

# National Drinking Water Advisory Council Meeting Minutes



EPA  
810/  
1990.4



Printed on Recycled Paper



WAT  
EPAX  
9106-  
0032

# 24006125

U.S. ENVIRONMENTAL PROTECTION AGENCY

NATIONAL DRINKING WATER ADVISORY COUNCIL

Minutes of Meeting  
December 6 and 7, 1990  
300 Army Navy Drive  
Arlington, VA 22202

REPRODUCED FROM THE  
ORIGINAL DOCUMENT  
BY THE NATIONAL ARCHIVES  
OF THE UNITED STATES

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL DRINKING WATER ADVISORY COUNCIL  
December 6 and 7, 1990**

A meeting of the National Drinking Water Advisory Council (NDWAC) was held at the Holiday Crown Plaza Hotel in Arlington, Virginia, on December 6 and 7, 1990. The following members were present:

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

The following member was absent:

James Collins (December 6 and 7)  
J. James Barr (December 7)

Also present during all or part of the meeting were:

Jamie Bourne, Office of Drinking Water (ODW)  
Jeanne Briskin, Director, National Pesticides Survey  
Michael B. Cook, Director, ODW  
Jane Ephrmedes, ODW  
Marian Mlay, Director, Office of Ground-Water Protection  
David Schnare, ODW  
Peter Shanaghan, ODW  
Charlene Shaw, Designated Federal Official (NDWAC)  
Bob Wayland, Deputy Assistant Administrator for Water

Registered at meeting:

See Attachment A

December 6, 1990

**I. Opening Remarks and Welcome**

Mr. John Gaston, Chairperson, opened the meeting by welcoming participants and introducing Mr. Bob Wayland, Deputy Assistant Administrator for Water. Mr. Wayland began the meeting with remarks on the proposed reorganization of the Office of Water.

**II. Proposed Reorganization of the Office of Water**

Mr. Wayland reviewed the objectives of the reorganization:

- To give greater emphasis to the importance of science in establishing the technical basis for the work performed by the Office of Water.
- To consolidate offices that have complementary objectives or tools for furthering water quality or protecting drinking water supplies for a greater sense of integration in our programs.

The reorganization is supported by initiatives used in formulating the Agency's 1992 budget. The four office structure consolidates our Wetlands Protection program, Marine and Estuaries program, Nonpoint Source program, and our Monitoring program into a single office. An Office of Science and Technical Support will be established; it will be developing the risk-based criteria and risk assessment components of standards to be developed and implemented across our various programs. The Ground Water Protection office (formerly a separate 30-person office) will be merged with the Office of Drinking Water.

Mr. Wayland listed the new divisions and their directors, stating that the Administration is anxious to get on with the reorganization, but realistically it may be late spring after important personnel and organization questions are addressed at the branch level, the Agency completes its review, and the union gives its approval.

Mr. Wayland then responded to questions from the Council. Discussion included how the reorganization would be communicated by the Agency; the timing of the reorganization and its effect on the drinking water program; programmatic consequences of such change at a critical point in the drinking water program; the appropriateness of locating storage tanks and underground storage tanks under the Office of Drinking Water and Ground Water; the intended emphasis on enforcement; continued allocation of resources for the mobilization strategy; and the concern that any changes in the variance program would be an administrative burden on state agencies.

Mr. Wayland concluded with several general remarks supporting the contributions of the Advisory Council and their continued efforts. Mr. Wayland, assisted by Charlene Shaw then made several presentations on behalf of the Agency to recognize the contributions of John Gaston, Richard Shank, John Squires, Tom Stephens, and James Collins.

### III. Update from the Office of Drinking Water

Mr. Mike Cook, Director of the Office of Drinking Water (ODW), presented an update on the activities of ODW:

- Reauthorization of the Safe Drinking Water Act. Activity on this will come in Mr. Waxman's subcommittee in the spring, but will probably lag behind RCRA and the Clean Water Act.
- Risk-based Budgeting. Movement towards this would appear to be an advantage to the drinking water program because of the risks posed in our calculations, but the issue of where prevention and base programs fall out in the overall priorities of the Agency has not been resolved. There is some tension between base programs and the shift to risk-based priorities and we will have to wait and see how the programs fare in the 1992 budget initiative.
- Drinking Water Contaminants. The National Survey of Pesticides and Nitrates in Well Water was recently completed. An unexpected benefit was data to determine the percent and number of wells that exceed some national health-based limits and the gathering of an enormous amount of data for each well on pesticide usage, farm practices, location relative to crop land and septic tanks, and other information on source of contaminants. The action plan for nitrates, which includes looking at nitrates in both well water and surface water, is focusing on reducing nitrate levels in ground and surface water and the possible risks associated with methemoglobinemia, particularly for infants.
- Water Quality Initiative. The Department of Agriculture is working on a water quality initiative, and work with EPA has been reinforced by the recent Farm Bill. EPA's relationship with the Department of Agriculture is better than it has been at any time in the past.
- Status of Regulations. A large number are due to be signed within the next few weeks. There is an end of the month deadline for putting out Phase II regulations, which will include 38 contaminants. For the Coliform Rule, the Agency expects to have final rules for several different methods for utilities to espiate total coliform for E-coli.
- AWWA Lawsuit. EPA is in the process of working out an agreement to allow for variances from the total coliform standard, under very narrowly specified conditions, as a result of a biofilm or a benign biofilm problem in the distribution water mains.
- Final Lead Rule. The Agency is working on the response to more than 3,000 comments that were received on the original proposed rule. The rule itself is pretty well settled.

- Proposed Rule for Radionuclides. Comments are being taken on a number of different levels for radium, uranium, and radon. When proposing these levels, EPA will be looking at employing the concept of cost effectiveness. Other rules that ODW is actively working on include: the Phase V rule with 24 contaminants; arsenic; a rule on disinfection for well water; and a rule for disinfectants and disinfection by-products focusing on surface water.
- Underground Injection. ODW is working on a rule to modify and enhance the regulatory structure for Class II wells and a rule that would allow for more specific and extensive regulation of Class V wells. Petitions are also being processed from those who have been injecting hazardous waste into deep, underground injection wells and have approved a number of them. During this process EPA has been strengthening the regulatory programs, and have been eliminating weaknesses in some previously approved permits.
- Public Perception of the Drinking Water Program. ODW, with the advice of the Council, is educating the public on the point of use devices and bottled water and the relative risks of these compared with public water supplies.

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

Mr. Joseph Millen, Chairperson, outlined the Subcommittee's discussions of the past few days: the status of the MCL review for fluoride, including a briefing by EPA; the integration of monitoring requirements for Phase II and Phase V; the proposed standard for aluminum; request for a briefing in April to prepare final input on Phase V; an in-depth look at the regulation of disinfection by-products in the Disinfection Rule; a look at the preliminary MCLs proposed for radionuclides in drinking water, including the draft radon pamphlet; possible future leaching of contaminants that have been banned and the contaminant selection criteria; recommendation that the Agency review and incorporate what now total over 3,500 public comments, even if this means a deadline extension; state primacy issues for optimal corrosion control treatment; and dropping the requirement for all systems serving more than 50,000 persons to install treatment. After discussion and a brief caucus on changing the wording of the corrosion control recommendation, the report with recommendations as originally written was unanimously accepted by the Council on December 7, 1990.

