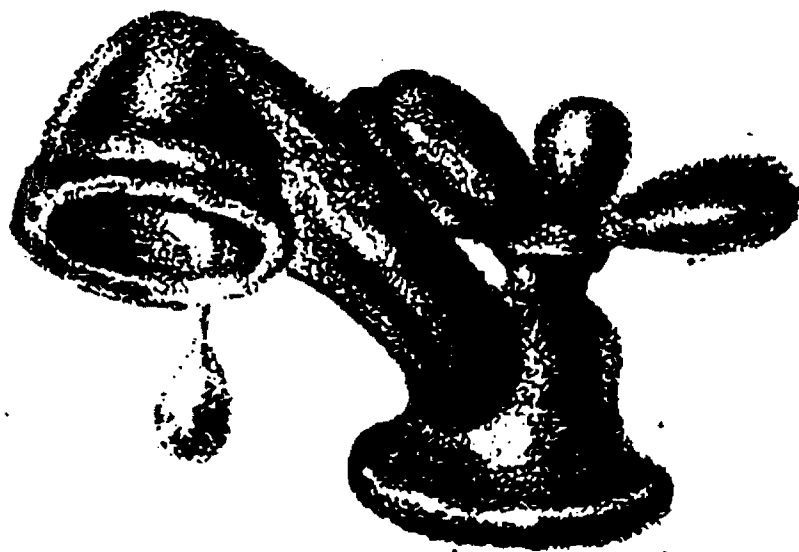


National Drinking Water Advisory Council Meeting Minutes



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U.S. ENVIRONMENTAL PROTECTION AGENCY

NATIONAL DRINKING WATER ADVISORY COUNCIL

Minutes of Meeting
April 12 and 13, 1990
JFK Federal Building, Room 2003
Boston, MA 02203

AUG 20 1991

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**U.S. ENVIRONMENTAL PROTECTION AGENCY
NATIONAL DRINKING WATER ADVISORY COUNCIL
April 12 and 13, 1990**

A meeting of the National Drinking Water Advisory Council (NDWAC) was held at the JFK Federal Building in Boston, MA on April 12 and 13, 1990. The following members were present:

J. James Barr
Mary Jane Forster
John Gaston, Chairperson
Donald R. Hickman
Charles W. Kreitler
Frederick A. Marrocco
Joseph A. Millen
Richard L. Shank (absent 4/13)
John Squires
Thomas E. Stephens
Suzi Ruhl
Douglas P. Wendel
Chris J. Wiant
Douglas Yoder

The following member was absent:

James Collins

Also present during all or part of the meeting were:

Julie Belaga, Administrator, U.S. EPA Region 1
Michael B. Cook, Director, Office of Drinking Water (ODW)
Sharad Deshpande, Market Development Manager, Culligan Corporation
Bob Dufresne, Dufresne and Henry Consulting Engineers
Marian Mlay, Director, Office of Ground-Water Protection
William O'Neil, Camp Dresser & McKee, Inc.
David Langsfeld, CPC Engineering
Charles Larson, U.S. EPA Region 1, Ground-Water Management and Water Supply Board
Ray Raposa, New England Water Works Association
Philip Sagnelli, Culligan International
Dave Terry, Director, Massachusetts DEP, Division of Water Quality
Diane Van Di Hei, Association of Metro Water Agencies
Charlene Shaw, Designated Federal Official (NDWAC)

Registered at meeting:

See Attachment A

April 12, 1990

I. Opening Remarks and Welcome

Mr. John Gaston, Chairperson, opened the meeting by welcoming participants and recognizing new and re-appointed council members. He then introduced Julie Belaga, Administrator of EPA Region One, and invited her to begin the meeting with some remarks to the Council.

II. Setting the Agenda for the Office of Water

Mr. Cook, Director of the Office of Drinking Water, presented the following major issues facing ODW.

- Pending Programs and Legislation. ODW is monitoring the progress of a number of bills and EPA programs as they approach initial approval or reauthorization. These topics include the Safe Drinking Water Act, pollution prevention legislation, the Clean Water Act, risk-based planning and budgeting initiatives, quality management focus, and international drinking water issues. Research is underway to prepare a statement of ODW positions and roles relating to these bills.
- Rule Development. ODW is in the process of developing and implementing rules affecting microbiological contamination, lead, radionuclides, and disinfection by-products. The main objectives are to simplify regulations, standardize monitoring techniques, and make resources available for expanded state testing efforts.
- Enforcement Strategy. A recent Agency mandate has initiated a new ODW enforcement strategy. Under the new strategy, the following policies have been adopted: (1) long-standing violations are a lower priority than more recent violations, and are termed exceptions; (2) the definition of significant non-compliance has been revised for purposes of prioritization; and (3) a mobilization strategy stressing small system support in the form of technical training and information dissemination.
- Underground Injection Program. Efforts are being made to process petitions from hazardous waste injectors before the deadline. Class II regulations are being revised to address a number of concerns. Also, emphasis is being given not only to the now illegal Class IV wells, but also to expanding the program covering other shallow injection wells. Grant programs for Class V are also being expanded.
- Ground- and Surface Water Protection. The objective in this area is to coordinate and integrate ODW work related to the public water supply and underground injection with ground-water, surface water, and water source protection policy throughout the Agency. ODW is working closely with the Wellhead Protection Program and the Surface Water Protection Program in support of state-level strategic ground-water planning. There is particular interest in the pending Farm Bill as it relates to ground- and surface water protection.

