THE VILLAGE OF HOOSICK FALLS

Municipal Building
24 Main Street
Hoosick Falls, NY 12090

Phone: 518-686-7072
Fax: 518-686-4902
village@hoosick.org
villageofhoosickfalls.com

Mayor:
David B. Borge

Deputy Mayor:
Ric DiDonato

Trustees:
Robert Downing
Kevin O'Malley
Robert Ryan
Ben Patten
Karen Sprague

Drinking Water Contamination Public Hearing

Jointly Held by the New York State Senate Standing Committee on Health and the New York State Senate Standing Committee on Environmental Conservation

Testimony Provided by Village of Hoosick Falls Mayor David Borge

August 30, 2016

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

I've lived in the Village of Hoosick Falls for more than 30 years, having moved here from North Troy. In my professional career, I worked in the New York State Department of Mental Hygiene where I managed and administered programs and services for individuals and families with developmental disabilities. I retired from the state in 2003.

It might surprise you that I didn't aspire to be Mayor. I never studied political science or government affairs, and only tangentially participated in the democratic (small d) process.

Yet I've always felt a deep rooted commitment to this community. And it's always been my opinion that one shouldn't criticize, unless willing to jump in and motivate change. So that's what I did. Initially, I was appointed to fill a vacancy on the Village Board presented when the current Trustee resigned. I was then elected to a two-year term and in the midst of that term, was elected Mayor. I am now finishing my second two-year term of Mayor.

To me, our Village, in the heart of Grandma Moses territory, is about the best the United States can offer. History was made here, in pre-Revolutionary War days and the Battle of Bennington. During the Industrial Revolution, we were a boomtown. The largest manufacturer of farming equipment in the nation — the Walter A. Wood Mowing and Reaping Company — operated within our community.

We're in relative close proximity to several cities, and yet we've retained our rural, country flavor. This is truly a community where neighbors care about neighbors, and each supports the other.

But despite these tremendous assets, our community was not thriving five to 10 years ago. In fact, our population had decreased by half, from 7,000 in the early 1900s to about 3,500 today. Local industry relocated closer to transportation routes or went out of business. Several buildings in our downtown area stood vacant. Some proposed dissolving our Village entirely.

So I decided to get involved. With the Village Board, we initiated a new effort to attract meaningful economic development to our area. We communicated with business owners to let them know Hoosick Falls was open for business. We saw to fruition construction of a state-of-the-art water treatment plant and wastewater treatment plant. And as a result, new residents began moving in and developers began to look at us anew.

Two to three years ago, we were experiencing a remarkable turn-around. Even the Albany Times Union recognized it in a piece by Chris Churchill. He wrote in September 2014, and I quote, "If you're looking for the next up-and-coming downtown, keep an eye on Hoosick Falls."

Well, I don't truly believe in tempting fate, but the Gods must be laughing at us now. For just a few weeks after Mr. Churchill's column was published, we discovered elevated levels of PFOA in our drinking water supply.

When the Village Board first heard about the potential presence of PFOA in our drinking water, we had no idea what PFOA was, let alone why its presence in the drinking water might pose a problem. However, even the appearance of contamination in the Village drinking water was reason for concern, so we immediately set out to learn more about PFOA. We worked diligently and expeditiously. The actions we've taken since Michael Hickey first communicated his concerns to us in August 2014 have been reported widely, and a detailed timeline of our actions is posted on the Village website and has been updated each month.

I understand it is your intent to delve deeply into not only the Village's response to the water crisis, but the responses of county, state and federal officials as well. So to facilitate your effort in that regard, and answer questions you might have at the outset, I'd like to summarize what transpired, from my perspective...

I met with Mr. Hickey in August 2014, at which time he told me of his concerns regarding PFOA. Mr. Hickey said he had the water sampled by a laboratory, but despite repeated requests for the data, none were provided.

I brought Mr. Hickey's concerns to the Village Board at our regularly scheduled monthly board meeting in August 2014.