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

Ms. Suzi Ruhl, Chairperson, reported that the Subcommittee's topics included: development of a protocol to be followed in its next questionnaire; a summary of the SDWA implementation meeting (held in September); an overview of the drinking water and groundwater bills; a summary of budget history and allocation levels from the ODW; public outreach and examination of the mobilization program; an overview of the outreach initiative; National Drinking Water Week; a pilot project in Region 1; identification of some omissions on EPA's current mailing list; requested



that EPA prepare a follow-up document to the initial letter; requested some more information from the Office of General Counsel to examine the areas where Clean Water authorities may apply to SDWA issues; public education as a priority of the mobilization program; training programs for small system operators and others providing drinking water; topics to develop for other public outreach documents; and possible sensitivity to overnotification for violations.

Ms. Ruhl then commented on involving outside parties in the comment process on the reauthorization and concluded with a discussion about the Council's use of their involvement in other organizations to help identify other interested parties to involve in the reauthorization comment process.

#### VI. Report of the State Program Subcommittee (Attachment D)

Mr. Tom Stephens, Chairperson, briefly presented the Subcommittee discussion topics: retaining the present variance system process; questioning the multiple letter approach; suggestions for beginning new long-term projects; a working lunch with regional drinking water branch chiefs to discuss their concerns about the overall effectiveness of the implementation of the SDWA; and the idea of focus groups that would review and revise a comprehensive blueprint for national implementation of the SDWA.

There followed a general discussion of issues involved in the credibility of the program and its implementation, the allocation of resources, legislating timetables that are virtually impossible to meet, and the availability of means to properly enforce current and proposed legislation. On December 7, 1990, after the discussion of additional amendments, all recommendations of the Subcommittee and one amendment were adopted by the full Council.

#### VII. Panel Discussion on Mobilization

Mr. Peter Shanaghan, Mobilization Manager for the Office of Drinking Water, introduced the other members of the discussion panel and then began the discussion by presenting the context of the mobilization effort. He stressed its focus on coalition building and cited Fred Marrocco's program in Pennsylvania as a leader in this area, as an example of how states can do much more with their available resources.

He went over the three main objectives of the mobilization program and outlined the program's structure, including its seven separate initiatives, each with its own initiative leader. A large briefing document, detailing the work that is going on under each of these initiatives, will be mailed to all members of the Advisory Council shortly.

Some major successes of the mobilization effort include developing the structure and institution for mobilization within EPA; working with external groups to distribute and disseminate information; a national training strategy, the National Training Coalition; growing interest from large private sector organizations in becoming actively involved in mobilization efforts; and state-level efforts towards building coalitions.

He concluded by discussing the major remaining obstacles for mobilization: building state support, improving information given to the states and associations so that they can use it to help the smaller systems; and improving the information from states, so that we can serve as a clearinghouse for successful state and local approaches.

Mr. Jamie Bourne, state capacity initiative leader, then talked about state capacity, where the objective is to increase resources for all the state drinking water programs. One major problem is the growing shortfall to meet SDWA requirements. This initiative is spreading the news about successes and failures at the state level so that other states can learn from what has happened. Legislative awareness is also critical. There was a discussion of the issues involved in primacy withdrawal and whether EPA has the resources to commit to this option if necessary.

The state capacity initiative is actively pursuing involvement of third party organizations, to get them to use their clout with legislatures. Some methods of accomplishing this include formation of advisory councils and the development of interim study committees on the legislative side to encourage further research in this area. Mr. Bourne stated that the momentum for the state capacity initiative is building.

Ms. Jane Ephrimedes, the initiative leader for institutional support, discussed efforts to build state programs and to assist small systems with their managerial problems. Current and proposed activities of the work group include: a four state study of programs; a study on improving the compliance among existing small systems; grants with the National Conference of State Legislatures and the Council of State Governments; survey of state enforcement programs; a pilot demonstration in Florida; and a cooperative project conducted by the AWWA in Pennsylvania. Continuing activities also include following up the viability workshop with the eight remaining states, working with states to adopt administrative penalty authority, analyzing operator certification programs, recommending consistency among programs in implementation and approach, and preparing a restructuring manual for state regulatory personnel.

Dr. David Schnare, who manages the appropriate technology initiative, handed out a brief description of the history and background of the initiative, its focus, and where its efforts are going. He then described efforts that were being undertaken at some small systems in California, including marketing community water supplies, the development of technologies for small systems, and the costs of water supply equipment sales. A series of subcommittees outside the Agency have been developed and the Subcommittee also has looked at financing, including leasing obligations. Some draft legislation has also been prepared allowing for a credit program that would allow for low-cost loans to water companies.

There followed a general discussion about getting additional resources into the system; informing legislators and their staff about the drinking water problems; the problems that could be encountered when putting drinking water funds into the general revenue fund; rate increases to eliminate the \$200 million shortfall; the issues involved in educating the state legislators; state versus national attention to funds for drinking water issues; some of the difficulties in sorting out the sources of funding at the local level, where the proposed systems would actually be built; the overall effectiveness of the mobilization effort; the lifecycle costs of technology as well as the upfront capital end costs; the clearinghouse network; and the delivery of operator and maintenance services.

## VIII. Report of the Agenda Subcommittee

Mr. John Squires, Chairperson, confirmed that the spring meeting of the Council will be held April 8 through 12, 1991, in Miami, Florida. The Council will tour the world's largest air stripping treatment facility and hear a panel discussion assembled by Dr. Yoder on integrating ground-water protection, contamination, clean up, growth management, competing system demands, and meeting urban water supply needs. Tentative dates for the fall 1991 meeting in Washington, DC, will be December 9 through the 13.

## IX. Update from the Office of Ground-Water Protection (OGWP)

Ms. Marian Mlay, Director of the Office of Ground-Water Protection, discussed activities in this office, particularly those related to the reauthorization of the Safe Drinking Water Act.

- Ground-Water Task Force. Formed in July a year ago, this task force produced a draft report, which found that most states are moving in the right direction and that any problems are a matter of resources or the fact that groundwater protection is a relatively new issue. The report describes how EPA will work with the states and with various programs within EPA to work together at the regional level. The report also covers the use of quality standards in groundwater prevention remediation.
- SDWA Reauthorization. OGWP considered both the wellhead and the sole source aquifer (SSA) amendments to the SDWA. There is talk about establishing some sort of minimum criteria and specific guidelines and how to accurately determine them.
- Comprehensive Groundwater Legislation. OGWP understands that the Congressional committee members are interested in including ground water as an issue in the reauthorization and that the Senate Agriculture committee is interested in including ground water in the next round of the FIFRA statute, since they forgot to include it the first time around. RCRA is being reauthorized and will include ground water, and probably a fair amount of discussion in that area.

The Office is increasing its outreach efforts to focus on more organizations that have an interest in ground water. We are also promoting more outreach to governor's offices, particularly new governor's staff, providing education on groundwater issues and are beginning to get involved in funding some local governments on demonstrating how they can be involved in wellhead protection. Other priorities include major coordination within EPA with other federal agencies and continuing to develop technical tools for local and state managers of groundwater protection programs.