III. Agenda Subcommittee Report

Mr. John Squires then presented the Agenda Subcommittee's recommendations, as contained in the draft proposal, for improving the Council's operating procedures. The following conclusions and recommendations were made:

- The current structure, consisting of four subcommittees, is appropriate. No change in Council structure was recommended.
- At its next meeting, each subcommittee should review its purpose and prepare a brief written statement of purpose and approach.
- Subcommittees should select a Vice Chairperson to act in the absence of the Chairperson.
- Conference calling should be used, if necessary, to facilitate the completion of subcommittee work and to provide greater subcommittee continuity between Council meetings.
- ODW should assign "division directors" to serve as permanent liaison between ODW and each subcommittee. This person will be responsible for a range of support activities, including assisting subcommittee chairs with agenda items, putting together written and verbal background materials and briefings, and developing summary sheets of key discussion issues.
- The Agency should limit the formal briefings to the first day of the subcommittee meetings to allow time on the second day for deliberation and discussion.

The Agenda subcommittee also discussed the need to institute the following changes in the Council's operating procedure: improving the content and the distribution of the Council agenda; balancing the Council's discussion focus between current and emerging issues; standardizing the system of subcommittees within subcommittees and ad hoc groups; instituting a regular review of the Council's performance by the Agenda Subcommittee; clarifying the purpose of any panels that present to the Council or subcommittees; and developing a policy of presenting Council recommendations to the Deputy Administrator on a regular basis.

IV. Report of the Health, Science, and Standards Subcommittee
(Attachment B)

Following a brief break, Mr. Joseph A. Millen, Chairperson, summarized the following Health, Science, and Standards Subcommittee discussion and recommendation topics: the status of work by the EPA Lead Rule Work Group, followed by four recommendations; resolutions for styrene and nitrate MCL's under Phase II, it was recommended that the Agency continue to examine styrene and nitrate policy options; Phase V status; review of the significant progress on Consolidated Monitoring, five recommendations were made; a summary of radon and other radionuclides; revision of the National Drinking Water Priority List; and guidance for determining Unreasonable Risks to Health (URTH). After discussion and amendment (referring the recommendation regarding the revision of the National Drinking Water Priority List to the Legislation and Public Outreach Subcommittee) the report was passed with abstentions on April 13, 1990.

V. Report of the Legislation and Public Outreach Subcommittee
(Attachment C)

Ms. Suzi Ruhl, Chairperson, presented the following subcommittee meeting topics: the purpose and function of the subcommittee; pending federal legislation affecting drinking water (e.g., the Farm Bill, Safe Drinking Water Act, and the Conservation Enhancement and Improvement Act); an overview of EPA's Mobilization Program, particularly how it relates to the Safe Drinking Water Act and state drinking water programs; and the next meeting agenda. The report, and five recommendations, were unanimously approved by the Council on April 13, 1990.

VI. Panel Discussion on Small Drinking Water Systems

Mr. Millen, acting as moderator, introduced the four panel members, Sharad Deshpande, Bob Dufresne, Dave Langsfeld, and Dave Terry. Mike Cook opened the discussion by outlining the technology-related goals and activities within the mobilization program. These items included developing technology in an effort to demonstrate the effectiveness of small package type technologies, gaining state approval for new package technologies, developing a major technology information clearing house, financing new technologies, and establishing a task force to review in-place technology.

Mr. Dufresne, of Dufresne and Henry Consulting Engineers, then presented and discussed cost figures for the construction and operation of five small water treatment systems (0 to 1,000,000 gallons per day).

Mr. Terry, Director, Division of Water Quality, Massachusetts DEP, discussed the status of small drinking water systems in Massachusetts, focusing on present and future challenges. He touched on a number of general trends and specific small system-related issues, including the need for more funding; institutional problems at the local level, and the need for regionalization; providing resources and guidance to small systems; dependence on ASMA's findings in terms of new technologies; researching and evaluating existing legislation and programs in other states in an effort to propose new legislation in Massachusetts.

Mr. Deshpande, Market Development Manager, Culligan Corporation, addressed common problems plaguing small drinking water systems, and solutions to those problems, from the equipment manufacturers point of view. These topics included financing the cost of small system compliance and the possibility of developing a rate structure based on costs; the advantages of usage-based programs; the importance of forecasting growth and planning for adequate equipment expansion and emergency reserves; the merits of operator training programs; and the need for manufacturers to ensure equipment performance through ongoing contracts and extended performance guarantees.

Mr. Langsfeld, CPC Engineering, elaborated on the importance of the operator in the success of small systems. His discussion included the following subjects: the need for improved and standardized levels of operator training and training programs; training programs involving interactive, hands-on training, practical plant tests, and information presented in small, digestible parcels; the importance of operator motivation, certification, and recertification; the active role operators must take in the plant design process so that plant size and sophistication meet the needs of the community and the operation staff.

Following a brief break, Mr. Millen moderated a question and answer session on small drinking water systems.

VII. Report of the State Programs Subcommittee

Attachment D

Mr. Thomas Stephens, Chairperson, briefly presented the proceedings from the last meeting of the State Programs Subcommittee, including the need for public comment on Unreasonable Risk to Health (URTH); the subcommittee decision not to comment on affordability; variance and exemptions; state capacity and the need to increase efficiency and reduce the number of systems through regionalization and consolidation; and ODW training strategies. ODW strategic planning, primacy implementation, PWS enforcement initiatives, reauthorization of SDWA, and a method for recognizing successful systems were also mentioned. The subcommittee made five recommendations and selected Fred Morraoco as the Subcommittee Vice Chairperson. After discussion, the report was approved with some opposition and abstentions on April 13, 1990.

VIII. Report of the Ground-Water/UIC Subcommittee
Attachment E

Mr. Douglas Yoder, Chairperson, summarized the discussion and recommendations of the recent subcommittee meeting. A progress report from the Wellhead Protection Program highlighted that 30 states have submitted protection plans. Pending legislation, the Farm Bill is the most significant piece of upcoming legislation. The work of the Ground-Water Task Force on state-federal interaction and the EPA's Ground-Water Strategy was reviewed. Recommendations were made in these areas: EPA's Statement of Ground-Water Principals; the use of MCLs in prevention and cleanup programs; oversight of state protection programs; deferral of EPA programs to state UIC designations; and the disbursement of federal funds. Underground Injection Control discussion topics included Class I, II, and V wells and the Toxic Characteristic Leaching Program. After discussion and amendment (wording change to the recommendation regarding EPA's Statement of Ground-Water Principals), the report was passed with some opposition and abstentions on April 13, 1990.