I also conveyed Mr. Hickey's concerns to officials at the Rensselaer County Department of Health, which oversees the operation of water treatment plants in the county. They contacted the New York State Department of Health (NYSDOH). Ultimately, we were instructed that it was not necessary to collect water samples and have them analyzed for PFOA, based on the concerns raised. Both the county and state confirmed, via separate phone calls, that since PFOA was unregulated, nothing further was needed.

Regardless of the guidance provided by the County and State, the Board thought it necessary to address Mr. Hickey's concerns, so we elected to obtain the water samples. The results were received in November 2014 and indicated PFOA levels as high as 540 parts per trillion (ppt) — which exceeded EPA's temporary provisional health advisory for PFOA of 400 ppt. EPA's provisional health advisories are "non-enforceable and non-regulatory and provide technical information to states agencies and other public health

officials."[1] At the time, neither EPA nor New York State regulated PFOA as a hazardous substance, so neither had a specific standard for PFOA in drinking water.

After reporting the results to NYSDOH and the county health department, we met with the operators of our water treatment plant. We decided to stop drawing water from the municipal supply wells that had the elevated levels of PFOA and pump from the wells that had levels below 400 ppt. We then asked our engineers, MRB Group, to evaluate ways to potentially reduce PFOA in the drinking water.

At this time, we received a letter from the county health department, stating "the Village is in compliance with all of the regulations" of EPA, NYSDOH and the county Department of Health. The letter continued, "It is important to note that this is an unregulated contaminant and therefore there are no regulatory standards set forth by any regulatory agency with oversight of water quality that the Village is required to comply with." It also stated that the county has "engaged the NYSDOH requesting assistance on the matter."

That same month, in December 2014, we contacted local representatives of Saint-Gobain Performance Plastics to let them know about the sampling results. We speculated that the PFOA might be coming from the Saint-Gobain McCaffrey Street property because our municipal supply wells were in close proximity to that plant.

By the first of the year 2015, Deputy Mayor Ric DiDonato had completed an extensive review of information available online regarding PFOA. I was contacting various elected officials and government representatives to determine if a treatment technology existed that could remove PFOA from the water and, if so, if funding was available to pay for the technology.

We established a water advisory committee that included representatives from the county and state Departments of Health, the Town and Village, experts from the New York Rural Water Association, Saint-Gobain, a water treatment company called Water Solutions, engineers from two consulting firms (MRB Group and C.T. Male Associates), local volunteer and resident Jessica Fisher and operators of the municipal water treatment plant. Staff from the offices of Senator Marchione, Congressman Gibson, and Senator Schumer participated at some of the meetings.

On January 9, 2015, the state Department of Health provided the Village with what I and the Village Board members took as concrete guidance, in a document titled "Risk Characterization and Health Effects Language for PFOA." The document stated that the presence of PFOA in the drinking water supply "at the levels detected in the supply wells and in finished water does not constitute an immediate health hazard." Further it stated, "The detection of PFOA indicates the need to identify the sources of contamination and to take measures to reduce it so that long-term exposure can be reduced and future exposures prevented."

Let's stop here a moment...

Some have suggested that New York State officials weren't engaged, or ignored our requests for information and assistance. To the contrary, the Village Board was

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[1] Drinking Water Health Advisories for PFOA and PFOS. (July 26 2016). Retrieved from http://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos.

communicating regularly with NYSDOH and with the county. The information we received stated there was no immediate health hazard. At this point, not one regulator or health

official from the county or state told the Village Board to instruct residents not to drink the water.

The only individual who suggested that this situation was creating a health hazard and that residents should be instructed not to drink the water was Dr. Marcus Martinez, a well-known, respected local physician. Based on that suggestion, I contacted the Rensselaer County Disaster Director to request bottled water be provided for our citizens. I was told that because the water supply complied with all regulations, the county was unable to provide bottled water.

So let's recount what we knew then:

- We knew EPA had a temporary provisional health advisory for PFOA of 400 parts per trillion, which was exceeded, but the advisory was not a standard and was not enforceable.

- We knew PFOA was an unregulated compound in New York State. As such, New York State's standard for the chemical was 50,000 parts per trillion, worlds away from the maximum detection of 540 ppt found in our supply well.