Questions following the update covered concerns about tying the groundwater program into too many other regulatory programs; approved state wellhead protection programs that have actually started implementing; putting enough authority and flexibility into regulations such as RCRA to help the states develop exclusionary types of criteria; and a combined manual that had been put together with the Association of Metropolitan Water Agencies (ASDWA) showing the

relationship between the wellhead protection program and the upcoming groundwater disinfection regulations.

**X. Report of the Ground Water / Underground Injection Control (UIC) Subcommittee (Attachment E)**

Dr. Douglas Yoder, Chairperson, began by stating the Subcommittee believes that the task force report establishes a sound framework and process and it should be adopted. Subcommittee discussion included an evaluation mechanism that should be established to ensure the process is succeeding; the UIC program, number of approvals, withdrawals, and other resolutions; strong enforcement actions against selected Class V violators to serve as a catalyst for larger scale compliance with existing requirements; use of financial institutions and their associations as a pathway to alerting potential Class V operators of Class V requirements; maximum use of existing program structures during implementation of Class V programs; and a recommendation that the subcommittee take on the name of the Resource Protection Subcommittee, with particular attention given to the resource protection programs authorizing the SDWA. In addition, the subcommittee raised some questions about the reorganization and there was some general discussion of the subcommittee's proposed new name and of opportunities to link the wellhead protection program with the upcoming groundwater disinfection regulations.

**XI. Public Participation**

Mr. Gaston introduced Frederick Elwell, President of the American Water Works Association (AWWA). Mr. Elwell spoke about both legislative and regulatory issues that the AWWA is currently involved in: a series of issues papers developed on subjects such as compliance at the tap and surcharges on polluters to help fund the necessary changes to systems; encouraging EPA to complete addressing comments on the Lead and Copper Rule; choices that will need to be made because of increased competition for dollars; the overall direction of conservation issues in Congress; funding a compliance person who will work for the AWWA beginning in March within our small systems program; and plans for an overall policy statement about wetlands and related issues. Discussion and questions for Mr. Elwell followed on proper dedication of funds; the relationship of wetlands to utilities; operator training at treatment facilities; initiatives in state programs towards some form of user fee funding; and the AWWA Research Foundation.

Mr. Gaston thanked Mr. Elwell for his contributions and introduced the next public participation speaker--Eric Olsen of the National Wildlife Federation. He was not present at the meeting so the first day's session was adjourned.

**December 7, 1990**

Mr. Gaston called to order the last day's meeting of the Council. He introduced Dr. Douglas Yoder, who presented the report and recommendations of the Ground Water/UIC Subcommittee, which were unanimously adopted.

## **XII. Update on the National Pesticides Survey**

Ms. Jeanne Briskin, Director of the National Pesticides Survey, presented a report on the Pesticide program, focused on the Phase I results of the National Pesticide Survey. She also discussed the additional analyses planned for Phase II and some of the long-term products that will result from the survey.

The Phase I report tells about the national prevalence of the detection of 127 pesticides, degradates, and nitrates in public and private drinking water wells in the United States. The Phase II report, expected in late spring, will look at possible relationships between detections and factors such as pesticide use, cropping, well construction, and the vulnerability of ground water to contamination.

Ms. Briskin discussed the quality assurance that was conducted during the survey; including audits in the field, proper procedures in the lab, and the quality of data handling once it was reported from the labs to contractors. She also discussed some of the statistical aspects of the survey, and listed results for both private wells and community wells. One surprise of the survey was a higher estimate for detectable levels in public wells than in the private wells, which will be looked at in the Phase II report. Ms. Briskin then listed the different chemicals that were found; discussed notification of well owners in the event of contamination; and noted potential seasonal differences that were discovered during the resampling process.

In the Phase II report we will look at the possible influence of seasonal variability; well construction and well depth; treatment considerations; identifying conditions where protections might be needed; and conduct a further analysis of the surprisingly widespread levels of dacthal, a fairly low volume chemical, that were found. Other by-products of the study include information from the study that can be used to require additional monitoring studies by registrants; identification of some early warning signals for possible pesticide contamination; and development of a nitrogen action plan within the Agency.

There followed a brief question and answer discussion on other possible conduits for contamination, such as abandoned drainage wells; a possible product stewardship program with fertilizer manufacturers; alternatives to pesticides that survey participants may have discussed; questions about any planned follow up to the survey; sharing survey data with other institutions as a basis for further research; distribution of the report and availability of the database; and ties with work the FDA is doing on pesticide contamination in food.

## **ADJOURNMENT**

The remaining subcommittees then presented their reports and the recommendations passed with some opposition by a few members.

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,  
Designated Federal Official

**ATTACHMENT A**  
**REGISTERED AT THE MEETING**

NATIONAL DRINKING WATER ADVISORY COUNCIL  
MEETING REGISTRATION

December 6 and 7, 1990  
Arlington, VA

T. David Chinn  
John Zirschky  
Ira M. Markwood  
Jennifer Ruark  
Paul Rawlins  
Barbara T. Zakheim  
Joseph T. Yost  
David Martin  
Tommy Holmes  
Diane VanDeHei  
John Davidson  
James M. Conlon  
Nancy Delason  
Tyrone Wilson  
Rey de Castro  
Andrew Hanson  
Sharon Gascon  
Philip Squair  
John Trax  
James W. Berry  
Albert E. Warburton  
Wendy Oatis  
Fred Elwell  
John Sullivan  
Lorraine Bender  
Raissa Kirk  
Ken Miller  
Leslye Wakefield  
Ralph Sullivan  
Joanne Meegan  
Bill Deal  
C. Richard Bozek  
Jim Groff

American Water Works Association  
Office of Senator James Jeffords  
Alvord, Burdick, & Henson Engineers  
Inside Washington Publishers, Inc.  
Commander USA EHA  
Keith R. Scott Associates  
Edison Electric Institute  
Plumbing Manufacturers Institute  
American Water Works Association  
AMWA  
U.S. Environmental Protection Agency  
U.S. Environmental Protection Agency  
American Paper Institute  
IBWA  
American Water Works Association  
U.S. Environmental Protection Agency  
NAWC  
ARI  
NRWA  
Fairfax County Water Authority  
American Water Works Association  
Lathan & Watkins  
American Water Works Association  
American Water Works Association  
Geotrans, Inc.  
American Mining Congress  
CH2M-Hill  
Versar Inc.  
Consultant  
Legal Assistant  
International Bottled Water Association  
Edison Electric Institute  
NAWC



**ATTACHMENT B**

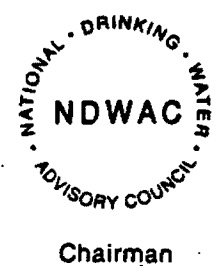
**HEALTH, SCIENCE, AND STANDARDS SUBCOMMITTEE REPORT**

(4)  
b.  
22

22  
b.  
(4)



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 and Standards Subcommittee  
December 4-5, 1990  
Washington, D.C.

Members Attending:

Joseph Millen  
Charles Kreidler  
Richard Shank

Chris Wiant  
Fredrick Marrocco  
James Barr

The Subcommittee met on 4 and 5 December 1990. Updates and recommendations are stated below:

Update on the Drinking Water Regulation for Fluoride

EPA presented an update on the status of the MCLG and MCL review for Fluoride. A detailed briefing on recent findings, current Drinking Water Regulations and pending reports was conducted. The Safe Drinking Water Act requires periodic reviews and EPA is in the midst of Assessing the Benefits and Risks associated with the current standards. Release of the Department of Health and Human Services report coupled with continuing EPA work should result in a decision to maintain current standards with issue revised Standards by year and 1991.