IX. Agenda Report

Mr. Squires expressed the Council's appreciation to all of the guest panel members. He offered the recommendation that Council members be approved by EPA in a more timely manner. He also announced the dates and locations for the next two Council meetings.

Winter Meeting:	December 3-7, 1990 Washington, D.C. Possible focus: Mobilization and Legislation
Spring Meeting:	April 8-12, 1991 Miami, FL

April 13, 1990

X. Report from the Office of Ground-Water Protection

Ms. Marian Mlay, Director of the Office of Ground-Water Protection, presented background information about EPA's Ground-Water Task Force. The Task Force is in the process of developing a number of papers concerning major ground-water issues, including future ground-water research needs and establishing a ground-water data management network. Several of these papers are currently in the public comment process. The two most significant issues before the Task Force are the need to establish a clear and concise EPA Ground-Water policy statement and to review the Agency relationship with state government. In general, the Task Force believes that EPA should not deviate from the present approach, one that assesses ground-water protection in terms of its affect on human health and on ecosystems. Under Task Force development is a paper covering a range of state ground-water program issues. The report is intended to provide input to the development of Agency ground-water policy and legislation guiding the interaction between federal and state ground-water organizations. The Task Force is also working closely with a number of states to develop comprehensive ground-water management strategies.

XI. ADJOURNMENT

Council discussion continued on subcommittee reports and all reports were accepted, with amendments to all but the Legislation and Public Outreach Subcommittee Report. Having completed all business before the Council, Chairperson Mr. John Gaston adjourned the meeting.

I certify to the best of my knowledge
that the foregoing minutes are
complete and accurate.

A handwritten signature in cursive script, appearing to read "John Gaston", written over a horizontal line.

John Gaston,
Chairperson

A handwritten signature in cursive script, appearing to read "Charlene Shaw", written over a horizontal line.

Charlene Shaw,
Executive Secretary

ATTACHMENT A
REGISTERED AT THE MEETING

**NATIONAL DRINKING WATER ADVISORY COUNCIL
MEETING REGISTRATION**

**April 12 and 13, 1990
Boston, MA**

**Donna Cirola
Culligan International
One Culligan Parkway
Northbrook, IL 60062**

**David Langsfeld
312 Shavano
Crested Butte, CO 81224**

**Charles Larson
Ground-Water Management and Water Supply Board
2203 JFK Building
Boston, MA 02203**

**William O'Neil
Camp Dresser & McKee, Inc.
10 Cambridge Center
Cambridge, MA 02142**

**Ray Raposa
New England Water Works Association
42-A Dilla Street
Milford, MA 01757**

**Phillip Sagnelli
Culligan International, Research Office
86 Nearwater Lane
Darien, CT 06820**

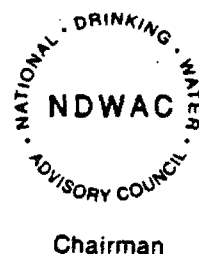
**Diane Van Di Hei
Association of Metro Water Agencies
1717 K Street NW, Suite 1006
Washington, D.C. 20036**

ATTACHMENT B

HEALTH, SCIENCE, AND STANDARDS SUBCOMMITTEE REPORT



NATIONAL DRINKING WATER ADVISORY COUNCIL
401 M Street, S.W.
Washington, D.C. 20460



Advisor to The Environmental Protection Agency, Office of Drinking Water (WH-550)

Report of the
Health, Science & Standards Subcommittee
April 9 and 10, 1990

Members Attending:

Joseph Millen, Chairperson
Chris Wiant
Frederick Marrocco

James Barr
Richard Shank
Charles Kreidler

The Subcommittee met on April 9 and 10, 1990. Updates were obtained on issues as stated below.

Lead Rule

EPA presented the latest Work Group status regarding this highly controversial and much spotlighted issue.

EPA's schedule is:

Work Group Closure - June 1990
Red Border Review - August 1990
OMB Review - October 1990
Promulgation - December 1990

EPA is favoring a treatment technique approach with a No Action Level (NAL) standard based on monitoring at the tap. Lead Service Line Replacement (LSLR) would be part of the rule as would a "demonstration" requirement should NAL's be exceeded after application of treatment technique, optimization and Lead Service Line Replacement (SLR), as required on the basis of ownership/control.

Public education would begin upon exceeding established NAL's. If after treatment, optimization, LSLR and "demonstration", NAL's are still exceeded, an "in compliance" status would be allowed for the system.

Failure to take remediation steps in accordance with the rule would result in non-compliance and Public Notification. Lead Service Line Replacement would apply only if the utility had ownership of the line; otherwise, the utility would be required to encourage LSLR by the property owner at the property owner's expense.

Monitoring would be targeted. Non-residential monitoring would be allowed as part of the program.

Use of an NAL in lieu of an MCL is based on an inability to create an MCL from the data presently available for corrosion optimization and the corresponding lead-at-the-tap values.

The NAL standard is not yet established, but would not be greater than a value of less than or equal to 20 ppb in 90% of the samples.

Recommendation:

With regard to this complex and evolving issue, the Subcommittee recommends the following:

1. EPA must move on this rule and not exceed the time limits stated above.
2. Allowing that insufficient data are present to create an MCL, the Subcommittee supports a No Action Level and treatment technique approach to compliance.
3. A Lead Service Line Replacement requirement should be part of the proposed rule. Time phased implementation of lead service line replacement is to be allowed.
4. EPA should aggressively continue rule development and keep interested parties apprised of its progress.

