

U.S. Environmental Protection Agency
Total Coliform Rule / Distribution System
Advisory Committee Meeting

September 18, 2008

Location:
The Churchill Hotel
1914 Connecticut Ave., NW
Washington, DC 20009

Draft Meeting Summary

Meeting Objectives/Desired Outcomes:

- *Ratify agreement in principle for revisions to the Total Coliform Rule and on priorities and coordination mechanisms for research and information collection concerning distribution systems;*
- *Discuss communication about the agreement and about other next steps; and*
- *Approve June 18-19, July 18 call, and July 30-31 meeting summaries.*

I. Welcome, Introductions, Meeting Objectives and Agenda

Crystal Rodgers-Jenkins, the Designated Federal Officer, opened the meeting and welcomed the members and meeting attendees to the thirteenth meeting of the Total Coliform Rule / Distribution System Advisory Committee (TCRDSAC).¹

Gail Bingham, the facilitator from RESOLVE, briefly reviewed the objectives of the meeting, the meeting agenda, and the meeting materials. She referred the Committee to the current version of the Agreement in Principle (AIP) in the meeting folder that reflects in redline the Committee's discussions at the September 3, 2008 conference call.² Ms. Bingham noted that each member of the Committee who participated in the conference call indicated their preliminary support for the AIP subject to ratification by their organizations. All members were asked to confirm their organization's support of the AIP in preparation for this plenary meeting. The goal of the meeting is to ratify and sign the Agreement in Principle.

¹ Please see Attachment A for the Total Coliform Rule / Distribution System Federal Advisory Committee roster. Please see Attachment B for a copy of the meeting agenda. Please see Attachment C for a list of the meeting attendees.

² A copy of the Agreement in Principle that was included in the meeting materials is available from the Designated Federal Officer.

II. The Agreement in Principle

As summarized below, the Committee reviewed final edits to the AIP, discussed the ratification process, and then formally signed the Agreement in Principle.

Ms. Bingham reviewed minor editorial changes made to the AIP between the September 3 teleconference and this meeting. The Committee accepted these edits to the AIP as well as all the edits from the September 3 conference call.

The Committee then discussed the ratification process for the AIP. Jim Taft, the Executive Director of the Association of State Drinking Water Administrators (ASDWA) told the Committee that ASDWA's Board met and approved signing the AIP. The Board was particularly appreciative of the Committee's efforts to address issues raised by ASDWA's members. Mr. Taft also noted that, while ASDWA as an organization supports the AIP, there are individual states that do not agree with all elements of the AIP. Mr. Taft shared with the Committee a letter from ASDWA to EPA that raises a number of considerations related to implementation of the revised Total Coliform Rule (RTCR).³ In the discussion that followed, one member highlighted the importance of applying lessons learned from the implementation of the Ground Water Rule (GWR), and in particular the sanitary survey provisions, to the development of the RTCR. This member suggested it would be valuable to gather information from States about how they are defining significant deficiencies. Another member of the Committee encouraged the States to work with other stakeholders to address their issues (through the development of guidance, for example), noting the importance of working within the current structure of the AIP and being careful that addressing concerns does not change the substance of the AIP. Another member reminded the Committee that in the AIP EPA has committed to several meetings with stakeholders throughout the rule development process, and that the Agency will work with the States, as co-regulators, throughout this process.

Patti Fauver, the TCRDSAC representative from the Environmental Council of the States (ECOS), informed the Committee that ECOS would not be able to sign the AIP until after its Annual Meeting next week.

Ms. Bingham then introduced Ben Grumbles, the Assistant Administrator for Water at the U.S. EPA. Mr. Grumbles thanked the Committee members, their alternates, the members of the Technical Work Group, and everyone who provided support to the TCRDSAC. He congratulated the Committee on its tremendous achievement in developing, through collaboration and consensus, an Agreement in Principle that provides a roadmap for improving public health protection of the nation's drinking water. Mr. Grumbles told the Committee that EPA plans to publish the proposed rule in 2010.

Each of the members of the Total Coliform Rule / Distribution System Advisory Committee, with the exception of Ms. Fauver, then signed the Agreement in Principle on Revisions to the Total Coliform Rule and on Research and Information Collection.

³ A copy of ASDWA's letter is available from the Designated Federal Officer.