No recommendations at this time.

Phase II

Phase II comment period closes 31 December 1990. Promulgation is scheduled for January 1991. The current schedule is realistic. Monitoring for Phase II will fall into sync with monitoring for Phase V. Limited discussion ensued regarding Aluminum with a current standard proposed of 50 to 200 mg/l based on post-precipitation affects - not Health Affects. EPA is considering an MCL for Aluminum. The Nitrate MCL, addressed in both December 1989 and April 1990 subcommittee meetings has been set at 10 mg/l (No change).

## RECOMMENDATION

EPA should continue to keep in mind the integration of monitoring requirements for Phase II and Phase V.

Advisory Council would like to hear a discussion on why the Agency feels a 'possible' secondary MCL may be set for aluminum. An MCL on Aluminum as an operational control is precedent setting and could have wide spread impact on owners and operators of Water Treatment Systems.

## PHASE V

A Phase V update was conducted. Currently EPA is analyzing public comments. The promulgation schedule is for workgroup closure in July 1991 and Red Border Review in September 1991.

## RECOMMENDATIONS

Continue the effort to integrate Phase V monitoring with the Phase II schedule. Advisory Council would like a briefing in April 1991 on issues raised during the public comment period so that the Advisory Council may provide final input to the Agency on these issues.

## URTH

A briefing package was issued on URTH. No Subcommittee Agenda time was available to discuss this issue. However, concern was expressed that a number of important implementation issues must be addressed before the Guidance is finalized.

## Regulation of Disinfection By-Products (DBP's) and Disinfectants

EPA presented a revised perspective as to the relative health risk of Disinfection By-Products (DBP) compared to providing microbiologically safe water. The comparison of risk is difficult because of the difference in the health risk (microbiologically safe water representing a short-term (acute) issue whereas DBP's are carcinogens and therefore represent a chronic long term health hazard). EPA is exploring various risk analysis approaches to find common denominators for comparisons.

Methods of disinfection were discussed as to their effectiveness in providing microbiologically free waters but with limited development of DBP's.

Technical and legal policy issues as to the use of MCL, BAT and quality of source water were discussed.

Recommendations:

The subcommittee has no recommendations on DBP's. EPA needs to make clarifications that different disinfection rules exist, that is; ground water disinfection and disinfection-by-products are separate rules, both of which must be considered in the context of the Surface Water Treatment and Total Coliform Rules.

Lead/Copper NPDWR

The Advisory Council reviewed the status of final rule development.

Recommendations:

1. While the Council feels that the overriding issue is to get the "Lead Rule Out"; it is strongly recommended that the Agency pursue limited an extension of the deadline so that review and incorporation of over 3500 public comments can be brought into consideration. EPA must aggressively pursue finalization of comment review.
2. States should not be required to provide "determinations" for optimal Corrosion Control Treatment in Small Systems or any sized system. States should not be mandated to step out of their role of permitting and compliance. It should remain the responsibility of individual utilities to determine techniques to solve "utility" problems resulting from Non-Compliance. This is an issue of both state resources and a strong desire or requirement of the States not to incr liabilities with such a requirement.
3. EPA should not be authorized to rescind on a 'case-by-case' basis State decisions toward optimization of corrosion control. Inability to make correct decisions or administer regulations is an issue of Primacy and should be dealt with in terms of deciding whether a State does or does not qualify for Primacy.
4. The requirement that "all systems serving greater than 50,000 persons would have to install .... treatment ... "should be dropped. Systems should all be dealt with in the same manner. If the system determines through proper monitoring that the no action level is not exceeded, they should not be required to implement corrosion control treatment.

### Radionuclides in Drinking Water

The Sub-committee received its first detailed brief on the progress of Radionuclides. The Advanced Notice on Rule Making was first issued in 1986. Current regulation development includes Radon, Radium 226/228, Uranium and Gross Beta and Gross Alpha requirement.

Preliminary MCL's are being proposed. Current thinking is:

Radium 226/228 and Uranium 20/20/30 pCi/l  
based on cost effectiveness, bounded by 10<sup>-4</sup>  
risk.

Radon at 300 pCi/l as most probable, based  
on health risk from inhalation due to water  
contribution.

Additionally a draft 'Radon' pamphlet was presented.

### Recommendations

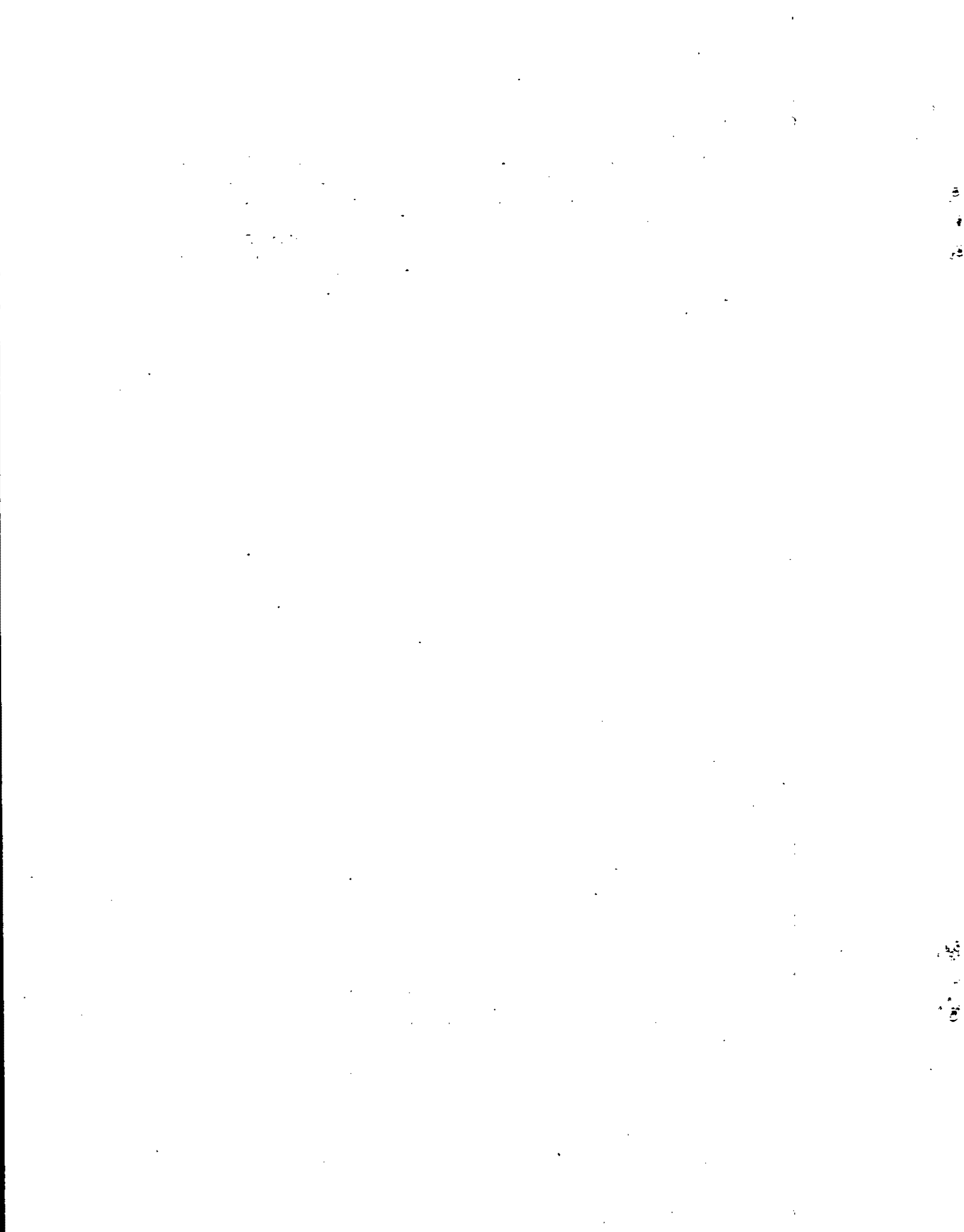
1. Advisory Council endorses the Science Advisory Board request that radon risk due to "showering" be further investigated as it is felt that the impact of such use may be underestimated.
2. It needs to be maintained perfectly clear in all discussions and written literature that the affects of Radon emanate both from "geologic formations transferred to air" and from "geologic based radon in water transferred to air" and that health affects from geologic sources transferred directly to air, far exceed those from water in most cases. While the Advisory Council supports the current efforts of the agency both in process and approach to standard setting the outcome of MCL's coming from water will have broad reaching impact on both regulated and nonregulated users of water. To this end all water effort need to be closely coordinated with other Radon issues throughout Federal Agencies.

