

United States
Environmental Protection
Agency

Office of Water
4601

EPA 810/R-94-002
February 1994



NATIONAL DRINKING WATER ADVISORY COUNCIL

MINUTES OF MEETING DECEMBER 2 AND 3, 1993



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**U.S. Environmental Protection Agency
National Drinking Water Advisory Council
December 2 - 3, 1993**

The U.S. Environmental Protection Agency sponsored a meeting of the National Drinking Water Advisory Council (NDWAC) at the St. James Hotel on December 2 and 3, 1993.

The following members were present on December 2, 1993:

John Gaston	L. D. McMullen
Maurice Arel	Eric Olson
Becky Cain	Joan Rose
Paul Foran	Susan Seacrest
Marilyn Hotch	Wilma Warren
Carolyn Hardy-Olsen	J.C. Watts
Frederick Marrocco	

The following members were absent on December 2, 1993:

Carmen Leal
Rhonda Swaney

The following members were present on December 3, 1993:

John Gaston	L. D. McMullen
Becky Cain	Eric Olson
Paul Foran	Joan Rose
Marilyn Hotch	Susan Seacrest
Carolyn Hardy-Olsen	Wilma Warren
Frederick Marrocco	

The following members were absent on December 3, 1993:

Maurice Arel
Carmen Leal
Rhonda Swaney
J.C. Watts

Also present during all or part of the meeting were:

Charlene E. Shaw, Designated Federal Official, NDWAC
James Elder, Director, Office of Ground Water and Drinking Water
Tudor Davies, Director, Office of Science and Technology
Robert Perciasepe, Assistant Administrator for Water
Peter Cook, Deputy Director, Office of Ground Water and Drinking Water
Robert Blanco, Office of Ground Water and Drinking Water
Carl Reeverts, Deputy, Enforcement and Program Implementation Division
Peter Shanaghan, Office of Ground Water and Drinking Water
Ed Bender, Science Advisory Board
Terry Harvey, Office of Research and Development
Verne A. Ray, Science Advisory Board Liaison

Registered at the meeting were:

See Attachment A

Thursday, December 2, 1993

I. Opening Remarks and Welcome

Chairperson John Gaston welcomed new members Ms. Cain, Mr. McMullen, and Mr. Arel to the Council and he noted that Ms. Leal, Mr. Watts, Ms. Olsen, and Mr. Foran will be retiring from the Council.

II. Update, Office of Ground Water and Drinking Water

James Elder, Director of the Office of Ground Water and Drinking Water (OGWDW), explained that the Agency is still in transition; seven out of ten Regional Administrators are not yet in place.

Since the last meeting, EPA delivered the Chafee-Lautenberg report to Congress. The report presents a great deal of historical information and current statistics that describe the drinking water program. Ten different legislative proposals accompanied the report.

At the end of May, the Administration sent its outline for the State Revolving Fund (SRF) to Congress. In July, at Senator Max Baucus' request, EPA translated those principles into legislative language.

The regulatory negotiation process (reg-neg) on disinfectants and disinfection by-products (D/DBP) concluded in June. During the negotiations, the need to provide additional public

health protection from microbial contamination became apparent. Negotiators recognized that more research is necessary before the rule packages are completed. The Agency wants to coordinate with other federal agencies to finish the research.

Primacy continues to be a concern. Maine retained primacy by passing legislation establishing a gubernatorial commission and a fee program. In response to a fee boycott by public water systems (PWSs), the Governor of Idaho threatened to give back primacy if the state did not generate a percentage of fees by a fixed date. Region 7 recently sent a letter to the State of Iowa outlining the deficiencies of the state program. Keeping primacy in Iowa will require significant effort.

The Agency is working with the Bull Run Coalition of Oregon to establish alternative dates for proposing and finalizing rules currently under court-ordered deadlines.

Since May, EPA has focused on implementing two rules. For the Lead and Copper rule, the Agency communicated to the public the results of the medium systems sampling. Under the Surface Water Treatment Rule (SWTR), EPA continues efforts to ensure that systems required to install filtration do so.

The Agency began its reorganization to strengthen enforcement. Headquarters OGWDW will shift 14 people and the regional offices will shift 95 to enforcement.

The Administration plans to streamline the federal government. As a result, EPA must achieve a supervisor-to-employee ratio of 1:11; the current ratio for the Office of Water is 1:3.5.

The Office of Water will realize budget cuts in FY94 of about 7 percent, however funds to upgrade the data system were protected from the cut.

EPA continues efforts to combine the comprehensive state ground water protection program idea and the local well head protection program idea into both a surface water and a ground water concept.

III. Status Report on Small Water Systems

Small Systems Coordinator Peter Shanaghan reported that approximately 66 percent of the 58,000 community water systems (CWS) that EPA regulates, are small or very small systems. The key issue to solving the problems of small systems is determining system viability. State viability programs have three components: screening new systems, evaluating existing systems to determine viability, and restructuring nonviable, noncomplying systems.

More coordination is necessary between state drinking water programs and public utility commissions (PUCs). Investor-owned small systems need a simple way to approach PUCs for rate increases. The Small Companies Committee of the National Association of Water Companies recently drafted a proposal outlining an expedited rate-making process.

Mr. Shanaghan reported that, within the wide spectrum of restructuring options, approximately half of small CWSs may be eligible for some type of restructuring.

Five demonstration projects are in progress across the country. They include the installation of an ion exchange unit to control radium in a small mobile home park in Spicewood, TX; a compact version of a conventional type of treatment technology which was donated to a system in Freestone, CA; and point-of-use fluoride-removal devices which were installed in a small system in Suffolk, VA. Two new demonstration projects recently began, one in Amsbry, PA and one in Perrysville, IN.

