



ADMINISTRATION'S RECOMMENDATIONS for SAFE DRINKING WATER ACT REAUTHORIZATION

In September, 1993, the Administration submitted to Congress a package of ten recommendations for Safe Drinking Water Act (SDWA) reauthorization. These recommendations are a package which, taken together, address the fundamental issues surrounding implementation of the SDWA. The recommendations are summarized below.

1 Establish A Drinking Water State Revolving Fund Many communities and water suppliers lack the financial capability to meet the rising costs of SDWA compliance. A State revolving fund would provide low or zero interest loans to help water systems comply with the provisions of the SDWA and protect the safety of drinking water.

2 Maintain State Primacy Through An Optional SDWA User Fee The Federal/State partnership for drinking water is in jeopardy due to inadequate funding and rising program responsibilities. The SDWA should require States to develop plans for implementing a well-run primacy program. States that identify funding problems in their plan should have the option of establishing a dedicated State "drinking water protection fund" into which SDWA fees would be deposited. If the optional fund is established by the State, the fees would be used, in conjunction with other resources, to cover the cost of State services and functions related to SDWA implementation. If a State loses authority for implementing the SDWA program, the fees would be paid to the Federal government to cover the cost of EPA's administration of the program in that State.

3 Implement Programs To Protect Sources Of Drinking Water No level of monitoring and treatment can protect against man-made contaminants as reliably as preventing contamination in the first place. Requiring States, in cooperation with public water suppliers and local government entities, to develop and implement a source water protection program for both ground water and surface water will help prevent pollution, thereby reducing the long-term costs associated with monitoring and treatment.

4 Provide Flexibility For States With Enhanced Source Water Protection Programs States with primary enforcement authority for the Public Water Supply Supervision Program should be allowed, with approval from EPA, to develop alternative monitoring and treatment approaches for public water supply systems with "enhanced" local (or area-wide) source water protection programs. To support the development of these prevention-based programs, such activities should be eligible for funding under the Drinking Water State Revolving Fund (see recommendation #1).

5 Ensure Viability Of Small Systems Eighty-seven percent of community water systems are small systems (serving less than 3300 persons). Many of these systems lack the financial, managerial, and technical capacity to meet the requirements of the SDWA. To address these problems, States should adopt programs to improve system capabilities and prevent the formation of new non-viable systems. Through sharing of administrative functions and other restructuring options, many small systems may find they are better able to afford the costs of providing water and complying with the regulations. An estimated one half of the 50,000 small community water systems would benefit from restructuring.

6 Establish "Best Available Technology" (BAT) Alternative For Small Systems Due to economies of scale, treatment technologies that are affordable for large systems often are not affordable for small systems. Small system "BAT" provides a streamlined process for States to grant 5-year treatment variances to groups of eligible systems that install affordable technology and take other practical steps to protect public health.

7 Train And Certify Systems Operators Forty-five States currently have operator certification programs. However, most States exempt small systems to some extent. States should be required to implement a complete program for operator certification and training as a condition of primacy. EPA would define minimum program criteria and address the role of certified operators as appropriate within individual drinking water regulations.

8 Improve The Process For Selecting Contaminants For Regulation EPA is currently required by the SDWA to establish standards for an additional 25 contaminants every 3 years regardless of health risk. This process should be replaced with a new process whereby EPA, in consultation with States and the Science Advisory Board, would identify priority contaminants and determine an appropriate regulatory response based on health risk and occurrence. EPA would categorize contaminants into 2 tracks. Track 1 would warrant immediate regulation based on analysis of risk and occurrence data. Track 2 contaminants would receive further study before decisions are made regarding the need for regulatory action.

9 Increase Flexibility For Setting Compliance Timeframes Under current law, drinking water standards become effective 18 months after EPA promulgation. In many circumstances, this timeframe is not realistic for systems that need to install treatment, particularly when major construction is necessary. EPA should have explicit authority to specify, within regulations, reasonably expeditious compliance timeframes of up to 60 months.

10 Streamline And Strengthen Enforcement Provisions The SDWA lacks enforcement authorities found in other environmental statutes. Enforcement authorities within the SDWA should be combined and revised to (1) provide uniform administrative, civil judicial, and criminal enforcement authorities which are more consistent with other statutes administered by EPA, and (2) increase deterrence and improve compliance with the law.