### Drinking Water Priority List

The current status of the 1991 Drinking Water Priority List was reviewed. In the limited time available a quick overview was obtained.

### Recommendations

The Advisory Council supports the criteria used for selection of contaminants, however, the Council does not feel that "banning" a certain potential contaminant from use necessarily eliminates its occurrence in public Water systems. An example of this is 2,4,5-T which was extensively used throughout the country and is still readily detected in soil samples. This contaminant should be reevaluated as to whether it should be dropped from the list due to the possibility of its occurrence in ground water resulting from "prolonged leaching" potential.

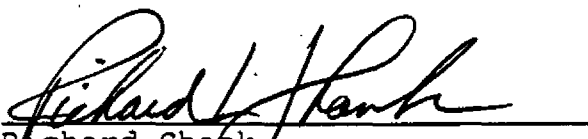





MINUTES APPROVED:


 12/7/90  
Joseph Millen, Chair

  
Frederick Marrocco

  
Richard Shank

James Barr (ABSENT)

  
Charles Kreidler

  
Chris Wiant

James Collins (Absent)



**ATTACHMENT C**

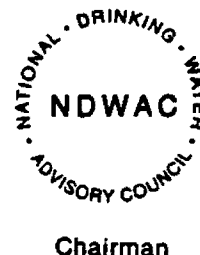
**LEGISLATIVE/PUBLIC OUTREACH SUBCOMMITTEE REPORT**

100

100



**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  
December 4 and 5, 1990**

**MEMBERS ATTENDING**

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

**OTHERS ATTENDING**

Charlene Shaw  
David Schnare  
Arnold Kuzmack  
Peter Shanaghan

**BRIEFING AND DISCUSSION**

During the first day of deliberations, the Legislative/Public Outreach Subcommittee addressed legislative issues. The following topics were considered:

**1. Safe Drinking Water Act Reauthorization**

The Subcommittee's efforts focused on ensuring broad-based involvement in reauthorization activities early in the legislative process. In that context, the Subcommittee was apprised by Arnold Kuzmack of the time frame for such reauthorization. Congress will most likely consider the RCRA and CWA first; therefore, Congressional deliberation of the SDWA will not likely occur until 1992 and 1993. Consequently, the opportunity exists to exercise a comprehensive approach to ensuring broad-based input into SDWA Reauthorization.

The Subcommittee next discussed results of the survey disseminated by the Council last summer. A total of 64 letters were distributed to organizations interested in SDWA issues. Fifteen responses were received. While this number was low, David Schnare indicated that the responses received provided significant substantive suggestions. The Subcommittee also discussed organizations who did not receive the NDWAC letter, but should be included in subsequent meetings.

Following this numeric analysis of the survey, David Schnare proceeded to summarize the substantive issues raised through this process (See Attachment A for summary). He also summarized the comments received during the SDWA Implementation and Reauthorization meeting held on September 26 and 27, 1990 (See Attachment 2 for Summary).

The Subcommittee concluded deliberations on this issue by defining its role in future efforts and identifying a strategy to follow-up on the initial NDWAC letter.

**2. Overview of Drinking Water/Ground Water Bills Introduced to Congress**

Roy Simon and David Schnare presented legislative information, including written summaries of legislation passed and introduced to Congress, regarding drinking water and ground water. The Subcommittee discussed the nature of the SDWA Reauthorization debate, including likely Congressman and Senators involved in the debate, ancillary activities of public, private, and state organizations, and type of issues which are currently surfacing in the debate.

**3. Past, Present and Future Budget and Allocation Levels**

Arnold Kuzmack provided a budget history for the Office of Drinking Water for FY 1987-FY 1991. The Subcommittee then discussed a number of issues, including the impact of office reorganization on allocation levels, the continual need for increases in state program funding, and other high priority needs (e.g. enforcement and Class IV and V Wells).

During the second day of deliberations, the Subcommittee focused on public outreach activities. The following topics were addressed:

**1. Mobilization Program**

Peter Shanaghan provided a comprehensive overview of the Mobilization Program, including a description of the mission, initiatives, remaining challenges, and most importantly, accomplishments. The Subcommittee discussed the importance of the program and expressed gratification that the program has matured to produce quantifiable results.

## **2. Outreach**

Charlene Shaw presented an overview of the vast number of public education documents prepared by the program. The Subcommittee discussed additional topics for brochures, and expressed gratification for the quantity and quality of work produced by the initiative.

## **3. National Drinking Water Week**

Charlene Shaw advised the Subcommittee that NDWAC had been made a formal member of the National Drinking Water Week Steering Committee. The Subcommittee appointed Charlene Shaw as the liaison to that Committee. The Subcommittee also discussed NDWAC's role in National Drinking Water week 1991. After considering the possibility of direct NDWAC involvement in Drinking Water Week, the Subcommittee requested that Don Hickman investigate the production of a short PSA video which would promote the need for citizen support of drinking water protection measures.

## **4. Pilot Project in Region 1**

Charlene Shaw described a Pilot Project in Region 1 to increase involvement of all interested organization, governments and citizens in drinking water protection. The Subcommittee recognized the value of key regional EPA personnel in ensuring successful mobilization efforts.

## **RECOMMENDATIONS AND REQUESTS**

### **LEGISLATION**

In order to encourage clarification of issues and resolution of divergent positions:

(1) the Subcommittee recommends that EPA develop and implement a coordinated plan to secure broad-based, early involvement of organizations regulated by, benefitting from or otherwise interested in drinking water and ground water in SDWA Reauthorization activities.