EPA continues developing alternative approaches to state design review. EPA also worked to establish relationships with the Rural Development Office and the Community Development Block Grant staff to support reauthorization efforts.

IV. Report of the Resource Protection Subcommittee

Chairperson Carolyn Olsen reviewed the subcommittee's recommendations in the areas of source water, watershed, and wellhead protection.

In the area of source water protection EPA should: make SRF funds available for source water protection implementation activities and land acquisition (if the funds are matched by the community); endorse the two-tiered approach for the source water program and implement a similar approach for the watershed program; explore partnerships between EPA and health agencies to reinforce the connection between source water protection and public health; consider communities' current wellhead protection efforts in the development of the new source water protection program; and extend public education efforts to establish source water protection at the local level if source water protection legislation does not pass.

The subcommittee recommended that EPA do the following in the area of watershed protection: require that states involve all appropriate environmental programs, including public health, when implementing watershed protection programs; require that states have legislative authority to organize, fund, and regulate political subdivisions organized around watersheds; and

include a mandatory watershed planning process in any concurrent watershed legislation (assuming that the source water protection program passes as part of the Safe Drinking Water Act [SDWA] reauthorization).

For wellhead protection, the subcommittee recommended that EPA: recognize wellhead protection as the treatment technology of choice for ground water; reinstate funding for wellhead protection demonstration projects in the 1995 budget; and present a briefing on microbial contamination at the next Council meeting.

The subcommittee's specific recommendations are listed in Attachment B.

V. State Program Subcommittee

Eric Olson reported that the subcommittee recommends that EPA:

- provide the Council with the background materials and a report of the outcome of the meeting with ASDWA on monitoring reductions;
- work closely with state and federal agencies to ensure that funding for water supply projects is not spent on encouraging or developing nonviable water systems;
- encourage state and local governments to consider appropriate pricing, acquisition, and management policies to encourage consolidation and restructuring;
- require that states adopt viability programs tailored to local needs and resources to prevent the creation of new nonviable systems and to help states resolve existing nonviable systems; and
- take a position in favor of repealing the current tax on contributions to aid construction of PWSs.

The subcommittee's specific recommendations are listed in Attachment C.

VI. EPA Strategic Issue Plans

Office of Research and Development (ORD) Issue Planner, Terry Harvey, explained that EPA's research strategy will focus on broad assurance, ecology, and pollution prevention. The disinfection research module, using a holistic approach, also will be a significant effort for ORD in the next five years.

EPA should continue plans to develop research alliances with other federal agencies and should investigate the benefits of public/private partnerships, he said.

Mr. Harvey would like to see a drinking water consortium and a council on disinfection research established.

Regarding the Disinfection Rule, Mr. Harvey suggested that EPA: balance microbial and chemical risks taking into account health effects, treatment, analytical methods and risk assessment; develop a human database, where feasible; and evaluate comparative risks for disinfection. The Disinfection Rule exemplifies the usefulness and effectiveness of a collaborative approach.

There is a growing concern about microbial risks. Cryptosporidiosis was brought back into the spotlight by the outbreak in Milwaukee. ORD wants to perform a quantitative microbial risk assessment to determine the point at which microbial contamination causes problems and the point at which it causes disease.

Mr. Harvey reported that EPA's North Carolina Laboratory is researching haloacidic acids and trihalomethanes. The laboratory will concentrate on precursor reduction in the watershed, ozone by-products, chloramines, chlorine dioxide, and small system support.

ORD's budget was lower in 1993 than in previous years. The offices' current budget is 25 - 35 percent below what it needs.

VII. American Water Works Research Foundation

Rick Karlin, Deputy Director of the American Water Works Research Foundation, said that the Foundation sponsors approximately 20 research projects a year. Approximately 260 projects were completed in the past 10 years. The Foundation allocated 40 percent of its budget to D/DBP for the coming years.

The Foundation recently conducted a public attitude survey for public utility managers to use in determining what consumers think about their water. The survey found that customers want quality, health and safety from their water utility; about two-thirds of all Americans believe they receive very little or no information about the quality of their drinking water and that they have very little to say about the quality of their drinking water and would like more public involvement; and most water utility customers would be willing to pay more for quality drinking water.

VIII. Update on Activities of the Office of Science and Technology (OST)

Tudor Davies, Director, Office of Science and Technology, reported that, since the November meeting, OST: published a national sewage/sludge rule; finalized a national toxics rule; proposed a Great Lakes Initiative; published effluent guidelines for pulp and paper plants; and provided support to the drinking water program in setting maximum contaminant level goals (MCLGs). In addition, OST has done much work with D/DBP, the surface water treatment rule (SWTR), and radionuclides.

In the coming year, OST plans to shift from the alpha-numeric classification of carcinogens to a more descriptive classification; research non-cancer risk estimation; explore the relative source contributions of toxicants to humans; develop methodologies and criteria for beach closure; and issue a notice requesting comment on the three-category approach for setting MCLGs.

IX. Health, Science, and Standards Subcommittee Report

Joan Rose, Chairperson, summarized the subcommittee's recommendations to EPA. Regarding the identification, prioritization, and ranking of contaminants, the subcommittee recommended that EPA: complete development of the guidance document addressing appropriate data reporting; rank chemicals by weighing transport and fate as they are produced and released; collect toxicity data on chemicals in drinking water through Federal Insecticide, Fungicide and Rodenticide Act registrants for registered pesticides; develop the capability to interface with geographic information systems; and support waivers to reduce sampling frequency.