- And we knew, based on what we read online primarily, that despite these facts, it was probably wise to try to reduce the levels of PFOA in our water supply to the degree possible.

If we found a technology that could reduce PFOA levels in the water, we knew it would be expensive, so we began an effort to identify state or federal grants that might help us. An individual in California provided me with the contact information for Dr. Joyce Donohue, EPA's key scientist working on PFOA-related issues. I asked NYSDOH and our engineers to contact her. Our engineers spoke with her in mid-March 2015. She said because PFOA was a non-regulated contaminant, EPA had little authority to deal with its removal. She was unaware of any funding that might be available for treatment technologies, due to the fact that PFOA was an unregulated compound.

Over the next several months, through the summer of 2015, the Village continued its efforts to identify a treatment technology for the PFOA contamination. Our engineers initiated a pilot study with Calgon Carbon Corporation to determine if a Granular Activated Carbon (GAC) filtration system (GAC) could effectively reduce PFOA in the local water to acceptable levels. In addition, having been in continual contact with me and other Village personnel, Saint-Gobain initiated a voluntary exploratory sampling program at its property on McCaffrey Street at that time.

Regardless of the Village's diligent efforts, we were unable to secure funding for a temporary GAC system, which was proven to effectively reduce PFOA in our local water by the pilot study our engineers performed. As a result, in September 2015, I contacted Michael Morris, the Governor's representative for the Capitol Region, to request a meeting with Governor Cuomo. I was directed to Peter Walke, then Assistant Secretary for the Environment, and Sabrina Ty, President and CEO of the state Environmental Facilities Corporation.

That meeting never occurred, however, because shortly thereafter, after receiving the results of its sampling program, Saint-Gobain informally offered to fund a GAC treatment system at the Village water treatment plant. Village officials asked that the company provide alternate water to Village residents until a treatment system could be obtained and installed at the water treatment plant. While Saint-Gobain agreed to assist in some manner, negotiations were needed to work out the details. These discussions continued for approximately one month and a free bottled water program for Village residents was established at a local supermarket by November 29.

Please remember that all of these activities unfolded due to the persistence of Village officials and the cooperation of Saint-Gobain. County, state and federal agencies were aware of our activities, but none were advocating a specific course of action. And no regulatory authority was suggesting that residents should refrain from drinking or cooking with the water.

In early November 2015, I received a telephone call from Paul Simon, an attorney at EPA Region 2. This was the first communication I received from EPA Region 2. Mr. Simon asked several questions regarding the Village's actions to address the PFOA contamination. It was a fairly lengthy call during which I provided information about the GAC pilot study and our negotiations with Saint-Gobain. He seemed satisfied with the Village's response. He asked that we review some of the information we had posted on our Village website, which we did. No additional follow-up actions were requested or advised.

Then, the day before Thanksgiving 2015, and relatively out of the blue I might add, we received a letter from EPA stating that the Agency did not have funding available to address the PFOA situation. However, the letter stated, "Based on the presence of PFOA above 400 ppt in Hoosick Falls public drinking water supply wells, it is recommended that an alternate drinking water source (e.g., bottled water) be provided to the users of the Hoosick Falls public water supply, until such time as PFOA concentrations in drinking water are brought consistently below the 400 ppt level. EPA also recommends that during this period, drinking water from the public water supply not be used for cooking (e.g., boiling pasta, making soup, steaming vegetables, etc.)."

Fortunately, as I mentioned earlier, the Village had arranged for free bottled water to be available at a local supermarket prior to receipt of EPA's letter. Residents would be able to obtain free bottled water on November 29, 2015. Information about the program was already posted online and an advertisement describing the program was scheduled for publication in our local weekly newspaper. Finally, a letter to residents was in production to let them know about the bottled water program.

Yet EPA's recommendation appeared to conflict with the information we received from NYSDOH in December 2014 and January 2015. That information stated there was no immediate health hazard posed by the PFOA in the water and nothing further was needed on the Village's part to address the situation. At this point, given the glaring contradiction, we asked NYSDOH for clarification.