(2) the Subcommittee recommends that EPA analyze the list of organizations currently participating in EPA's SDWA Reauthorization activities, determine categories of organizations that should be involved, but are not, and seek to involve these organizations.

(3) As a continuation of the Subcommittee's efforts to facilitate the exchange of ideas among diverse organizations on SDWA reauthorization, the Subcommittee requests ODW to prepare a follow-up document which reorganizes by statutory section the comments received pursuant to the NDWAC's letter of July 10, 1990 and the SDWA Reauthorization meeting held on September 26 and 27, 1990, identifies issues per section and; provides an analysis of these issues. Subsequently, the Subcommittee requests ODW to distribute this analysis after review by the Subcommittee to the expanded list of organizations involved in SDWA Reauthorization, along with a request that the organizations clarify their position, identify new issues and rank their top 5 or 10 concerns. At the Spring NDWAC meeting the Subcommittee will then respond to the major issues.

(4) the Subcommittee requests the OGC to examine areas where CWA authority, including compliance authority, may apply to the SDWA issues for consideration during SDWA reauthorization, and provide this analysis to the Subcommittee at the Spring NDWAC meeting.

(5) The Subcommittee requests that EPA provide the Subcommittee with an outline and schedule of Agency activities regarding the SDWA Reauthorization, so that the Subcommittee can participate effectively.

#### PUBLIC OUTREACH

(1) The Subcommittee states that a priority of the Mobilization Program should be to educate the public on the value of drinking water and that funds are needed to improve and/or protect drinking water resources. As part of this effort, the program should increase utilization of utility directors and state legislators to develop broad-based support for drinking water programs and providers. In particular, the Subcommittee recommends that the Mobilization Program focus on utility owners/operators to increase their support of this issue.

(2) The Subcommittee recommends that public communication skills be included in training programs for small system operators and others providing drinking water.

(3) The Subcommittee recommends that ODW develop additional public documents, including: (1) a simple, user friendly document which explains the purpose and utility of the SDWA programs for small system operators and others regulated by the SDWA; and (2) a document which explains how citizens can determine the compliance status of their public water system and what to do about non-compliance.



(4) The Subcommittee recommends that EPA be sensitive to the public notification language in rules in order to avoid over use or unnecessary use of public health notices which would undermine their effectiveness when there is a real need due to a public health threat. Public notification in cases where you have no real risk to public health may be counterproductive. It's effectiveness needs to be preserved for public health threats and to preserve the credibility of the drinking water utilities that are in compliance with Federal and state drinking water regulations.

(5) The Subcommittee highly commends Charlene Shaw for her exemplary efforts in Outreach activities, including the production of numerous documents designed to educate the public on SDWA concerns.

(6) The Subcommittee commends the Agency for adopting its recommendation #4(b) of April 9, 1990, that the Agency provide camera-ready documents to organizations for their own production and distribution. This is a very cost effective method to increase utilization of these documents. Caution was expressed that audiences exist which are financially unable to reproduce documents and therefore EPA must still strive to educate these audiences.

(7) The Subcommittee expressed praise and support of the Mobilization Program and recommends that the Agency increase resources for this program.

**Next Meeting Agenda:**

The Subcommittee recommends the following items be deliberated at the Spring NDWAC meeting:

(1) Briefing on R&D resources dedication to ecological vs public health issues.

(2) Briefing on the effect reorganization of the Office of Water will have on allocation of resources.

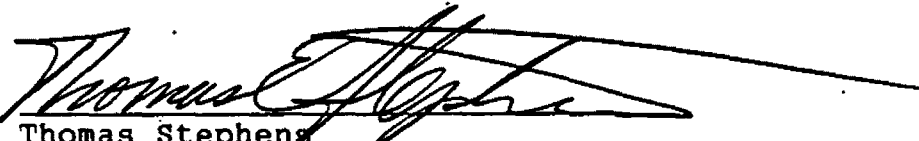
(3) Briefing on the analysis of issues and audiences targeted by the Mobilization Program.


(4) Briefing by a public communications expert on effective public education skills and tools.

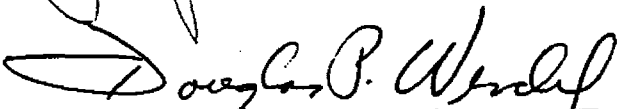


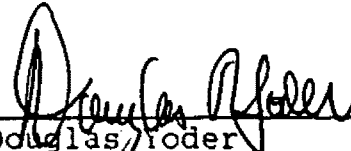
Minutes approved:

  
Suzi Ruhl, Chair


  
Thomas Stephens

  
John Squires

  
Douglas Wendel

  
Douglas Foder

  
Mary Jane Forster

  
Donald Hickman

6. 4. 6.

6. 4. 6.

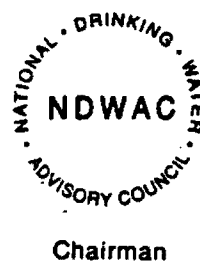
**ATTACHMENT D**  
**STATE PROGRAMS SUBCOMMITTEE REPORT**

61. 4. 20

(H. 3. 3)



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  
Washington, D.C.  
December 4 and 5, 1990

I. ATTENDANCE

SUBCOMMITTEE  
MEMBERS ATTENDING

Thomas Stephens, Chair  
James Barr  
Joseph Millen (12/5)  
Frederick Marrocco  
Richard Shank  
John Squires  
Douglas Wendel

EPA STAFF  
ATTENDING

Carl Reeverts  
Clive Davies (12/5)  
A.W. Marks (12/4)  
Ray Enyeart (12/4)  
Judy Lebowich (12/4)  
Betsy Devlin (12/5)

II. SUBCOMMITTEE REFERENCES:

A. The State Programs Division provided a package in advance of the meeting covering SWTR/TCR implementation, Implementation strategy for Lead/Phase II, Implementation of Lead Ban/LCCA, Affordability issues in new rules, and current Enforcement Initiatives.

B. Previous Subcommittee Recommendations:

1. Financing for the administration of state programs (April 89)
2. State Capacity Initiative to help States develop additional funding for program administration. (December 89)
3. No change in present variance process. (April 90)

4. Increased support of ASDWA "Peer Review Program" and study of turnover in state drinking water personnel. (April 90)
5. More resources for training initiative and appointment of a full time national training coordinator. (April 90)
6. Develop a program to recognize good performance by a water system. (April 90)

### **III. REPORTS AND BRIEFINGS TO COMMITTEE**

A. "Affordability Issues in New Rules" was briefed by A.W. Marks with emphasis on a new policy on variances for systems with service populations between 1,500 and 3,300 people. It was noted that systems with populations of less than 1500 people (i.e. 500 connections) are eligible under the SDWA for extendable exemptions. Systems with more than 500 connections may only receive one exemption not to exceed 3 years. The new variance policy would allow state administrators to declare there is no BAT and thus grant a variance to the larger small systems (i.e. 1500-3,300 people) if no BAT is affordable and there is no unreasonable risk to health.

B. "Implementation Strategy for Lead/Phase II" was briefed by Ray Enyeart. The committee members received a detailed list of actions, deadlines and resources required for implementation of Phase II, Lead, SWTR, and Total Coliform. It was noted that this analysis is very preliminary and that resources are not yet in place.