In the area of microbial risk ranking and characterization, the subcommittee recommended that the Agency develop a microbial assessment program run in parallel to the chemical occurrence assessment program.

Additionally, the subcommittee recommended that the Agency assess its resource needs to undertake risk assessments for the Information Collection Rule (ICR), D/DBP, and the ESWTR; use Best Available Technologies (BATs) when systems cannot be restructured, consolidated, or reorganized; recommend national accreditation of systems addressing point-of-entry or point-of-use reliability and technical issues; sponsor research to promote rule making under the direction of the Office of Water; assess resource needs for promulgating rules in a

timely manner; request that the Science Advisory Board (SAB) review arsenic risk characterization; include the Centers for Disease Control and state health agencies in the ICR; and consider implementing the ICR in a pilot program.

The subcommittee's specific recommendations are listed in Attachment D.

X. Briefing on the Science Advisory Board Environmental Futures Project

The environmental futures project, described by Ed Bender, is an attempt to consider the current factors in society that will affect the environment of the future, the changes that may occur, and the potential effect of those changes on the Agency.

The Environmental Futures Committee tasked its subcommittees to conduct environmental futures research for six months. The results will be compiled into a report and submitted to the Administrator.

EPA will use futures research in the development of assessment scenarios to identify trends. Researchers will consider the implications of these trends to assist EPA in planning.

XI. Report on the Science Advisory Board (SAB)

Since the last meeting, Verne Ray reported, the SAB found that the D/DBP program in Cincinnati is proceeding very well.

The executive committee recommended that EPA: research by-products associated with alternate disinfectants used with ozone; characterize major by-products systematically and link the characterizations to any potential etiologic agent for non-cancer disease; perform additional research in granulated organic carbon and membranes for removal of by-products; undertake a thorough survey to formulate a ground water disinfection rule; develop a better understanding of the relationship between arsenic exposure and cancer risk before finalizing a quantitative risk assessment; evaluate the differences in Taiwanese and U.S. populations before using the findings of the Taiwanese study; and perform an in-house quantitative risk assessment for non-skin cancers from drinking water. The executive committee agrees with EPA's view that arsenic has not been proved conclusively to be an essential element.

The Executive Committee wants to ensure, if additional microbiology research is conducted, that the funds are directed towards the problems that will likely produce the most results.

XII. Report of the Legislation/Public Outreach Subcommittee

Marilyn Hotch reported that the subcommittee focused on discussing SDWA reauthorization and made recommendations where the subcommittee had concerns about EPA's position.

Regarding SRF grant eligibility, subcommittee members recommended that EPA: allow the SRF be used to acquire land for source water protection projects; substitute "restructuring" for "consolidation" in the proposal to merge nonviable systems with viable systems; support the Baucus bill provision that SRFs should focus on SDWA compliance in disadvantaged communities; and allocate up to 20 percent of the SRF for grants in disadvantaged communities.

In the area of user fees, the subcommittee recommended that EPA (1) authorize states to create funds into which PWSs must contribute user fees and (2) modify the provision that the federal government will collect user fees from states whose primacy is withdrawn by EPA. The provision should include a guarantee that funds from the user fee will be dedicated to implementing the drinking water program in the state from which the fees were collected.

For contaminant selection, the subcommittee recommended that EPA support and seek funding, in addition to federal funding, to establish a national occurrence database; use the national occurrence database to select new contaminants for regulation; and seek authority to drop contaminants from the regulatory list.

Regarding standard setting and BATs, the subcommittee recommended that EPA: support establishment of MCLs based on BATs, taking risk reduction cost and benefits into consideration; and designate BATs for systems to meet newly promulgated MCLs.

The subcommittee further recommended that: the Council form an ad hoc committee to facilitate the conduct of Council business; EPA brief the Council on the definition of PWS ownership and control, and the minimum requirements of laboratory certification; and that EPA support an enforcement moratorium for systems involved in restructuring.

The subcommittee's specific recommendations are listed in Attachment E.

XIII. Public Participants

Sanjay Saxena, Program Coordinator for the National Drinking Water Clearinghouse explained that the clearinghouse is funded by a grant from Rural Development Association to assist small communities by providing information on drinking water issues.

Association of Metropolitan Water Agencies representative Diane Vande Hei reported

that the most controversial issue for the association is the mandate for EPA to regulate 25 new contaminants every three years. The association would like EPA to develop an occurrence monitoring database to determine which contaminants to regulate and to receive authorization to remove chemicals from the regulatory list.

Ms. Vande Hei recommended that EPA consider risk reduction in the standards setting process and educate the public on the benefits of the drinking water regulations.

Regarding the user fee issue, the association does not agree that a designated trust fund is the answer for user fees collected from states in which EPA has withdrawn primacy.

Robert J. Fensterheim, a consultant to the Association of California Water Agencies /Alliance for Radon Reduction, commented on arsenic and radon. He explained that arsenic is a good example of how public health benefits can be incorporated into the standard setting process. When reviewing a standard, he said the benefits of raising the standard versus the risks of lowering the standard should be weighed.

The Alliance for Radon Reduction opposes the 300 picocuries per liter standard because there are more cost effective ways to reduce the public's exposure to radon. The alliance believes that a radon standard commensurate with the public's exposure to radon in outdoor air is appropriate and that residents in high radon areas should receive education on radon.

American Water Works Association (AWWA) Deputy Director John H. Sullivan presented AWWA's position on several issues. Regarding the D/DBP rule, AWWA is concerned that EPA agreed to, but has not provided, funding for research and data collection. Development of an information management system also is critical. The schedule agreed to by the reg-neg committee is nearing an end, and AWWA needs to discuss these issues with EPA.