Phase II

The comment period closed 8/22/89. ODW is responding to and reviewing comments. No Agency resolution has been taken regarding styrene. No resolution has been taken regarding the Nitrate MCLG, although the Office of Drinking Water (ODW) favors 10 mg/l.

Recommendation:

1. Styrene and Nitrate should continue to be addressed with regard to MCL's. Particular sensitivity should be directed to the current Nitrate MCL and the suggestion of possible reduction of that MCL to 1.0 mg/l.

The broader impacts of a potential reduction of the Nitrate MCL to 1.0 mg/l from 10.0 mg/l should be taken into account by the EPA in light of the ramifications such a change would have.

2. Stay on Work Group closure schedule of June 1990.

Phase V:

A status report was given on this proposal for 24 standards. The proposal is at OMB for review with the proposal scheduled for June 1990. The financial impact of this rule is significantly affected by the sulfate MCL. Beyond a status briefing, the Subcommittee engaged in no further discussion.

Consolidated Monitoring

An extensive review of Consolidated Monitoring was conducted. The subcommittee was excited about the progress and likes the program that is being prepared. The program should achieve its goals of reducing complexity, providing flexibility, affecting cost reductions and increasing compliance of source related contaminants. The 3/6/9 phase in program is logical and while extending time lines for monitoring, only does so by 3 to 6 months; but, allows measurable improvements in smoothing out monitoring requirements in return. State flexibility is retained through an EPA umbrella which requires that all systems establish a monitoring program, but allows States to issue waivers on the basis of non-vulnerability for 3 year effective periods.

Recommendations:

1. EPA has as a result of this Work Group, identified deviations in definitions (common language) from one rule to another. EPA should make a concerted effort to standardize definitions and language whenever possible.
2. The monitoring guideline or framework should address a "what if" situation where awareness of a problem occurs prior to the first monitoring cycle and that the State is responsible for dealing with the "awareness" issue and putting forward a monitoring requirement if needed.
3. EPA Phase V Final Rule should be placed on a schedule for June 1991 promulgation. This will allow Phase II and Phase V to be co-implemented for monitoring, thereby further streamlining with potential cost reduction.
4. The Subcommittee likes the source monitoring consolidation approach so much that it feels an EPA Workgroup should be set-up to develop a concept and draft approach for distribution monitoring consolidation. Representative input from State regulators and water utilities should be taken as part of this effort. A total quality approach of resource protection, source monitoring and distribution monitoring with attendant and validated relaxation of monitoring based on waiver requirements would encourage source protection and improved operations.

5. EPA should provide technical guidance and assistance to States that would like to set-up or better organize their electronic data storage so that the data about to be widely collected can be integrated and evaluated on a National basis.

Radionculides

A summary briefing was conducted. It was noted that the Radon MCL possibly will be between 200-500 pCi/l versus 200-2000 pCi/l. The Subcommittee would like an in depth brief on this issue in December 1990.

Revision of the National Drinking Water Priority List

Phase VI's list is published. Phase VII's list is being developed. Twenty-five new MCL's are to be promulgated every three years. A review of Phase VI and VII is requested for December 1990.

Recommendation: (NOTE: On 4/13/90, this recommendation was referred to the Legislative/Public Outreach Subcommittee for further discussion.)

EPA should begin education to cause consideration that under reauthorization, a National Occurrence Survey should be conducted to establish the basis for additions to the priority list in lieu of the "every three years new twenty-five approach."

Guidance for Determining Unreasonable Risks to Health (URTH)

Extensive discussion occurred on this issue. URTH is intended to be guidance for the States to use in issuance of variances and exemptions. The Subcommittee supports the concept of URTH and its intended use by the States. The potential confusion between URTH, MCLG and MCL remains a major concern. URTH is currently in process as a policy. The Subcommittee does not object to the policy approach, but is concerned that a rushed program without involvement in the discussions by the public, regulators, other programs and interested parties will create problems in implementation. (It is noted that as a result of discussions on 4/12/90, at the full Council meeting, EPA has always intended to and will take public comment on the "URTH" policy.)

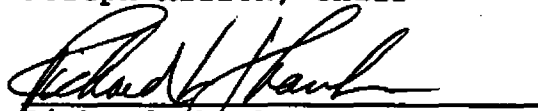
Recommendations:

1. The Subcommittee recommends that public input and discussion be obtained with respect to URTH. It is the Subcommittee's opinion that without dialogue, URTH concepts and URTH values will be misread. Additionally, cross program dialogue within the Agency is needed. While this may slow progress, it is more likely to result in an understood and accepted concept.

2. Time dependency with regard to URTH is important. Variances issued under No Unreasonable Risk to Health need to be time limited on the basis of the contaminant involved.
3. EPA should be cautious with regard to use of URTH values and ensure that URTH values not be permitted to be used as precedence values for other programs such as CERCLA, RCRA (i.e. more lenient risk values or clean up levels).

MINUTES APPROVED:

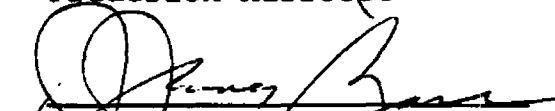

Joseph Millen, Chair



Richard Shank


Charles Kreidler

James Collins (Absent)

