

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 28, 2000

LB 1234

containing MTBE can be more difficult and costly to clean up than petroleum releases which do not contain MTBE. In December of 1997, the EPA issued a drinking water advisory for MTBE. This is not a regulation of MTBE but a recommendation that drinking water containing concentrations in the range of 20-40 parts per billion of MTBE would not have taste and odor effects for most people. In other words, a threshold limit of less than a minimum of 40 parts per million might be safe although there isn't an actual set threshold at this time, because these levels are four to five orders of magnitude lower than the lowest concentration that caused observable death effects in animals. EPA has determined that a lifetime health advisories for MTBE cannot be determined at this time. Over 20 states, including Nebraska, Kansas and Wyoming...including neighbors Kansas and Wyoming, have established some regulatory guidelines or standards for MTBE, contamination in groundwater or drinking water. If EPA decides to establish a maximum contaminant level for MTBE, the process could take ten years or more. There is currently an effort that we have seen recently in Washington to have Congress enact that into law. There's also the EPA that is currently looking at requiring it. That process is time-consuming and before anything is done, there has to be the public comment period and that lengthy process could be problematic for the continued contamination. As part of its petroleum tank cleanup program and implementation of the recently approved risk-based corrective program, NDEQ has been requiring approximately 40-50 Tier I site investigations per month and that's since June of 1999. At each of these investigations, sampling and analysis for MTBE are required. These investigations usually take several months to complete. In the past couple of months, 54 reports on these investigations have been received and reviewed by NDEQ. So far, and the latest that I have heard, we started with five and then it was seven and we went up to 19. I believe that there are 23 sites in...that we have identified just in the last couple of months that have tested positive for MTBE in groundwater with a number of variances in their readings. These sites are located across the state, including Lincoln and Omaha. Currently, the Department of Environmental Quality has 3,648 tanks on its known list of leaking underground storage tanks. We have already closed...