Whether EPA has the authority to define control beyond ownership is before the courts and will likely be decided in the upcoming year.

AWWA dedicated many resources for public education for arsenic focusing on skin cancer and exposure.

Barker Hamill, of the New Jersey Bureau of Safe Drinking Water, presented New Jersey's positions on reauthorization issues. The Baucus bill, although well thought out, contains many unfunded mandates.

Regarding system viability, Hamill commented that states need a mechanism to reduce oversight of very small systems by changing the definition of a PWS, by reducing monitoring requirements, or by providing a voting mechanism for system users to decide if they want to be regulated by outside agencies.

Hamill noted that revenue collected by the user fee proposed in the Baucus Bill would be extremely high; \$18 million in New Jersey alone.

Richard Moser, of the American Water Works Service Company, described an alternate testing technique for atrazine that costs considerably less than the current approved technique. EPA approval of the alternate technique would allow more frequent testing, which in turn would provide better data on occurrence and human exposure to atrazine.

Friday, December 3, 1993

XIV. Report of the Agenda Subcommittee

Marilyn Hotch reviewed the subcommittee's recommendation to hold the spring meeting in Cincinnati, OH on May 2 - 6, 1994 and the fall meeting in Washington, D.C. on November 15 - 18, 1994.

XV. Council Discussion of Subcommittee Reports and Formulation of Recommendations

The Council considered each subcommittee's recommendations in turn, voting whether to adopt the recommendations. The Council adopted the recommendations of the following subcommittees unanimously: the State Programs Committee; the Health, Science, and Standards Subcommittee; and the Resource Protection Subcommittee.

The council voted 10 affirmative and 1 negative on all recommendations by the Legislation/Public Outreach Committee except the standard setting recommendation which resulted in 6 affirmative and 5 negative votes.

XVI. Office of Water Update

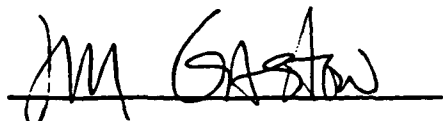
EPA's Assistant Administrator for the Office of Water, Robert Perciasepe, outlined the office's position on many of the subcommittees' recommendations. The answer to many of the current problems with the program lie in reforming and improving the SDWA. There is considerable controversy with the SDWA mandate to regulate 25 new contaminants every three years. The debate over SDWA problems has been two sided. No one has attempted to develop a third, holistic approach, to solving the problems of the SDWA.

Getting the legislation through Congress is a priority. To ensure the long-term security of the country's water supply, the SDWA and the Clean Water Act should be linked in the reauthorization, and reauthorization of the two Acts also should give EPA the flexibility to determine which contaminants to regulate.

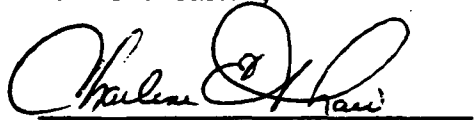
The public has shown interest and concern about water issues. In Maryland, an optional special license plate raised \$5 million for the Chesapeake Bay Project. Mr. Perciasepe concluded by saying that if people work hard and work together, there are always ways to solve problems.

With no other business before the Council, Mr. Gaston adjourned the meeting.

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

A handwritten signature in black ink, appearing to read "JM Gaston", written over a horizontal line.

John M. Gaston, Chair

A handwritten signature in black ink, appearing to read "Charlene E. Shaw", written over a horizontal line.

Charlene E. Shaw, DFO

FEB 22 1994

ATTACHMENT A

Attachment A: Registered at Meeting

Daniel Barbato	Philadelphia Water Department
Arthur Dungan	Chlorine Institute
James Groff	National Assoc. of Water Companies
Claire Harrison	Eastern Municipal Water District
Lance Mabry	IDEM/Drinking Water Branch
Robert Peterson	MBD, Inc.
David Reynolds	ACWA
Colleen Selia	Environmental Policy Alert
Ralph Sullivan	Consultant
Tyrone Wilson	Int'l Bottled Water Association
Bill Eby	Water Week
Barker Hamill	Bureau of Drinking Water/New Jersey
David Martin	Plumbing Manufacturers Institute
Mark Planning	Nat'l Association of Water Companies
Sanjay Saxena	Drinking Water Clearinghouse
Kathleen Stanley	Rural Community Assistance Programs
Mary Terry	Virginia Water Project
Robert Fensterheim	RegNet/ACWA/ARR
Hugh Hanson	Rasslo, Inc.
Vanessa Leiby	Association of State Drinking Water Admin.
Bridget O'Grady	Assoc. of State Drinking Water Administrators
Mike Redman	National Soft Drink Association
Tom Schaeffer	Assoc. of Metropolitan Water Agencies
Brenda Styer	U.S. Forest Service
Amy Wilmot	RegNet
John Davidson	U.S. EPA
Dale Long	U.S. EPA

ATTACHMENT B



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
RESOURCE PROTECTION SUBCOMMITTEE
November 30 and December 1, 1993
Washington, D.C.

MEMBERS ATTENDING

Carolyn Olsen, Chair
Susan Seacrest, Vice Chair
Marilyn Hotch
J.C. Watts
Becky Cain
Joan Rose

OTHERS ATTENDING

Ramona Trovato
Janette Hanson
Chuck Job
Bob Barles
Roy Simons
Geoff Grubbs

Issue: Source Water Protection

RECOMMENDATIONS

1. The Subcommittee recommends that SRF funds be available to the Source Water Protection Program for SDWA compliance implementation activities, including land acquisition, in lieu of conventional treatment, provided that in such purchase the community provide matching funds from non-SRF funds and land acquisition is the most cost effective alternative.
2. The Subcommittee strongly endorses the two-tiered approach taken by the proposed SWP program within the SDWA and recommends a similar approach be taken with watershed implementation program. The Subcommittee is extremely pleased that the pollution prevention philosophy endorsed at the El Paso meeting has been included in the current SWP program proposal.

