

## Current Regulatory Determinations & New Drinking Water Strategy

Louisiana Water Quality Technology Conference  
December 2010

Blake Atkins, Chief  
Drinking Water Section  
EPA Region 6

---

---

---

---

---

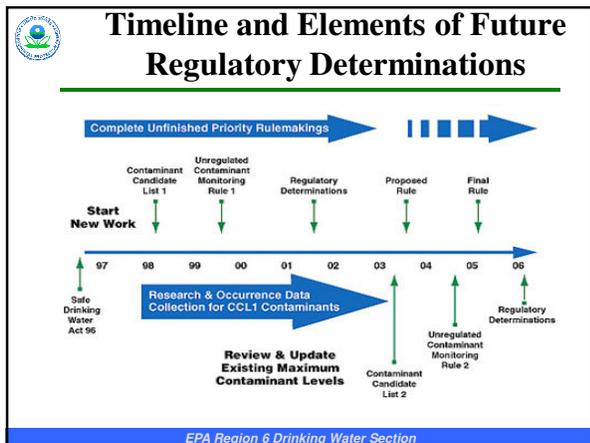
---

---

---

---

---




---

---

---

---

---

---

---

---

---

---

### General Approach for Evaluating the Regulatory Determination Statutory Criteria

#	Statutory Criteria	Information To Consider During Evaluation
1	Is the contaminant likely to cause an adverse effect on the health of humans?	<ul style="list-style-type: none"> <li>• Most recent Agency risk assessment (IRIS, OPP, OW), the potential health effects, and the Reference Dose (RfD) and/or cancer slope factor.</li> <li>• Use health information to derive a health reference level (HRL) in order to evaluate occurrence (for non-carcinogens 20% RSC default used as screening).</li> </ul>
2	Is the contaminant known or likely to occur in public water systems (PWSs) at a frequency and level of concern?	<ul style="list-style-type: none"> <li>• Evaluate drinking water occurrence data at the HRL.</li> <li>• Primary source for drinking water occurrence data is the Unregulated Contaminant Monitoring Regulation (UCMR). Also use previous Unregulated Monitoring Contaminant Surveys.</li> <li>• If available, review supplemental information (e.g. USGS, State data).</li> </ul>
3	In the sole judgment of the Administrator, does regulation of the contaminant present a meaningful opportunity for health risk reduction for persons served by PWSs?	<p>Consider variety of factors which include:</p> <ul style="list-style-type: none"> <li>• Population exposure (typically based on drinking water occurrence information); for non-carcinogens, consider relative exposure from drinking water and other sources</li> <li>• Sensitive populations</li> <li>• National distribution of occurrence</li> <li>• Supplemental sources of exposure information could also be considered</li> </ul>

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---

---

---



### Previous Regulatory Determinations

- **Regulatory Determinations for CCL 1**
  - March 1998 - Published CCL 1 and listed 60 contaminants
  - July 2003 - Published final determination “not to regulate” 9 of the 60 contaminants
- **Regulatory Determinations for CCL 2**
  - February 2005 – carried forward 51 remaining CCL 1 contaminants onto CCL 2
  - July 2008 – Published final determination “not to regulate” 11 of the 51 contaminants.

4

*EPA Region 6 Drinking Water Section*

---

---

---

---

---

---

---

---

---

---



### UCMR 2 Results to-date

- **Final Rule published January 4, 2007**
- **Monitoring Jan 2008 – Dec 2010**
- **25 contaminants of interest**
  - Brominated flame retardants
  - Nitrosamines
  - Explosives
  - Insecticides, pesticides, degradates
- **Regulation Determination in 2012**

5

*EPA Region 6 Drinking Water Section*

---

---

---

---

---

---

---

---

---

---



### CCL3 to UCMR3

**CCL3 published October 2009**

**Draft UCMR3 to be published January 2011**

**Final UCMR3 in 2012**

**UCMR3 monitoring in 2013-2015**

6

*EPA Region 6 Drinking Water Section*

---

---

---

---

---

---

---

---

---

---



### National Primary Drinking Water Regs 6-year Review

- Required to review and, if appropriate, revise existing NPDWRs every six years. Any revision shall maintain or provide for greater protection of public health
- Completed 1st Review in 2003; Reviewed 69 NPDWRs and made decision to revise Total Coliform Rule (TCR)
- Completing 2nd Review on 71 NPDWRs (Appendix A & B);
  - Expect to publish review results soon

7

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



### Regulatory Determination for Perchlorate

- October 2008 published FR notice seeking comment on a preliminary determination “not to regulate” perchlorate
  - Received over 32,000 comment letters
- August 2009 published a FR Supplemental Request for Comment on additional ways to analyze the data
  - Re-evaluation of perchlorate exposure to all sensitive life stages, including infants, children and the fetuses of pregnant women
  - Received over 6,000 comment letters
- EPA is considering these comments and continuing our deliberations on whether to regulate perchlorate in drinking water