C. "Implementation of Lead Ban/LCCA" was briefed by Judy Lebowich. Although only two states (i.e. PA and NY) have been penalized for not implementing the lead ban, there are some questions about the effectiveness of the ban in other states. The response of schools to testing fountains and plumbing under the LCCA is disappointing.

D. "Implementation of SWTR/TCR" was briefed by Clive Davies.

E. "Current Enforcement Initiatives" was briefed by Betsy Devlin. The number of SNCs has increased due to a change in definition of SNC. Ms. Devlin will send copies of the 1989 Compliance Report to Subcommittee members.

F. Withholding state grant funds from states for not providing enough resources during extension periods was discussed. Concern was expressed that the resources are simply not available to implement the SWTR/TCR in all States. The alternative of EPA taking primacy was discussed as a viable alternative to simply reducing the states primacy grants.



#### IV. DISCUSSION

##### A. Variances for large small systems (i.e. 1500 to 3,300 people):

The effect of allowing variances based on no affordable BAT would be to extend to an additional 8% of the CWS an option similar to the extendable exemptions allowed for the 80% of the systems that have less than 500 connections (i.e. under 1500 people). The whole idea of allowing any type of exemption or variance to any system is disturbing to most of the Subcommittee members. These members, thus, oppose increasing the number of systems which can apply for any exemption or variance. They prefer the use of enforceable compliance schedules.

B. The Subcommittee is concerned that a timely response was not received on all of the recommendations from the last meeting. Perhaps the multiple letter approach which attempted to target recommendations to the most appropriate level within EPA should be reconsidered. It might be advisable to return to sending all recommendations to the Administrator.

C. The Subcommittee discussed pursuing several long range projects:

(1) Consolidation Regionalization, and Bulk Purchase: - Consolidation of non-viable, non-complying systems into adjacent larger systems, regionalizing small systems into a larger system, or requirement for bulk purchase of wholesale water from a nearby system should be considered BAT for small systems.

(2) State Program Financing - Review and recommendations on funding of state programs. Concentrate on evaluation of other studies.

(3) Assessing the viability of the SDWA implementation and enforcement policy.

D. The Subcommittee had a working lunch with EPA's Regional Drinking Water Branch Chiefs. The informal contacts and perspectives gained were very insightful. A wide range of issues were discussed, including assignment of the RCRA underground storage tank (UST) program to ODW and alternatives to address the building SDWA implementation crises.

E. Concern was expressed that resources are simply not available to implement the SWTR/TCR by all states. The alternative of EPA taking primacy from some states was discussed, but considered unlikely due to lack of resources within EPA ODW.

F. It is the consensus of this subcommittee that on the current course full implementation of the SDWA is highly questionable and that EPA will shortly be faced with key decisions which quite possibly could place the entire program in chaos and crisis at the state level.

G. The need for a focus group to review, evaluate and revise a comprehensive blueprint for implementation of the safe drinking water program for the Nation was discussed. The blueprint should result in a realistic program based on existing resources and revised time frames unless additional resources are provided.

## **V. RECOMMENDATIONS**

A. It is the consensus of the State Programs Subcommittee that implementation of the 1986 Amendments to the SDWA is in serious danger of collapse from a critical shortage of federal, state and local resources and/or the inability to meet statutory deadlines. The magnitude of the problem is reflected in the much larger than expected number of states which are requesting extensions for the SWTR and the TCR which are the most fundamental of the rules. The impact of these extensions is likely to snowball into an avalanche as the lead rule, Phase II rule and other rules follow quickly behind. The unrealistic deadlines and inadequate resource allocations make inevitable a national crisis that could threaten public health.

This pending crisis in the safe drinking water program must be elevated to the highest level of national debate before Congress, state legislatures, governors and the public, and should be the focus of this Council's future agenda until the pending crisis is resolved. It is further recommended that the NDWAC write an open letter to Congress further detailing and emphasizing the nature of the problem.

B. The Subcommittee strongly cautions the EPA from relaxing the variance criteria and procedures for small jurisdictions for several reasons:

1. It would send or be interpreted as a signal that if a small jurisdiction waits long enough, screams loud enough and/or its remedial solution costs are high enough, a variance could be forthcoming.

2. The burden placed on state regulators of reviewing and processing small jurisdictional requests for a variance and resulting appeals when turned down would be onerous and force a redirection of very limited state resources from more productive and necessary activities of a higher priority.

3. The resultant political backlash and legislative pressure associated with rejection or refusal of the variance will further undermine state regulatory agencies' image and ability to secure legislative support for increased funding and program implementation authority.

4. Delaying tactics likely entered into with any small communities as a result of relaxation, would most certainly be detrimental to the interest of public health.



Minutes Approved:



Thomas E. Stephens, Chairman \*

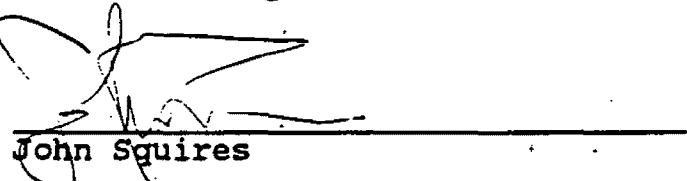
\* (Did not concur in recommendation A and opposed recommendation B)



Frederick A. Marrocco, Vice Chair



Richard L. Shank



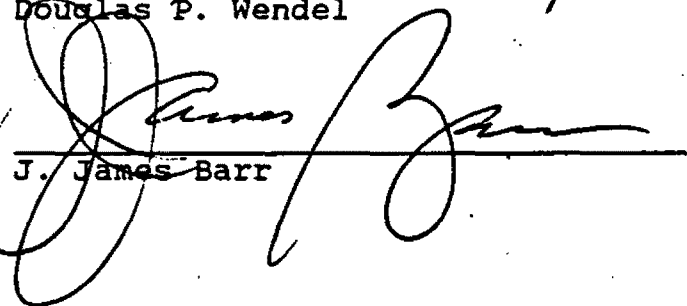
John Squires



Joseph A. Millen



Douglas P. Wendel



J. James Barr



**ATTACHMENT E**  
**GROUND-WATER/UIC SUBCOMMITTEE REPORT**

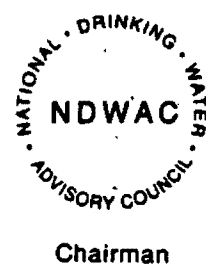
100

100





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  
December 5 and 6, 1990

Members Attending

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

Staff

Marian Mlay  
Roy Simon  
Ron Hoffer  
Bob Barles  
George Hoessel  
Bruce Kobelski  
Don Olson

Ground Water Topics Discussed

1. EPA Ground-Water Task Force Report.
2. Wellhead Protection Program Update
3. Ground Water FY 1991 Budget
4. Consistency in the Application of Ground-Water Standards
5. Ground Water Legislative Report.
6. Safe Drinking Water Act Reauthorization Issues

1. EPA Ground-Water Task Force Report

Marian Mlay, Director of the Office of Ground-Water Protection, reported that the Task Force Report was at OMB and other Federal agencies for review and that any further comments from the NDWAC would be appreciated and still on time. Marian also described the major aspects of the Draft Report and answered several questions from Subcommittee members.