3. In the development of the new SWP Program, the Subcommittee recommends that EPA carefully consider current WHP efforts so that communities currently implementing WHP be allowed to utilize these activities to the maximum extent possible (For example, WHP allowed as a way to meet vulnerability assessment in the proposed ground water disinfection rule).

4. With or without legislation, the Subcommittee recommends that EPA explore partnerships with well known public health agencies such as the CDC in order to re-enforce in the public's mind the links between SWP and public health benefits.

5. If SWP legislation does not happen, the Subcommittee recommends that EPA expand its public education effort and help develop grassroots initiatives on the local level.

Issue: Watershed Protection

RECOMMENDATIONS

1. The Subcommittee recommends that when implementing the Watershed Protection Program on the state level be required to involve all appropriate environmental programs including public health that the state oversees.

2. The Subcommittee recommends that in order to implement the Watershed Program, states need legislative authorities to organize, fund, and regulate political subdivisions organized around watersheds, and a framework for multi-faceted watershed planning.

3. Assuming that the SWP program passes as part of SDWA reauthorization, the Subcommittee recommends that any concurrent watershed legislation, such as the Clean Water Act, contain a mandatory watershed planning process.

Issue: Wellhead Protection

RECOMMENDATIONS:


1. The Subcommittee recommends that Wellhead Protection Programs be recognized by EPA as a "treatment technology of choice for ground water."

2. Given that small communities derive great benefit from the wellhead demonstration grant program, the Subcommittee recommends that funding be re-instated for WHP demonstration projects in the 1995 budget.

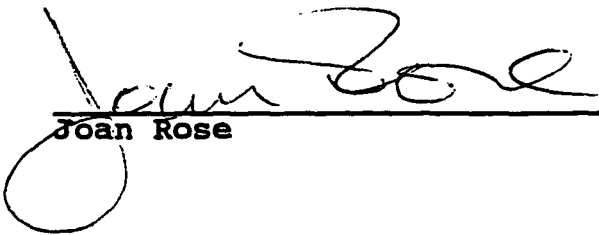
3. The Subcommittee strongly recommends a briefing at the next meeting about the effectiveness of WHP as a process for natural disinfection to meet drinking water standards. The Subcommittee also recommends that EPA address the need for viral survey data and viral transport through soils before the next meeting.


NOTE: The Subcommittee wants to be assured that microbial contamination including virus occurrence from septic tanks be equally considered with chemical contamination as a contamination source in the WHP inventory process.

Approved:

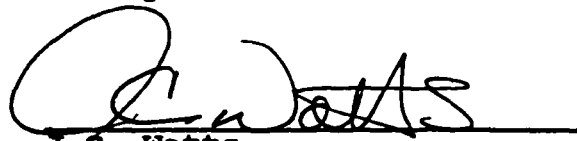

Carolyn Olsen, Chair



Susan Seacrest, Vice Chair



Joan Rose


Carmen Leal


Marilyn Hotch


J.C. Watts

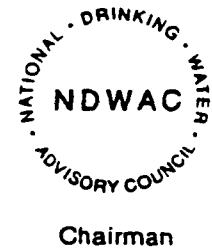

Becky Cain


Rhonda Swaney, Absent

ATTACHMENT C



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 PROGRAM SUBCOMMITTEE
November 30 and December 1, 1993
Washington, D.C.

MEMBERS ATTENDING

Erik Olson, Vice Chair
Paul Foran
L.D. McMullen
Maurice Arel

OTHERS ATTENDING

Carl Reeverts
Jamie Bourne
Lonnie Finkel
Peter Shanaghan

Issue: Monitoring

RECOMMENDATIONS

1. The Subcommittee understands that several EPA employees and state representatives have discussed at length in Denver possible means of improving the system for drinking water monitoring. The Subcommittee asks that it be provided, as soon as possible, full written summaries of the proposals that have been developed in those discussions, and EPA's evaluation of the pros and cons of those recommendations, in order for the Council to evaluate and prepare recommendations regarding these proposals at the May, 1994 meeting.

The Subcommittee agrees with the concept that the scheme for monitoring of drinking water ideally should be integrated with programs that encourage full consideration of the vulnerability of systems to contamination, and looks forward to reviewing the results of the "Denver" meetings in preparing more detailed recommendations on this issue.

Issue: Coordinating Federal Funds for Small Systems

RECOMMENDATION

2. The Subcommittee strongly recommends that EPA work more closely with state PWSS programs and with the Rural Development Administration and the Department of Housing and Urban Development and other relevant federal and state agencies to assure that federal funding for water supply projects is spent on appropriate projects that are consistent with drinking water program health-based priorities, and not spent on encouraging the development or continued existence of non-viable water systems that cannot assure long-term supplies of safe drinking water.

Issue: Incentives for Restructuring Nonviable Systems

RECOMMENDATION

3. At the May, 1993 meeting in El Paso, Texas, the Council recommended that the SDWA should provide incentives for consolidation, regionalization or acquisition of non viable systems by financially and technologically viable governmental or investor owned systems. In order to achieve the public health benefits of the SDWA for all water consumers, this Subcommittee reiterates and expands this recommendation to include encouragement of relevant state and local governmental bodies to consider appropriate pricing, acquisition, and management policies, such as single tariff pricing, acquisition adjustments or alternative management arrangements that would further encourage consolidation, regionalization, and development of economies of scale.