Before receiving anything further, we proceeded with an already-scheduled open house and information session on December 2, 2015. Officials from the county health department, NYSDOH, the New York State Department of Environmental Conservation

(NYSDEC) and Saint-Gobain attended, among others. NYSDOH distributed a fact sheet there, dated December 2015, that stated the following:

- "Are health effects expected given the PFOA levels found in the Hoosick Falls Public Water System? No. Based on our evaluation using data collected by NYS DOH in the summer of 2015, we do not expect health effects to occur from normal use of the water if PFOA levels in the past were similar to those seen in 2015, and future PFOA levels decrease or remain the same."

- "Our evaluation indicated that the estimated drinking-water exposures to PFOA are lower than the estimated exposures associated with health effects in both children and adults. Although the margins-of-protection are not as large as those provided by the health advisory, the margins-of-protection are still large enough to indicate that health effects are unlikely from short-term (weeks to months) or long-term (years) exposure to PFOA at the levels detected in the water system."

- "If tap or well water is found to contain PFOA, people may consider use of bottled water for drinking and food preparation or the installation of water filters to reduce exposure."

I'm sure you can imagine our confusion, frustration and alarm when EPA issued a statement to the press only days later, on December 17, urging residents to stop using municipal water for drinking and cooking and instead use bottled drinking water. The Village received no advance notice of this action, although we did receive a copy of the media announcement at the same time it was issued to the press.

Realizing the urgency of the situation, I mailed a letter the very next day to Village and Town municipal water customers, providing a copy of EPA's statement. The letter stated my support for EPA's recommendation and reiterated that free bottled water was available at a local supermarket for drinking and cooking. The letter was posted immediately on the Village's website.

I've likely continued way beyond my allotted time. This takes us to the point where, in January 2016, New York State issued an emergency regulation classifying PFOA as a hazardous substance. At the same time, the Governor classified the Saint-Gobain property and other possible sources of contamination that may be identified in Hoosick Falls as state Superfund sites and dedicated significant resources to investigate and address PFOA. I'd be happy to answer any questions you have about the events that I discussed, or what transpired later in 2016.

But, before I turn over the microphone, I'd like to leave you with the following:

The Village Board received ongoing guidance and assistance from county, state and federal health officials, from NYSDOH, NYSDEC, and from the Governor's office, from county, state and federal elected representatives, and from academics, engineers and technical folks — some of whom had never set foot in the Village of Hoosick Falls. The Village Board had little means to deal with a situation of this magnitude, so we thank them for the guidance that they did provide. Most important, we thank local residents for their patience and support as we struggled to respond to this crisis.

All of the Village Trustees, myself included, as well as the entire community of Hoosick

Falls, are hopeful that, as a result of these and other 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 — where an unregulated chemical is detected in a municipal water supply, a waterway, in groundwater, in soil or in the air. Certainly, no experience will be exactly the same as ours. But with evolving technologies and the ability to find contamination in our environment at lower and lower levels, more and more communities will likely find themselves in similar situations.

I hope there is a clear path for communities to follow — one that explains the steps that ought to be taken, what regulators the community ought to be working with and the information to provide to residents, so there's a greater degree of clarity and transparency. It would also help if this guidance described how state and federal agencies would work together, and with the community, to study and address the issue.

Second, and this may be obvious. A community is stronger when everyone pulls together. Unfortunately, when a situation like this occurs — one that arrives suddenly, with serious potential implications for your health and that of your family — it can drive a community apart. It can lead to finger-pointing, criticism, anger and frustration. I'm proud that our community has been able to stand together to move forward through this crisis. We've certainly had our share of active, and sometimes loud, discussions and debate. But we're all focused on attaining the same goal — to ensure our water is the cleanest available and that whatever PFOA exists in our environment is cleaned up quickly and thoroughly by those responsible.

Finally, I'd like to encourage EPA and New York State to expedite the process for evaluating the non-regulated chemicals that exist in our world today. I realize this is no small task, with 80,000 known but unregulated chemicals out there. But EPA has been evaluating PFOA since the 1990s. Taking 20 years to develop clear standards for chemicals that are associated with cancer and other serious and potentially fatal disorders isn't good enough for the people of the United States.

Thank you.