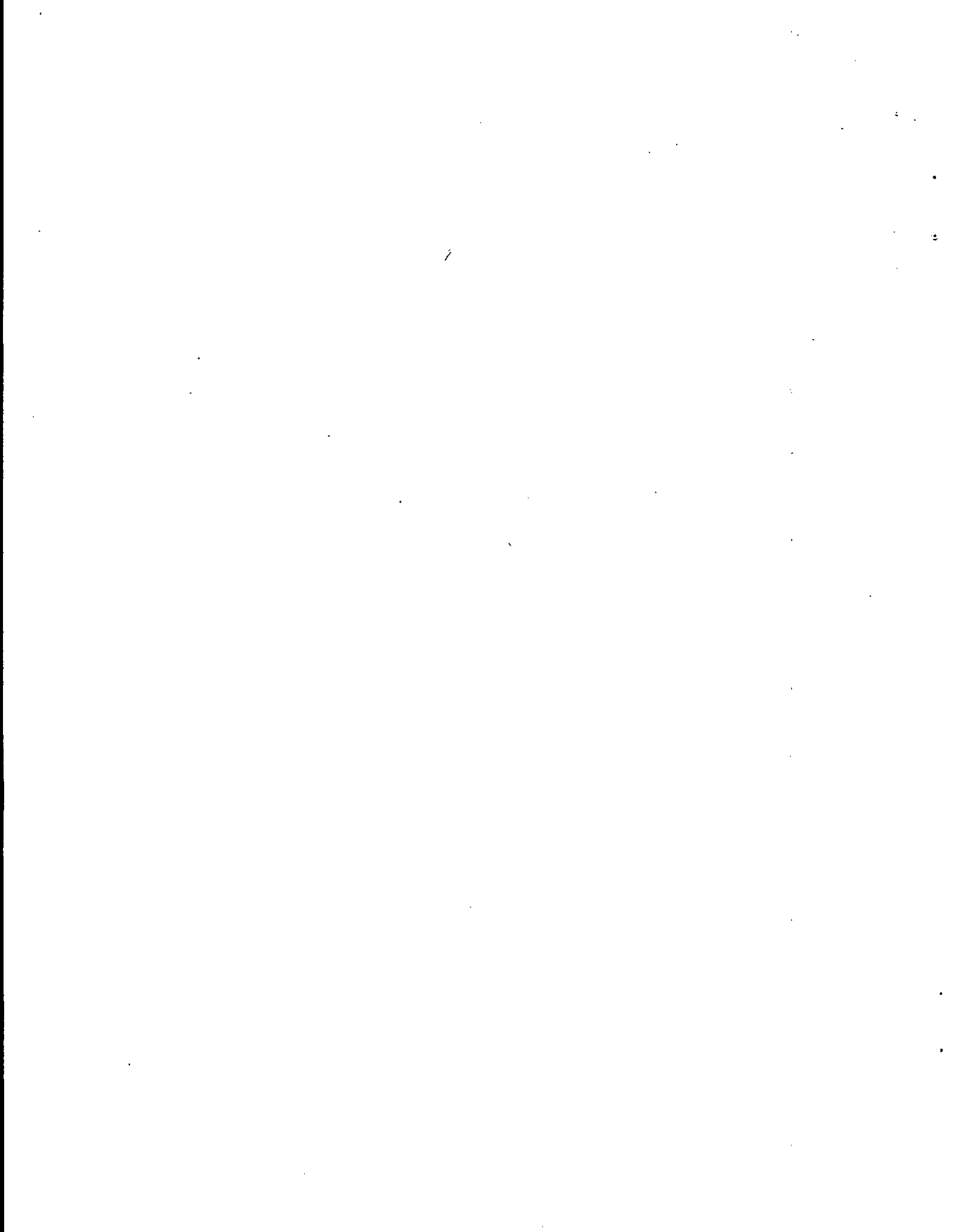

Frederick Marrocco


James Barr


Chris Wiant

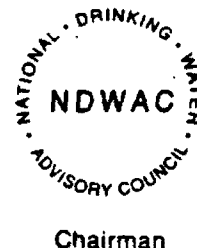
ATTACHMENT C

LEGISLATIVE/PUBLIC OUTREACH SUBCOMMITTEE REPORT





NATIONAL DRINKING WATER ADVISORY COUNCIL
401 M Street, S.W.
Washington, D.C. 20460



Advisor to The Environmental Protection Agency, Office of Drinking Water (WH-550)

Report of the
Legislative/Public Outreach Subcommittee
April 9 and 10, 1990

Members Attending:

Suzi Ruhl, Chair
John Squires
Thomas Stephens
Douglas Wendel
Mary Jane Forster
Don Hickman
Doug Yoder

Others Attending:

Charlene Shaw
Carl Reeverts
Clive Davies

Topics Discussed:

1. Purpose and Function of the Subcommittee

In an effort to clarify the role of the Subcommittee, members recommended the following purposes:

- (1) Evaluate the Mobilization Program;
- (2) Recommend legislative changes for drinking water issues;
- (3) Review budget and allocation levels.

2. Pending Federal Legislation Affecting Groundwater

The Subcommittee received two written reports regarding drinking water legislation. The first was a legislative summary of bills currently pending in Congress. Regarding major environmental initiatives, none of the RCRA bills contain provisions relating to drinking water, and only one of the half dozen bills related to the Farm Bill contains provisions directly related to drinking water (the Conservation Enhancement and Improvement Act provides for a voluntary well water testing program). The second report addressed State legislative options for compliance with the Safe Drinking Water Act, and was prepared by the National Conference of State Legislators.

The Subcommittee also expressed a strong interest in the Safe Drinking Water Act reauthorization efforts. Specifically, the Subcommittee would like to be fully apprised of EPA efforts, to be involved in issue identification as early as possible in EPA's deliberations, and to solicit suggestions from those regulated by and benefitting from the Safe Drinking Water Act.

3. Mobilization Program

Charlene Shaw and Carl Reeverts provided an overview of EPA's Mobilization Program. It was emphasized that this program is one of three major initiatives to implement the Safe Drinking Water Act, and involves the formation of action-oriented partnerships among EPA, State Drinking Water Programs, and organizations representing constituencies affected by the 1986 Amendments.

Carl Reeverts highlighted two (of the 6) program initiatives which are of highest priority. The first is the State Capacity Initiative, which focuses on State Executive and Legislative decision makers to gain support for increased resources for State drinking water programs. The second is the Institutional Support Initiative, which focuses on systems serving less than 3,300 people and the State institutions which govern their operation. EPA is expanding its network to include non-traditional drinking water organizations, such as the construction industry, and mobile home park operators.

