

# REGULATORY UPDATE: FALL 2006

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**I**N THE PAST 18 MONTHS, SIGNIFICANT REGULATORY AND SECURITY ACTIONS HAVE BEEN IMPLEMENTED. A few such regulations include a notice of availability of Simazine and Copper risk assessments and risk reduction options, proposal of a Second Unregulated Contaminant Monitoring Rule (UCMR2) to obtain information on constituents that may be regulated under the SDWA, a final Stage 2 Disinfectant and Disinfection By-products Rule (DBPR) and Long-term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), an OMB Proposed Risk Assessment Bulletin, a proposed revision of existing national-level affordability methodology and methodology to identify variance technologies, and publication of considerations for developing alternative health risk assessments approaches for addressing multiple chemicals, exposures, and effects. Notices of availability of chloroacetanilides, aldicarb, and triazine risk assessments also went into effect. Most recently, there was a release of a second version of the National Infrastructure Protection Plan (NIPP), proposed minor revisions to the lead and copper rule, and a final rule on protection of critical infrastructure.

The upcoming months have many other scheduled regulatory activities. The final Groundwater Rule is scheduled to be published in October 2006. Final revisions to the Lead and Copper Rule are expected in late 2007 along with the Copper FIFRA review risk management decision. Preliminary decisions from the 2nd six-year review of existing regulations (e.g. radionuclide, arsenic, fluoride) are expected in 2008, with final decisions in 2009.

In early 2007, the USEPA will publish the draft second round of the Contaminant Candidate List (CCL2). The CCL, first published in 1998, is a SDWA requirement as the USEPA starting point for potential drinking water regulations. A final CCL2 is scheduled for publication in early 2008. A draft of CCL3 is scheduled for late 2007. These lists are useful for early indication of possible regulatory action by USEPA.

## TOTAL COLIFORM/DISTRIBUTION SYSTEM RULE

Under the SDWA, the USEPA must review existing drinking water regulations every 6 years. During the 2003 review, the USEPA identified the Total Coliform Rule (TCR) for possible revision. The USEPA published 9 "white papers" discussing distribution system issues of public health concern and is currently working on additional TCR white papers. In June 2006, the EPA held an expert workshop to discuss the white papers. They expect to propose a rule by summer 2007 and have a final rule in 2008. It appears there will be a Federal Advisory Committee Act established to negotiate the rule with Stakeholders. Carrie Lewis of Milwaukee Water Works will represent AWWA at the table.

## NATIONAL RESEARCH COUNCIL REPORT

The USEPA requested a study of water quality issues

within the public water supply distribution systems and their possible risks. The National Research Council (NRC) conducted a study using three primary approaches: 1) data on pathogen occurrences, 2) outbreak surveillance data, and 3) epidemiology studies. They determined there is a major concern with the aging of the distribution systems and the resulting loss of physical and hydraulic integrity. There is also a major concern about water quality degradation due to the large water ages and reactive pipe materials. To reduce the public health risks associated with these concerns, the NRC recommends utilities adopt G200 (an AWWA standard regarding distribution systems operations and maintenance). They also recommend alternatives for premise plumbing such as assessing cross connections at the time of a property sale, developing a nationally consistent cross-connection program, and developing a uniform national code for existing plumbing. Additional data is needed, however, to integrate research and applications for real-time distribution system modeling.

## USEPA WATERBORNE DISEASE REPORT

The USEPA produced a report, entitled "Approaches to Estimating the Waterborne Disease Outbreak Burden in the United States: Uses and Limitations of the Waterborne Disease Outbreak Surveillance System," that covers 665 outbreaks over a 29-year period ending in 2000. They seek comments on this report and believe there is an underreporting: "Because not all WBDOs in the United States and associated cases of illness are reported, the WBDO database on which this draft document is based is not comprehensive. The extent to which WBDOs are not recognized is unknown and is not examined in this analysis." This was cause for a separate AWWA effort to develop a proper way to determine the extent to which the WBDOs are recognized. This information is important and, should waterborne disease prove to be significantly more prevalent than currently reported, may drive further drinking water regulations.

## SECURITY

On June 30, 2006, the Department of Homeland Security (DHS) released the final version of its National Infrastructure Protection Plan as part of its implementation of Homeland Security Presidential Directive 7. By December 30, 2006, a revision of the water sector-specific plan will be developed through a joint DHS/Water Sector Coordinating Council/federal/state agency effort. DHS has almost completed a study on domestic water supply focusing on the insider threat, chem/bio/rad agents and post-event decontamination/recertification. They have also piloted the implementation of the Homeland Security Information Network, which is a computer-based communications portal with the water and energy sectors. They are shifting some of their priorities from traditional physical security to resiliency and recovery based on the hurricane experience. Under implementation of the National Preparedness Goal, DHS is developing the Target Capabilities Lists based on types of skills needed for various event/incident scenarios.

The USEPA requested another \$40M for FY2007 for Water Sentinel to expand the pilot monitoring and surveillance program. It will likely be funded at a reduced level. It is currently underway in one city and water quality monitoring along with routine/triggered event sampling will be starting shortly. A Water Sentinel Executive Committee has been established to provide guidance. The USEPA is also currently working to encourage implementation of the 14 elements of effective security programs at large systems. These voluntary measures will seek to assess the sector's progress in taking actions to become more

secure. A report should be completed by the end of 2006 with the 14 elements being a precursor to a water security regulation sometime in the future. The USEPA also launched a Water Contamination Information Tool in December 2005 for utility owners and operators, and is adding more contaminants.

Under the Water Infrastructure Security Enhancements (WISE) grant, AWWA has finalized guidance for security of water plant design. There is some concern with the ongoing WISE Phase III development of security standards and review of the first draft standard on ground storage tanks is ongoing.