Issue: Programs to Assure System Viability

RECOMMENDATION

4. The Subcommittee commends EPA for its recognition that nonviable small system compliance problems are one of the most significant impediments to assuring a supply of safe drinking water to all Americans. However, EPA should develop a better-funded and more fully implemented program to educate the public and key federal and state officials about this problem, to identify and encourage the creation of incentives, and to eliminate disincentives, to redressing small nonviable system problems. For example, consistent with that previous Recommendation, EPA should develop a menu of options and model laws that states could adopt to prevent the creation of new, non-viable systems and to resolve problems with existing nonviable systems. In addition, the Subcommittee recommends that states be required to adopt a program, whose structure would be tailored to local needs and resources,

that will assure that new, nonviable systems are not created, and that the state will resolve problems with existing non-viable systems to bring them into compliance in the shortest time possible. EPA should seek additional resources and make every effort to assure that state grant funding and the SRF set-aside for state program administration when matched with state and local resources would be sufficient for the states to meet this new mandate.

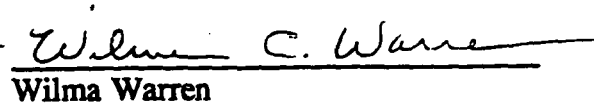
Issue: Repeal of the Tax on Contributions in Aid of Construction for Public Water Systems

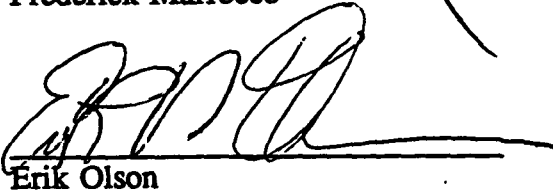
RECOMMENDATION

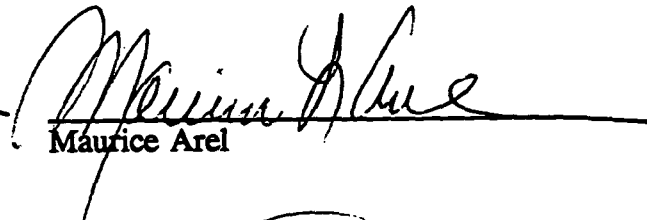
5. The Subcommittee recommends that EPA and the Administration take a clear position in favor of the repeal of the current tax on contributions in aid of construction of public water supplies, which has served as an unnecessary economic disincentive for viable public water systems to acquire existing nonviable water systems.

Approved:


Frederick Marrocco


Wilma Warren


Erik Olson


Maurice Arel


L.D. McMullen

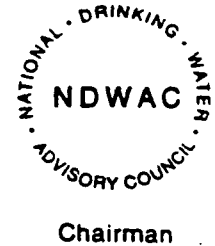

Paul Foran

Rhonda Swaney, Absent

ATTACHMENT D



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
NOVEMBER 30 and DECEMBER 1, 1993
WASHINGTON, D.C.

Members Attending:

Joan B. Rose, Chair
Carolyn Hardy Olsen
Paul G. Foran
Erik Olson
L.D. McMullen
Maurice Arel

Staff:

Ben Smith
A.W. Marks
Marc Parrotta
James M. Conlon
Evelyn Washington
Peter Shanaghan
Steve Clarke
Jennifer Orme

Others:

Verne A. Ray
Tom Schaeffer

The subcommittee was briefed by Mr. Ben Smith on the Occurrence Assessment Program, Mr. Marc Parrotta on Small Systems BAT, Mr. Stig Regli on the Information Collection Rule (ICR) and research priorities, Verne A. Ray on the Science Advisory Board's review of arsenic risks and research needs associated with the ICR and Jennifer Orme on risk characterization, standard setting and arsenic risks. The discussions by the subcommittee focused on six areas, which resulted in recommendations. These included:

1. Identification, prioritization and ranking of contaminants for regulation.
2. Inclusion of Microbial Contaminants into the risk ranking and characterization process.
3. The risk characterization and the standard setting process.
4. BAT for small systems.

5. Research needs.

6. Rules on arsenic, ICR and groundwater disinfection.

A. ISSUE: Identification, prioritization and ranking of contaminants for regulation.

The subcommittee recognizes the increased costs associated with routine monitoring and the increasing constraints upon resources which give a greater importance to a well designed prioritization scheme for addressing unregulated contaminants. The subcommittee supports the prioritization approach presented in more detail at this meeting based on occurrence and health effects; and generally supports the options for further monitoring, fulfilling research needs, immediate development of an MCL or no regulation development at this time. The subcommittee supports the study of a specified number of targeted contaminants (i.e. 15) of prioritizing according to the greatest risk every 3 years accompanied by a mechanism to assure that sufficient research will be conducted on occurrence and health effects of unregulated contaminants.

RECOMMENDATIONS

1. The subcommittee recommends that the guidance document on the appropriate format for chemical occurrence data reporting be issued as soon as possible to ensure better consistency and quality of the information being compiled and assessed. The members would like to receive this guidance document.

2. The subcommittee accepts the need for weighting the production/release data with a fate and transport element in the process, however it recommends that the scientific data on transport models be scrutinized carefully and that less weight be given to degradation in the absence of sound science, and that full consideration be given to the toxicity of degradation products or metabolites of the compounds.

3. The subcommittee recommends that the toxicity data on chemicals of concern in drinking water, and specifically data on disinfectants and disinfection by-products, be pursued through the Federal Insecticide, Fungicide, Rodenticide Act, from the registrants for the relevant registered pesticides.

4. The subcommittee recommends that the agency develop the capabilities to interface with Geographical Information System.

