact weakening standards for many of the toxic compounds it allows to be discharged into the state's rivers, lakes, streams and coastal waters. And they say DEP's method of calculating limits — a process not used by any other state or the Environmental Protection Agency — allows for more pollution.

The Tallahassee Democrat reported last Sunday the state wants to weaken its restrictions on roughly two dozen cancer-causing chemicals it will allow in its surface waters. Florida is in the process of updating its standards, something it's supposed to do periodically under the Clean Water Act but hasn't since the early 1990s.

DEP Secretary Jon Steverson said the coverage "inaccurately and unfairly" depicted the agency's proposal.

"The state has some of the most comprehensive water quality standards in the country, including the most advanced numeric nutrient criteria in the entire nation," Steverson said. "We will continue to coordinate with EPA to adopt standards that will ensure our residents and natural resources enjoy clean and safe water."

DEP is updating human-health criteria for 43 dangerous chemical compounds it regulates and adopting standards for another 39 for the first time. If approved, the state would double the amount of compounds it regulates.



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But the agency would allow higher limits for more than half of the 43 toxic substances it currently regulates. And most of the 82 compounds it would regulate in total would have less stringent limits than what EPA recommends.

"We will be at rock bottom," said Linda Young, executive director of the Florida Clean Water Network.

The state says its proposed standards are designed to allow Floridians to safely eat seafood and drink tap water their entire lives. And it says the new limits would protect human health even in the most extreme cases, involving people who are exposed to more pollution through eating, drinking, showering and swimming.

Specifically, DEP officials say the vast majority of Floridians would have a lifetime incremental risk of getting cancer from the new standards of between one in 100,000 and one in a million. People highly exposed to contamination, like subsistence fishermen, would have a higher chance of one in 10,000.

New approach controversial

DEP acknowledged the numeric standards for compounds currently regulated are higher in some cases and lower in others.

"This does not reflect a weakening in standards or a decrease in protection," the agency said. "It is simply an update based on the latest science and risk models to ensure that Floridians continue to be protected from adverse health effects. DEP used only the latest, and most robust, scientific facts and figures to calculate the criteria."

But David Ludder, a Tallahassee attorney who represents the Florida Clean Water Network, said DEP's process for determining standards — the so-called Monte Carlo or probabilistic method — yields weaker limits than a competing method used by the other states and the federal government.

The more commonly employed deterministic method uses absolute values for factors including body weight and fish and water consumption. DEP is using a distribution of values for body weight and fish and water consumption that include numbers not as protective as those used in the deterministic method, he said.

“DEP justifies the change in methodology as ‘better science,’ ” Ludder said. “It may be a more precise method of characterizing the population, but it will produce higher criteria values (more allowable pollution) than the deterministic method. Bottom line is that human exposures to toxins will be higher using the probabilistic method than they would be using the deterministic method.”

Dee Ann Miller, a spokeswoman for DEP, said its method allows the state to consider the characteristics of all Floridians, not just one average weight or one fish consumption or drinking water rate. She said a scientific review panel that included the EPA and four Florida universities gave input on DEP’s technical and scientific approach, “including their preferred use of the probabilistic method.”

“This is a much more sophisticated and comprehensive analytical method that allows us to generate criteria to protect all Floridians including small children and people who eat more seafood than average,” she said.

Activist concerns

Environmental activists, doctors and scientists have expressed a myriad of concerns about the proposed new limits, including a nearly three-fold increase in allowable amounts of benzene.

They believe the proposed higher limit for benzene, a well-known carcinogen used in fracking and found in its waste water, is tied to efforts to bring the unconventional drilling technique to Florida. Last week, CREDO Action launched a petition drive against proposed standards it said “could pave the way for fracking.”

Marc Freeman, a retired professor of neuroscience at Florida State University, said benzene and many of the other compounds are endocrine disruptors, which interfere with hormones and are linked to a host of developmental and other health problems.

“The DEP folks are acting without prior information about endocrine disruptors,” he said. “I have yet to meet a DEP scientist who knows what an endocrine disruptor is.”

DEP hosted three workshops on the proposed new limits earlier this month in Tallahassee, Orlando and Stuart, and the agency is accepting public comment through June 2. The proposal could go before the Florida Environmental Regulation Commission for approval this fall. Adopted standards also must be approved by the EPA.

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Proposed DEP surface water standards

The table below shows DEP’s existing and proposed pollution standards for potable water supplies (Class I), shellfish harvesting waters (Class II) and fishing and recreational waters (Class III). The numeric values are for micrograms per liter.

CHEMICAL NAME	PROPOSED CLASS I	EXISTING CLASS I	PROPOSED CLASS III	EXISTING CLASS II/III
1,1-Dichloroethylene	300	0.057	16000	3.2
1,1,2,2-Tetrachloroethane	0.35	0.17	5.9	10.8
2-Chlorophenol	30	120	860	400
2,4-Dichlorophenol	16	93	65	790
2,4-Dinitrophenol	12	69.7	330	14260
2,4-Dinitrotoluene	0.11	0.11	3.5	9.1
2,4,6-Trichlorophenol	3.3	2.1	6.6	6.5

Acenaphthene	100	1200	130	2700
Aldrin	3.80E-06	0.00013	3.80E-06	0.00014
Anthracene	460	9600	530	110000
Antimony	2.4	14	240	4300
Benzene	3	1.18	93	71.28
Benzo(a)anthracene	0.012	0.0028	0.014	0.031
Benzo(a)pyrene	0.0012	0.0028	0.0014	0.031
Benzo(b)fluoranthene	0.012	0.0028	0.014	0.031
Benzo(k)fluoranthene	0.12	0.0028	0.14	0.031
Beryllium	11	0.0077	64	0.13
beta-Hexachlorocyclohexane (HCH)	0.018	0.014	0.033	0.046
Bromoform	15	4.3	260	360
Carbon Tetrachloride	0.95	0.25	10	4.42
Chlordane	0.001	0.00058	0.001	0.00059
Chlorodibromomethane	1.8	0.41	44	34
Chloroform	60	5.67	2300	470.8
Chlorophenoxy Herbicide (2,4-D)	1200	100	13000	
Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	160	10	570	
Chrysene	1.2	0.0028		0.031
Cyanide	3.7	5.2	5.2F/1.0M	5.2F/1.0M
Dibenzo(a,h)anthracene	0.0012	0.0028	0.0014	0.031
Dichlorobromomethane	2.1	0.27	57	22
Dieldrin	5.40E-06	0.00014	5.40E-06	0.00014
Fluoranthene	18	300	19	370
Fluorene	77	1300	94	14000
Heptachlor	0.000025	0.00021	0.000025	0.00021
Hexachlorobutadiene	0.018	0.45	0.018	49.7
Indeno(1,2,3-cd)pyrene	0.012	0.0028	0.014	0.031
Methoxychlor	0.023	0.03	0.023	0.03

Methylene Chloride	36	4.65	2300	1580
p,p'- Dichlorodiphenyltrichloroethane (DDT)	0.00015	0.00059	0.00015	0.00059
PCBs	0.000098	0.000044	0.000098	0.000045
Pentachlorophenol	0.067	0.28	0.11	8.2
Pyrene	43	960	49	11000
Tetrachloroethylene (Perchloroethylene)	23	0.8	66	8.85
Trichloroethylene (TCE)	1.3	2.7	15	80.7

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