Charlene Shaw discussed the Public Education Initiative, which focuses on the general public and seeks to build an understanding of safe drinking water as a valuable commodity. ODW has undertaken a variety of activities pursuant to this Initiative. These include a slide show, specific subject, general public pamphlets, National Drinking Water Week, Earth Day activities, a drinking water exhibit, the Safe Drinking Water Hotline, an Office Bibliography of available information, and a focus group to develop a public education strategy.

Recommendation:

1. Doug Wendel is designated as Vice-Chair of this Subcommittee.
2. Arnold Kuzmack is recommended as Subcommittee liaison for legislative issues, and Peter Shanaghan is recommended as Subcommittee liaison for Mobilization issues.
3. The Subcommittee expressed concern that staffing and budget levels for the mobilization program appear inconsistent with goals of the program. Members therefore request additional information, as described below, so that detailed comments can be provided at the next meeting.
4. Regarding production of literature on drinking water, the Subcommittee suggested the following:
 - (a) to increase vestedness of the target groups of the Mobilization Program, request these groups to review drafts of documents.

(b) EPA should on occasion provide camera-ready documents to organizations for their production and distribution to increase utilization of their documents. These final draft documents should allow the individual groups to insert their logo, to establish vestedness, while continuing to give EPA credit for the brochure.

(c) A suggested theme for another brochure is to provide why water will cost more (e.g. increase in contamination).

5. The Subcommittee discussed the need for measures to prevent the proliferation of small water systems, and to encourage consolidation, regionalization or bulk purchase where appropriate. The Subcommittee recommends ODW systematically identify other federal programs and state programs which encourage such proliferation and determine measures to mitigate their effects.

Next Meeting Agenda

To accomplish its purposes, the Subcommittee recommends the following:

1. For the Mobilization Program, the Subcommittee requests a briefing on the program mission, budget, objectives, expected outcomes, and internal evaluation of strengths and weaknesses. This briefing should be in writing, and received by members before August 1, 1990. In addition, a conference call will be conducted on September 5 (6 or 7 as alternative dates), for members to identify key strengths and weaknesses of the program, to recommend particular activities, and to identify issues for further deliberation at the next NDWAC meeting.
2. For Legislative efforts, the Subcommittee will solicit ideas and concerns regarding drinking water legislative issues from EPA and Mobilization target groups through a letter from the Subcommittee.
3. Regarding budget information, the Subcommittee requests a briefing on past, present and future budget and allocation levels.
4. The Subcommittee requests briefings on home water treatment devices and private water wells, for future action.
5. The Subcommittee requests a briefing on Small System Proliferation.

Minutes Approved:

B. Suzi Ruhl
Suzi Ruhl, Chairperson

Douglas Yoder
Douglas Yoder

Thomas Stephens
Thomas Stephens

Mary Jane Forster
Mary Jane Forster

John Squires
John Squires

Doug Wendel
Doug Wendel

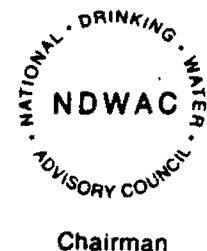
Donald Hickman
Donald Hickman

ATTACHMENT D

STATE PROGRAMS SUBCOMMITTEE REPORT



NATIONAL DRINKING WATER ADVISORY COUNCIL
401 M Street, S.W.
Washington, D.C. 20460



Advisor to The Environmental Protection Agency, Office of Drinking Water (WH-550)

Report of the
State Programs Subcommittee
April 9 and 10, 1990

I. ATTENDANCE

SUBCOMMITTEE
MEMBERS ATTENDING

Thomas Stephens, Chair
James Barr
Joseph Millen
Fred Marrocco
Richard Shank
John Squires
Douglas Wendel

EPA STAFF
ATTENDING

Carl Reeverts, SPD, ODW
Clive Davies, SPD, ODW

II. SUBCOMMITTEE REFERENCES:

A. The State Programs Division provided a package in advance of the meeting covering such topics as building state program administration capacity, the ODW Training Strategy, the ODW Strategic Plan 1992-1995, State Primacy issues, the PWS enforcement initiatives, and the reauthorization of the Safe Drinking Water Act.

B. Council members received a copy of an editorial in the January-February 1990 issue of Ground Water entitled "Toxicological Risk Assessment Distortions: Part I" and a copy of the EPA paper entitled "Estimates of the Total Benefits and Total Costs Associated with the Implementation of the 1986 Amendments to the Safe Drinking Water Act."

C. Previous Subcommittee Recommendations:

1. Review by Subcommittee of State Primacy Rule (April 89)
2. Financing for the administration of state programs (April 89)
3. Affordability of BAT (April 89)
4. Definition of Unreasonable Risk to Health (April 89)
5. Meetings with Administrator of EPA (April 89)
6. Consider requiring rate increase to build capital reserve as a condition of granting a variance or exemption (December 89)
7. State Capacity Initiative to help States develop additional funding for program administration.

III. REPORTS AND BRIEFINGS TO COMMITTEE

A. Current Status of Affordability and Unreasonable Risk to Health (URTH) Issues (R3 & R4):

- 1) An excellent written explanation of URTH was provided.
- 2) ODW has made a tentative decision on affordability:
 - An annual increase of \$200 is generally considered affordable.
 - Increases between \$200-\$400 maybe affordable.
 - Water bills exceeding 2% of median household income (e.g. \$625) would be considered unaffordable. States may use local income levels.

B. State Programs Division activity in building state program administration capacity (R2 & R7).

Building state capacity is #1 priority for the State Programs Division.

The State Capacity Initiative is aimed at providing funds for State administration of regulations - not for funding system improvements.

C. Report on ODW Training Strategy (follow-up).

The essence of the strategy is that the State primacy agency will take charge.