5. The subcommittee supports the waiver for reduced monitoring but not through a complete moratorium on analysis but recommends reduced frequency associated with the vulnerability assessment and change in the use of a specific chemical in an area. In regard to a waiver for the single sample, the subcommittee recommends that the sample be collected at the most susceptible time period and that other criteria of vulnerability be included in the decision.

B. ISSUE: Inclusion of Microbial Contaminants into the risk ranking and characterization process.

The subcommittee recommended during the May session that the methodology for the ranking of contaminants include microbial. The agency responded by agreeing with this recommendation. Despite this apparent agreement the "Occurrence Assessment Program" document that was sent to the subcommittee in the second paragraph states "We are not addressing microbial...." . The justification for this was based on the use of surrogates (coliforms) and treatment technique requirements for their control. The subcommittee supports this approach for CONTROL of these contaminants, however without proper risk characterization, identification, occurrence information, relative risk rankings, with a process which is analogous to the level of effort made in assessing the chemical contamination then the agency will continue to suffer from a lack of credibility for its effort in addressing contaminants like Cryptosporidium. It makes no sense to exclude an important class of contaminants in the process of identification, and risk characterization. By taking this approach, resources will never be delegated to addressing potentially the most serious risks. Research gaps will not be addressed in a timely fashion. This will happen regardless of what approach is taken for control. Microbes cause known diseases and health impacts, significant evidence links these agents to diabetes, reactive arthritides, and heart disease. The Center for Disease Control estimates that between 5 and 60% of enteric cases of disease are linked to water. The National Hospital Discharge Survey reports 752,797 hospitalized cases per year associated with these types of agents and based on 1990 national average costs for hospital time this amounts to over 3 billion dollars per year.

The questions are what known microbial contaminants pose the most serious risks? and are the current rules and proposed rules adequate in controlling these risks? Finally, there needs to be a system to address as yet unrecognized, newly emerging microbial risks.

RECOMMENDATION

1. The subcommittee recommends that the agency develop a microbial assessment program which is run in a parallel fashion and is analogous to the chemical occurrence assessment program. The

financial constraints are understood and the subcommittee applauds the efforts already made on collaborations between OST, ORD and OGWDW. However, the agency in acknowledging that microbial contaminants are a priority, need to back this up with resources and creative approaches are needed to address this resource need.

C. ISSUE: The risk characterization and the standard setting process.

The subcommittee was encouraged by the reevaluation of the risk characterization process and the setting of the MCLGs. The subcommittee was also pleased that microbial contaminants were being brought into the risk characterization process.

RECOMMENDATION

1. The subcommittee recommends that resource needs be assessed in particular to address the ICR, DBP and ESWTR specifically for undertaking the risk characterizations.

D. ISSUE: BAT for small systems.

1. The subcommittee recognizes the need for small system BAT approaches, but believes that this should only be considered as an option when the system can not be restructured, consolidated or reorganized. Of the three options (simple treatment, special BATs and POE), the subcommittee favors the special BATs.

RECOMMENDATIONS

1. The subcommittee recommends that the special BAT approach be developed in more detail and a presentation made at the spring meeting in 1994.

2. Although the POE approach may be useful in some situations the subcommittee has reservations regarding maintenance and reliability and recommends some national accreditation of these systems which will address reliability and technical issues.

E. Research needs.

The subcommittee was concerned that the questions posed to the agency on the process for prioritization of research funds agency and office wide, at the May, 1993 meeting were not addressed. The subcommittee re-directs these questions to the agency. The SAB as well as the results of the negotiation-regulation process point to the significant need for adequate science to develop an appropriate rule. The subcommittee strongly supports this view. It is anticipated that Mr. Terry Harvey will be able to address some of the issues.

RECOMMENDATION

The subcommittee recommends that essential research dollars to promote rulemaking come under the direction of the office of Water.


F. Rules on arsenic, ICR and groundwater disinfection.

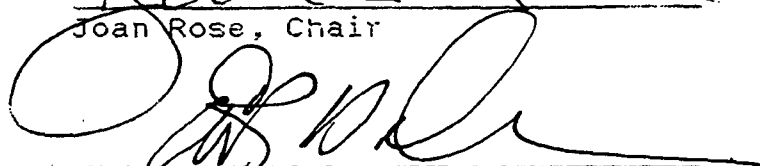
The development of the rule for arsenic appears to be moving towards the proposal stage. However, it is apparent that resources are not available within the drinking water program to promulgate rules in a timely fashion. The groundwater rule has been put on hold because all resources are being placed into the ICR. The ICR is a tremendous effort and is precedent setting as well as will provide information for pollution prevent approaches, yet no new resources are being provided. This will certainly delay the promulgation of this rule and others. The subcommittee believes that public health protection provided by these rules warrants strong consideration for prioritization of resources within the agency.

RECOMMENDATION


1. The subcommittee recommends that resource needs be assessed for the promulgation of rules in a timely fashion, as mandated by court orders and in particular so that progress can be made on the ground water disinfection rule. We would request a briefing on this at the spring 1994 meeting.
2. The subcommittee requests the SAB review of the arsenic risk characterization, EPA's response to that review, and would like to have the Smith et al. publication and others reviewed for strength of evidence on the association of internal cancers and low risks.
3. The Subcommittee recommends that CDC, and State Health Agencies be brought into the ICR considering the potential for the detection of low levels of pathogens for better assessment and communication of health effects and that health advisories are developed for the State for contaminants monitored for under the ICR.
4. The Subcommittee recommends that consideration be given to early implementation of the ICR in a pilot fashion in several key geographical locations.