8

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



### Lead and Copper Rule (LCR) Revisions

- In 2004-2006, National Review of LCR identified issues that reduce the effectiveness of the LCR
- EPA grouped those issues into short-term and long-term issues
- Short Term Issues addressed in Revisions issued October 10, 2007
  - Clarify monitoring requirements
  - Strengthen long-term treatment change evaluation
  - Assure customer notification of results
  - Clarify lead service line “test out” provisions
  - Improve public education requirements (NDWAC recommendations)
- Stakeholder Meeting: Oct. 2008 in Washington, DC
  - Presented available information on Long-Term issues and sought further stakeholder input on whether regulatory revision or further guidance is warranted

9

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



### Long-Term LCR Regulatory Revisions

- Lead and Copper Rule Long-Term Revisions
  - Proposed Rule anticipated Spring 2012
  - Issues under consideration for reg. revision or additional guidance could include:
    - Partial lead service line replacement
    - Sample site selection for lead and copper
    - Tap sampling issues including pre-stagnation flushing and maximum stagnation time
    - Consecutive systems
    - Particulate lead
    - Other issues raised by stakeholders (e.g., MCL at the tap, lower lead AL, risk communication)
  - Obtaining Work Group input on options for revising LCR
    - State participation on WG includes Missouri, Indiana, North Carolina, Washington, and Massachusetts

10

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---

---

---



### Drinking Water Strategy

- Address contaminants as groups rather than one at a time.
- Foster development of new drinking water treatment technologies.
- Use the authority of multiple statutes to help protect drinking water.
- Partner with states to share more complete data from monitoring at public water systems.

11

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---

---

---



### Goals for the New Vision

By pursuing these actions, EPA will:

- Provide more robust public health protection in an open and transparent manner.
- Assist small communities to identify cost and energy efficient treatment technologies.
- Build consumer confidence by providing more efficient sustainable treatment technologies to deliver safe water at a reasonable cost.

12

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---

---

---



## Address Contaminants as Groups

- Evaluating and addressing contaminants as groups during the regulatory process may:
  - Be less time consuming and resource intensive
  - Account for risks from multiple contaminants
  - Deal more effectively with an increasing # of emerging contaminants
  - Provide water systems with an opportunity to make best long-term decisions on capital investments

13

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



## Develop New Technologies

- Foster development of new drinking water technologies to:
  - Address health risks posed by a broad array of contaminants.
  - Control contaminants that confront utilities today and into the future.
  - Provide sustainable safe drinking water at reasonable costs
  - Develop water- and energy-efficient treatment technologies
- Collaborate with universities, technology developers, and the private sector.

14

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



## Use Other Authorities

- Identify opportunities to better understand and improve drinking water quality.
- Provide relevant health effects and exposure data.
- Ensure that decisions made under other authorities are protective of drinking water.
  - Use reviews under the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) to tighten pesticide registration requirements when occurrence data approaches or exceeds levels of concern.
  - Use the Toxic Substance Control Act to ensure that decisions made for new and existing industrial chemicals are protective of drinking water.
  - Use the Clean Water Act authorities to protect source waters.

15

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



## Share Access to All PWS Data

- Partnering with states to develop shared access to all public water systems monitoring data.
- Developing information technology, data analysis, and communication tools with states to:
  - Target public health issues, conduct program oversight, and provide compliance assistance.
- Provide timely information about the quality of drinking water and performance of drinking water systems.

16

EPA Region 6 Drinking Water Section

---

---

---

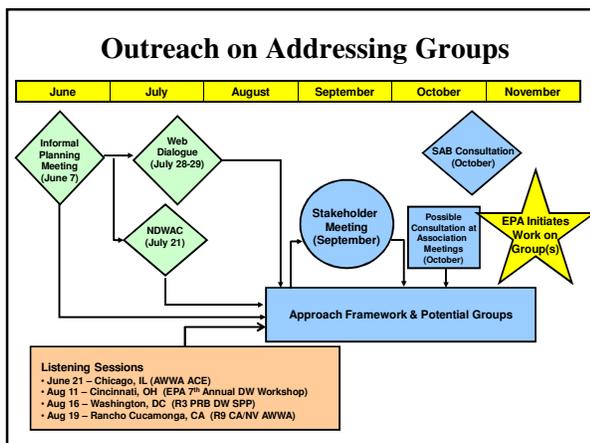
---

---

---

---

---




---

---

---

---

---

---

---

---



## What have we heard?

- Public health protection should be of paramount importance
- Consider health effect endpoints in grouping of contaminants
- Consider treatment feasibility to identify and address groups of contaminants
- Consider analytical methods and/or use surrogates or indicators of groups of contaminants

18

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



### What have we heard?

- Consider addressing groups of contaminants at their source
- Consider occurrence and co-occurrence of contaminants
- Evaluate approaches used by States and other countries in grouping contaminants
- Non-Regulatory Approaches:
  - Green Chemistry
  - Health Advisories

19

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---



### What have we heard?

- Suggested Groups:
  - Parent and Degradate Compounds
  - Nitrosamines
  - Estrogenic Compounds/Endocrine Disruptors
  - Volatile Organic Compounds
  - Goitrogens
  - Algal Toxins
  - Pesticides/Herbicides
  - Industrial Chemicals
  - Indicator Compounds
  - Viruses

20

EPA Region 6 Drinking Water Section

---

---

---

---

---

---

---

---