D. Report on ODW Strategic Plan 1992-1995 (follow-up).

E. Report on reception received from States of final Primacy Rule (R1) and other primacy issues.

Only 37 States have adopted the VOC rule which should have been adopted by January 1989 and only 36 States have adopted the Public Notice rule which should have been adopted by April 1989.

F. Report on PWS Enforcement Initiatives

G. Thoughts on Reauthorization of the SDWA

IV. DISCUSSION

A. URTH The need for public comment on URTH was discussed. Concern was expressed. It was decided to support the Health, Science & Standards Subcommittee recommendations on URTH.

B. Affordability The subcommittee chose not to comment on the EPA's tentative decision.

C. Variances/Exemptions The variance and exemption process is not widely utilized since most States find the enforcement process easier to use. Taking enforcement action brings attention to the issue. Granting variances will hide the problem and the process of granting the variance (or exemption) is viewed as being time consuming and resource intensive. The committee prefers the status quo with regard to variances. It was noted that States have flexibility as part of their enforcement process. The enforcement process drives systems into compliance and will foster the development of new technology, especially for small systems.

D. State Capacity Increasing efficiency and reducing the number of systems through regionalization and consolidation were discussed. The ASDWA peer review program was noted as a way EPA is working to improve efficiency. The EPA's contractor support to States seeking alternative funding mechanisms was discussed. High turnover of State level drinking water personnel is especially caused by low compensation.

E. ODW Training Strategy States will need a designated trainer in each State if the program is to be effective. An alternative might be a regional training program. The core materials provided by EPA will be helpful, but they must be tailored. No one appears to be held accountable for the success of the national training program.

F. ODW Strategic Plan Doug Wendel, Fred Marrocco, and John Squires were appointed to review the Strategic Plan and report back to the subcommittee.

G. Primacy Implementation This issue is closely tied to State capacity. The subcommittee would like an update in December on action EPA plans to take against States that are not implementing the SDWA as required.

H. PWS Enforcement Initiatives The proposed action appear to be appropriate.

I. Reauthorization of the SDWA This issue should be referred to the Legislative and Public Outreach Subcommittee.

J. Recognition of Good Systems Some method should be devised to identify and recognize good systems. A point system might be used to evaluate good performance.

V. RECOMMENDATIONS

A. The Council should adopt the Health, Science and Standards Subcommittee recommendation on URTH.

B. EPA should not change the present variance process.

C. EPA should increase support of the ASDWA Peer Review program and expand contractor support of State efforts to develop alternative funding mechanisms for State level regulation. Additionally, EPA should study the high turnover rate of State drinking water personnel which is retarding efforts to implement SDWA requirements.

D. EPA should devote more resources to the training initiative. For example, training position should be funded at State level or regional training programs should be established. A full time national training coordinator should be appointed with appropriate authority and responsibility to insure the program has a chance to succeed.

E. EPA should develop a program to recognize good performance by a water system.

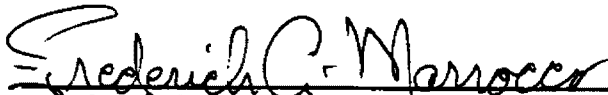
VI. SELECTION OF VICE CHAIRPERSON FOR THE STATE PROGRAMS SUBCOMMITTEE

Fred Marrocco was selected as vice chair of the subcommittee.

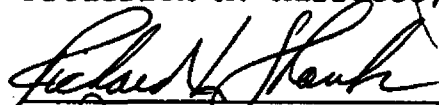
Minutes Approved:



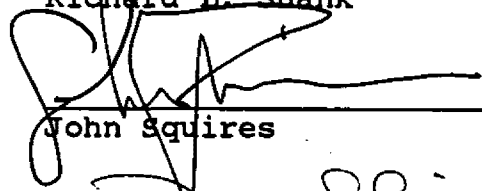
Thomas E. Stephens, Chair



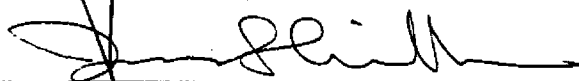
Frederick A. Marrocco, Vice Chair



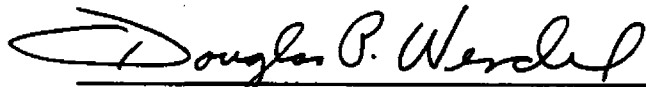
Richard L. Shank



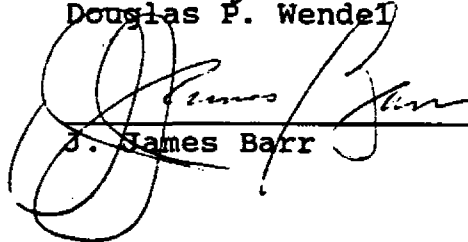
John Squires



Joseph A. Millen



Douglas P. Wendel

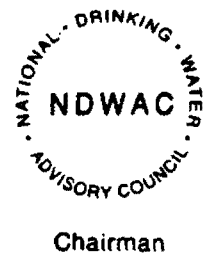


J. James Barr

ATTACHMENT E
GROUND-WATER/UIC SUBCOMMITTEE REPORT



NATIONAL DRINKING WATER ADVISORY COUNCIL
401 M Street, S.W.
Washington, D.C. 20460



Advisor to The Environmental Protection Agency, Office of Drinking Water (WH-550)

Report of the
Ground Water/UIC Subcommittee
April 9 and 10, 1990

Members Attending

Douglas Yoder, Chairperson
Charles Kreitler
Mary Jane Forster
Chris Wiant
Donald Hickman
Suzi Ruhl

Staff

Jim Kutzman
Bob Mendosa
Bruce Kobelski

Groundwater Topic Discussed

1. Wellhead Update
2. Pending Legislation
3. Ground Water Task Force Reports

1. Jim Kutzman reported that 30 States have submitted wellhead protection plans. To date, four State plans have been approved: Connecticut, Rhode Island, Texas, and Louisiana. No plans have been disapproved. Several plans outlined how the States were going to prepare a plan, and it is expected that approvable plans will eventually result.