Approved:

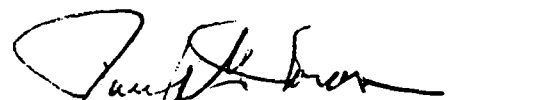

Joan Rose, Chair


Erik Olson

Maurice Arel


Carolyn Olsen


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Frederick Marrocco

ATTACHMENT E



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
LEGISLATION/PUBLIC OUTREACH
SUBCOMMITTEE
November 30 and December 1, 1993
Washington, D.C.

MEMBERS ATTENDING

Carmen Leal, Chair
J.C. Watts
Becky Cain
Susan Seacrest
Marilyn Hotch

OTHERS ATTENDING

Tom Wall
Margie Pitts
Cherie Fields
John Reeder

LEGISLATION

The Subcommittee was briefed on the status of reauthorization activities in the Senate and House of Representatives. The Subcommittee reviewed with EPA staff and discussed issues contained in proposed legislation, comparing the Administration's position, S.1547 (Baucus) and H.R. 3392 (Slattery).

The Subcommittee was generally favorable toward the EPA proposals and commends EPA for the thoughtfulness and thoroughness of its approach. It particularly appreciates EPA's responsiveness to issues of source water protection and pollution prevention raised at the Council's El Paso meeting. The Subcommittee did have some areas where it would recommend modification or addition to the Administration/EPA position. Those recommendations follow:

State Revolving Fund

Issue: Eligibility Requirements

RECOMMENDATIONS

1. The Subcommittee recommends that the phrase "restructuring" should be substituted for the word "consolidation" by EPA in its proposal on SRF eligibility regarding the merging viable with non-viable systems.
2. The Subcommittee recommends that EPA should support the provisions in S.1547 (Baucus) that State SRF use plans should focus on SDWA compliance in disadvantaged communities and that up to 20% of the SRF may be used for grants to disadvantaged communities.

Issue: Definition Changes in the SDWA

RECOMMENDATION

1. The Subcommittee recommends that EPA provide the Council with a briefing on the definitions of ownership and control by public water suppliers under the SDWA and how those definitions are applied.

Issue: User Fees

RECOMMENDATIONS

1. The Subcommittee recommends support for EPA's proposal that States be given authorization to create a fund into which PWSs must contribute user fees. The Subcommittee further recommends that EPA support a requirement that, if states establish a user fee structure, such fees be deposited in a designated fund to be used exclusively for compliance with the SDWA or state law designed to protect or improve the quality of drinking water.
2. The Subcommittee recommends that EPA modify its proposal that the Federal government assess user fees within a state from which it withdraws primacy to include the provision that the fees must go into a dedicated fund that is guaranteed to be utilized by EPA for the drinking water program within that state. If no such guaranteed dedication can be achieved, then the Subcommittee recommends that EPA delete from the proposal that the Federal government assess such a fee.

Issue: Source Water Protection

RECOMMENDATIONS

1. The Subcommittee recommends that the Council commend and express strong support for EPA's source water protection proposals, particularly the two-tier baseline/enhanced state and local programs which allow flexibility with proper controls.

Issue: Lab Certification

RECOMMENDATIONS

1. The Subcommittee recommends that EPA prepare and present at the next Council meeting a briefing on the status of lab adequacy throughout the country to accommodate SDWA requirements and needs.

Issue: Extension of Compliance Timeframes

RECOMMENDATION

1. The Subcommittee recommends the Council support the proposal that EPA have authority to extend on a case by case or categorical basis up to 60 months for compliance with NPDWRS if construction is needed. In granting such extensions, EPA should consider the ability of such systems to comply.

Issue: Contaminant Selection

RECOMMENDATIONS

1. The Subcommittee recommends that EPA use every available effort, legislative or otherwise, to establish a national occurrence database. Such a database is critical to the implementation of various regulatory programs related to drinking water, including current and proposed source water prevention programs. The Subcommittee further recommends that EPA seek sources of funding in addition to Federal funds to create and implement such a data bank.

2. The Subcommittee recommends that EPA propose and support the database for the preliminary selection of new contaminants to be regulated, followed by any further health study needed to decide either to regulate a contaminant or issue a health advisory.

3. The Subcommittee further recommends that EPA propose and support that it determine, based upon sufficient occurrence data and study, that a contaminant may be dropped from the regulatory list but only if, in such case, occurrence monitoring be conducted for that contaminant. The Subcommittee recommends that EPA brief the Council on how it would define and determine the sufficiency of the data.

Issue: Standard Setting

RECOMMENDATIONS

1. The Subcommittee recommends that EPA propose and support that it establish MCLs based on best technology taking risk reduction benefits and cost into consideration.

Issue: Best Available Technology (BAT)

RECOMMENDATION

1. The Subcommittee recommends that EPA propose and support that it designate BAT for systems to meet a newly promulgated MCL, taking into account system size in that determination. If a BAT cannot be found for a particular size system to comply, then EPA must require innovation alternatives such as restructuring, prevention or other mechanisms to achieve public health protection. This is not intended to imply that standards will be set based on what small systems can achieve.

Issue: Role and Operation of the NDWAC

RECOMMENDATION

1. The Subcommittee recommends that an Ad Hoc Committee be formed to discuss and propose to the Council procedures and mechanisms to facilitate the Council in the conduct of its business. The options should include ways for the Council to interact with EPA which permit timely response on issues of concern by each to the other. The Subcommittee recommends that the members of the Ad Hoc committee be: Susan Seacrest, Wilma Warren, L.D. McMullen, Erik Olson, and Marilyn Hotch.

Approved:

Carmen Leal, Chair

J.C. Watts

Susan Seacrest

Marilyn Hotch

Becky Cain

Rhonda Swaney (Absent)