**Drips and Droplets (Fall, 2011)**

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SDWA Committee Chair

I am writing this article as the debt ceiling debate is dominating all media coverage. When you read about this article, we, as a county, will be either a debt-deadbeat county or continuing our spending spree like nothing happened. Not sure which way is better. It is hard to believe that under this intense partisan bickering there are still plenty of other things going on in Congress.

**Senate Panel Focuses on GAO Report on Regulatory Decisions for Water**

The Senate Committee on Environment and Public Works held a hearing Tuesday centered around a Government Accountability Office (GAO) report that said EPA should be doing a better job determining which new substances should be regulated in drinking water. The report is titled, “Safe Drinking Water Act: Improvements in Implementation Are Needed to Better Assure the Public of Safe Drinking Water;” GAO-11-803T.

David Trimble, GAO Director of Natural Resources and Environment, testified that his agency had made 17 recommendations to EPA for improving implementation of the SDWA, and that EPA had agreed with only two of them. EPA Deputy Administrator Bob Perciasepe said that many of the concerns GAO raised were already being addressed by his agency, such as its approach to the third round of regulatory determinations and the Candidate Contaminant List 3.

Much of the GAO report focused on EPA’s handling of the perchlorate determination as an example of a lack of transparency in the regulatory determination process. GAO summarized its finding by stating, “EPA has neither identified the drinking water contaminants of greatest public health concern nor fully used its authority to obtain data for making regulatory determinations.” Lynn Goldman, a former EPA Assistant Administrator now with the American Public Health Association, said more needed to be done to protect sensitive subpopulations and that “Given there are no mechanisms for systematic collection of information about levels of unregulated chemicals in drinking water, those toxic chemicals that are occurring frequently need MCLs so that they will be monitored and the public can be assured that levels are safe.”

Dr. Steven Patierno, executive director of the George Washington University Cancer Institute, said the orally ingested levels of chromium -6 described in an Environmental Working Group report earlier this year were not a health risk, a statement that did not sit well with committee chair Sen. Barbara Boxer, D-Calif.

Joe Cotruvo, the first director of EPA’s Drinking Water Criteria and Standards Division, testified, “The record shows that reported waterborne infectious disease outbreaks have declined since implementation of the SDWA began, but the portion of outbreaks due to distribution system infrastructure deficiencies has been increasing.” Boxer, Ranking Republican James Inhofe, R-Okla., Goldman, and Cotruvo all said there was a need for stronger funding for the drinking water state revolving loan fund program.

**Preliminary Regulatory Determination for the Third Contaminant Candidate List (CCL3)**

EPA has published a final list of contaminants which may require regulation under the Safe

Drinking Water Act (SDWA). This final Contaminant Candidate List 3 (CCL 3) includes 104 chemicals or chemical groups and 12 microbiological contaminants which are known or anticipated to occur in public water systems. The list includes chemicals used in commerce, pesticides, waterborne pathogens, disinfection byproducts, and biological toxins. EPA evaluated approximately 7,500 chemicals and microbes and selected 116 candidates for the CCL 3 that have the potential to present health risks through drinking water exposure. EPA hosted a public stakeholder meeting on June 16, 2011 in Washington, DC to discuss the Agency’s Regulatory Determinations 3.

EPA will evaluate all the contaminants on the CCL 3 to determine which contaminants have sufficient information to allow the EPA to make a regulatory determination. A regulatory determination is a formal decision on whether EPA should initiate a process to develop a national primary drinking water regulation for a specific contaminant. For those contaminants that lack sufficient information, EPA will encourage research to provide the information needed to determine whether to regulate the contaminant. The law requires that EPA make regulatory determinations for at least five contaminants from the most recent CCL every five years. Those contaminants on the CCL3 that are of special interests are: Chlorate, nitrosamines (individually or grouped), 1,2,3, trichloropropane, and strontium.

**Chemical Facility‐Anti Terrorism Standards (CFATS) Update**

On October 4, 2006, President George W. Bush signed the Department of Homeland Security Appropriations Act of 2007, which provided the Department of Homeland Security (DHS) with the authority to regulate thesecurity of high risk chemical facilities. Public Water Systems regulated under SDWA were exempt in 2007 rule. As part of appropriations bill provisions have been renewed annually as part of that process. Recent legislation attempts to put PWS under DHS regulations. However, the likely outcome is another one-year extension of current program

**What’s-up – Preview of Fall Conference SDWA Program**

In the upcoming Section’s Fall Conference in Reno, in addition to the Federal regulatory updates by Dr. Bruce Macler of USEPA, the SDWA Committee will present regulatory update by Ms. Andrea Seifert of Nevada Department of Environmental Quality will present on Stage II DBP Rule compliance. Tommy Holms of AWWA Governmental Affairs will present Legislative Affairs and Water Infrastructure Funding Policy. There are also presentations on corrosion control and nitrate.