**Recommendation:**

**1. EPA Ground-Water Task Force Report**

The Subcommittee finds that EPA's Ground-Water Task Force Report establishes a sound framework and process for protecting the nation's ground water and should be adopted. The success of the effort will relate directly to the Administrator's continuing support of the process. An evaluation mechanism should be established to ensure that the process is succeeding. The Subcommittee also recommends that the process encompass budgetary and legislative issues as well as regulatory issues.

**2. Wellhead Protection Program Update**

Marian Mlay described the current status noting that 13 States have approved programs, 34 States are working with EPA on developing programs and 10 have so far decided not to submit a program. Marian also described OGWP's continuing efforts to assist States through technical assistance. There was discussion among the Subcommittee members concerning: 1) the amount of wellhead funding for each State under Section 106 of CWA; 2) EPA's efforts to move States at a faster pace; 3) the relationship between wellhead protection and siting new wells; and 4) the demonstrations of wellhead data management as well as the FY 1991 demonstration efforts.

**Recommendations:**

1. The Subcommittee recommends that due emphasis be given to the implementation of approved programs. Incentives for implementing approved programs should be provided. This aspect of the program will become more significant as additional States complete protection plans.
2. The Subcommittee commends the Agency for providing the support to localities in the wellhead protection demonstration program and for maximizing the flexibility of that program. Continuation of the program is recommended.

**3. Ground-Water FY 1991 Budget**

Bob Barles of OGWP described the FY 1991 budget for OGWP grants to States and demonstration funding.

4. **Consistency in the Application of Ground-Water Standards**

Charles Kreitler raised this issue and their was discussion of the problem focusing on use of ground-water standards by other EPA programs and Federal agencies and on the policy on use of quality standards in the EPA Ground-Water Task Force Report.

5. **Ground-Water Legislative Report**

Roy Simon of OGWP described the ground-water legislation introduced and debated in the 101st Congress as well as the ground-water related provisions of the 1990 Farm Bill, which was enacted. There was also a discussion of the potential legislative action on ground water in the 102nd Congress.

6. **Safe Drinking Water Act Reauthorization Issues**

Marian Mlay and Roy Simon described the Wellhead Protection Program issues raised and the summary of discussions at EPA's SDWA Implementation meeting of September 26/27, 1990.

**UIC ISSUES DISCUSSED**

1. **Class I Wells**

Of 65 no-migration petitions, 35 have been approved, 8 have been withdrawn, 5 have met standards for treatment, 2 have been determined to be non-hazardous, 11 have later land ban dates, 1 is being handled on a case by case review, and 3 were for unpermitted, unconstructed facilities. A question was raised as to whether wells that are non-injection, non-hazardous materials may ultimately cause problems from dispersal of already injection hazardous materials. A study has been undertaken to determine how the program to date has actually changed the volumes of materials being injected and what has happened to wastes from facilities no longer injecting. With respect to legal challenges on the non-migration process, the court has upheld the Agency process. A report assessing the adequacy of assumptions used in the no-migration modelling has been prepared and peer reviewed. A copy will be provided to the Subcommittee.

No migration petitions approvals are indefinite, but are reviewed as part of permit renewals and can be reviewed at any time if questions are raised concerning the validity of the approval.

On Class II wells, a ground truthing exercise has been completed for the abandoned well identification program based upon field work in Oklahoma. Oklahoma's records are particularly complete so that the case may not be typical.

## **2. TCLP**

The Toxicity Characteristics Rule was published last March, with guidance for large quantity generators effective in September. For small quantity generators the rule is effective in March of 1991.

## **3. Class V Wells**

The most common receptacle for Class V wells is a septic tank, which creates a potential problem with respect to "clean closure" under RCRA. This may be handled by generic close out plans by administrative order. On a case by case basis, enforcement action may be taken where ground water or water supply contamination is verified. A contamination case compendium has been developed to characterize these types of cases to date. The Class V strategy will strongly emphasize state and local programs and will utilize an approach similar to the mobilization. Major oil companies have been approached to have them correct non-complying operations. There may be an avenue by which local agencies responsible for underground tank programs may be another pathway to compliance. Another pathway may be through lenders and mortgage holders who are increasingly concerned about liability for contamination. There is a lack of information about Class V discharges. The SARA Title III Toxic release inventory is one possibility, but is not very likely to include Class V wells.

The Class V regulation will seek to limit injectate at point of discharge to MCLs and HAs, with exceptions for domestic septic tanks and storm water disposal with best management practices. Two reg workgroup meetings have been held. National forums on a strawman proposal are planned for Spring of 1991, with promulgation expected in Fall of 1992.

#### 4. CLASS II Wells

Mid-Course correction guidance are in final review status. These cover mechanical integrity testing, commercial brine disposal operations, temporarily abandoned wells, and cementing records. A regulatory negotiation is scheduled for new nationally consistent construction standards for Class II wells. In particular, the proposed guidance recommends a number of security, injectate testing, and manifesting activities which, when applied, will reduce the possibility of inappropriate materials being disposed in commercial brine disposal wells.

#### UIC RECOMMENDATIONS AND REQUESTS

1. The Subcommittee recommends that the Agency review and report on Class I wells which have ceased injection of hazardous materials, but continue the injection of non-hazardous materials and whether no-migration analyses should be required in these instances.
2. The Subcommittee recommends that the Agency take strong enforcement action against a few selected Class V violators to serve as a catalyst for larger scale compliance with existing requirements.
3. The Subcommittee recommends that the Agency utilize financial institutions and their association as a pathway too alerting potential Class V operators of Class V requirements. The lenders may be potential responsible parties if Class V operations result in ground water contamination.
4. In implementing the Class V program maximum use should be made of existing program structures such as underground storage tank programs, state and local on-site sewage disposal systems regulatory programs, and a mobilization type of approach to public education.

#### RECOMMENDATION ON SUBCOMMITTEE NAME AND MISSION

The Subcommittee recommends that the Subcommittee name be changed to "Resource Protection Subcommittee" to better reflect its mission in the water supply enterprise. The following mission statement is recommended:

To review, evaluate, and formulate recommendations regarding programs to protect the quality and integrity of present and future sources of water supply. Of special concern will be those resource protection programs authorized under the Safe Drinking Water Act, but other programs and resource protection needs will be considered as appropriate.

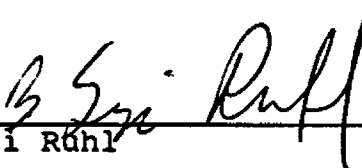
# QUESTIONS ON REORGANIZATION OF OFFICE OF WATER

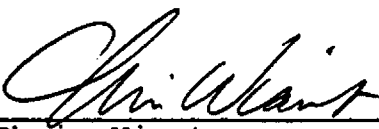
1. Will splitting the UIC function impair the UIC Program?
2. Will combining the ground water and drinking water programs affect the effectiveness of both? Will the reduction in status of OGWP/ODW to divisions reduce the probability of successful implementation of their respective programs?
3. Will the reorganization alter the amount of resources going to the various programs? If so, how?
4. How will the reorganization impact regional organizations?

Minutes Approved:

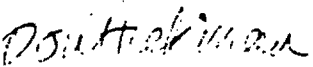
  
Douglas Yoder, Chair

  
Charles Kreidler, Co-Chair

  
Suzi Rühl

  
Chris Wiant

  
Mary Jane Forster

  
Don Hickman

James Collins (Absent)

100

100

100