Request

The Subcommittee requested that a copy of an approved wellhead program be provided to Subcommittee members as an information document.

2. Legislation

Summaries of several bills pending in Congress were provided to the Subcommittee. Staff opinion was that the probability of Congressional action on ground water legislation is small this year, with the possible exception of some ground water elements of a farm bill.

3. Ground Water Task Force

Jim Kutzman described the historical roots of the EPA ground water strategy, dating back to the early 1980's and including Agency adoption of the Ground Water Strategy, creation of the Office of Ground Water Protection, the Safe Drinking Water Act Amendments creating the wellhead protection program, the Deputy Regional Administrators' recommendation, concerning shifting emphasis from remediation to protection by shifting resources within the Agency, and the Urban Institute report and conference on State ground water strategies. A discussion ensued of the draft EPA statement of Ground Water Principles and the options paper on State/Federal relationships.

The proposed principles emphasize the importance of the State role and the need for additional attention to prevention, and the basic goals of protecting human health and the environment. The State-Federal options paper highlights four specific areas in which the Agency is seeking advice: (1) the use of MCL's in contamination prevention and remediation programs; (2) degree of Federal requirement for comprehensive state ground water programs; (3) the degree of Federal deference to States' classification on ground water in making clean-up decisions; and (4) tying disbursement of Federal funds to State ground water program.

Recommendations:

1. State of Ground Water Principles

The Subcommittee endorses the EPA Statment of Ground Water Principles and its emphasis on the importance of state and local responsibilities for protection of ground water resources. The Subcommittee recommends that specific language in the statement be modified to include reference to "existing and potential sources" of drinking water rather than "existing and reasonably expected sources of drinking water."

2. Ground Water Task Force Options

A. Use of MCLs

i. Prevention

The Subcommittee endorses the use of MCLs as reference points for prevention of ground water contamination. As detectible changes in ground water quality occur, appropriate actions should be taken, ranging from continued monitoring to source regulation, to preserve ground water quality for both public health and

environmental purposes. MCLs should not be considered a floor to be reached before action is taken.

ii. Cleanups

The Council endorses the use of MCLs as reference points for remediation requirements, allowing for cleanup to more or less stringent levels where cost and practicality make said levels feasible.

B. Oversight of State Protection Programs

The Subcommittee recommends that EPA develop flexible program approval criteria modeled after the wellhead protection and underground tank programs. This approach should emphasize through incentives the importance of state action. If states undertake virtually no level of action by some time certain, the EPA program should provide for disincentives or penalties.

C. Deferral of EPA Programs to State UIC Designations

The Subcommittee recommends that EPA defer Agency program activity levels to those states having groundwater use designations established through a legal process which included public hearings. Such deferrals could be a significant incentive for states to develop a comprehensive ground water program and to foster greater state participation in the other EPA programs.

D. Disbursement of Federal Funds

The Subcommittee recommends that EPA create a single ground water grant program to the states, financing the grants with a percentage of funds from other EPA programs impacting ground water.

Underground Injection Control Issues

1. Class I Wells
2. Toxic Characteristic Leaching Program
3. Class II Wells
4. Class V Wells
5. Data Management

1. Class I Wells

Bruce Kobelski discussed the status of petition for no-migration applications and the final regulation governing the "third thirds" wastes which will be published on May 8, 1990. Sixty of 85 Class I facilities have applied for no-migration approvals. Two have been approved, 15

tentative approvals have been issued. The "third thirds" regulation will actually govern about 7 billion of the 11 billion gallons per year in the Class I universe. It is likely that 90% of the volume will continue to be disposed in wells as a result of petitions or capacity variances. Discussion focused on the adequacy of modelling assumptions and the uncertainties associated with abandoned wells which may be in the area of review.

It was noted that a lawsuit is pending on the petition process and that the Agency has on-going studies of modeling assumptions and abandoned wells.

2. Toxic Characteristics Leaching Procedures

Guidance on the TCLP is now being drafted. The Subcommittee requests that copies be provided when available.

3. Class II Wells

Guidance on mechanical intensity testing and control of commercial brine disposal wells is being formulated. The Subcommittee requests copies.

4. Class V Wells

Preparation of regulations for Class V wells has begun and is scheduled for completion in 1992. Discussion centered on the need for action as soon as possible, particularly to complete the inventory.

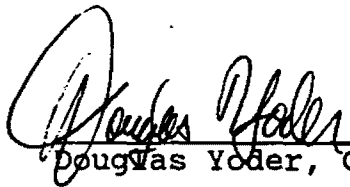
Recommendations:

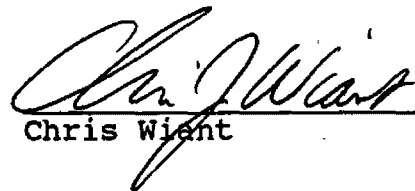
1. If the on-going Agency study of modeling assumptions for analysis of no-migration petitions determines that assumptions are insufficiently conservative, the Agency should re-evaluate all appropriate petition approvals.

2. The Agency should continue to study the problem of abandoned wells, particularly as a tool for defining areas in which abandoned wells are most likely to endanger underground sources of drinking water. The focus of these studies should be the location of abandoned wells and the sufficiency of plugging.


3. The Agency should take appropriate enforcement action against Class V well operators who have not complied with inventory requirements, thereby enhancing voluntary compliance. An accurate inventory is essential to management of these wells.

Minutes Approved By:


 4-12-90
Douglas Yoder, Chairman Date

 4-12-90
Chris Wient Date


Charles Kreidler, Vice Chair

 4-12-90
Mary Jane Forster Date

 4-12-90
Suzi Ruhl Date

 4-12-90
Donald Hickman Date