[Note: Ms. Fauver, who represented ECOS on the Committee, signed the AIP following the ECOS Annual Meeting and members of the Committee received a PDF copy of the AIP with all the signatures included.⁴]

III. Communication and Outreach

Members of the Advisory Committee, alternates, and others present at the meeting shared with one another some of the outreach activities they and their organizations will undertake to educate and inform various constituencies about the key components of the AIP. Among these education and outreach efforts are the following:

- EPA will post the AIP on its website and publish it in the *Federal Register* by early November; hold internal and regional meetings with EPA staff; and, with some members of the Committee, provide briefings to members of Congress.
- The American Water Works Association (AWWA) will publish articles; give presentations at its national and sectional conferences; and host a webcast, with some TCRDSAC members participating, on October 15. AWWA also has developed a PowerPoint presentation for the industry.
- The National Rural Water Association will give presentations at its October conference; and begin training and orienting its state association staff to work with systems on how best to implement the RTCR.
- ASDWA will hold a state-EPA roundtable at its annual conference; and give a briefing, open to the public, at its regulatory committee meeting.
- The Association of Metropolitan Water Agencies will present briefings at its October conference and its regulatory committee meeting; and write articles for its monthly newsletters.
- Bob Vincent will write an article for the National Environmental Health Association monthly journal.
- Mark LeChevallier will give a presentation at an October conference in New Jersey
- Gary Lynch, National Association of Water Companies, will give a talk in California in December at an educational symposium; and write an article for his organization's quarterly newsletter.
- Bruce Tobey will write an article for The National League of Cities' monthly journal.
- Joan Brunkard of the Centers of Disease Control and Prevention (CDC) stated that Michael Beach of CDC will give a presentation at the Institute of Medicine meeting next week that will include the seven distribution system research priorities developed by the TCRDSAC.
- Vanessa Speight of Malcolm Pirnie, a member of the Technical Work Group, will give a presentation at a conference in Canada next week on the TCRDSAC process.

Ms. Bingham also encouraged the Committee to use the presentation Doug Owen, of the Technical Work Group, gave at the June 2008 TCRDSAC meeting comparing the RTCR to the current rule.

⁴ Please see Attachment D for a copy of the signed Agreement in Principle.

During the discussion, one member of the Committee noted that many systems would like to begin implementing parts of the RTCR as soon as possible, particularly the assessment form, and that this could provide an informal opportunity for learning.. Another member cautioned that until the RTCR is in place, systems still have to adhere to the current TCR and primacy agencies still have to enforce it.

Ms. Bingham reminded the Committee that the AIP calls for a meeting of the Steering Committee of the Research and Information Collection Partnership within the next six months. She noted that EPA and AwwaRF had already met to begin thinking about this.

IV. Meeting Summaries

June 18-19, 2008 Meeting Summary

The Advisory Committee reviewed suggested edits to the June meeting summary provided in the meeting folders.⁵ Members agreed to the following two additional edits:

- Delete the “the” before “just the costs of monitoring” in the first paragraph of section III on page 2.
- Insert “the” before “same location” in the second dashed item under “4-Log Disinfection” on page 7.

The Committee approved the summary of the June meeting of the TCRDSAC.

July 18, 2008 Conference Call Summary

The TCRDSAC members then reviewed and approved suggested edits to the July 18 teleconference summary provided in their folders.⁶

July 30-31, 2008 Meeting Summary

The members then reviewed suggested edits to the July TCRDSAC meeting summary provided in the folders. During the discussion, a proposal was made to elaborate on some of the discussion about Section 3.1.

The Committee agreed to work on specific language and finalize the July meeting summary via email following the meeting.

September 3, 2008 Conference Call and September 18, 2008 Meeting Summaries

Once the summaries of the September conference call and plenary meeting are completed, the Committee will review and approve the summaries via e-mail.

⁵ Please see Attachment E for a copy of the June 18-19 TCRDSAC meeting summary.

⁶ Please see Attachment F for a copy of the July 18 TCRDSAC teleconference summary.

Attachments

Attachment A –TCRDSAC roster*

Attachment B – Meeting agenda*

Attachment C – List of meeting attendees

Attachment D – The signed Agreement in Principle*

Attachment E – June 18-19 TCRDSAC meeting summary*

Attachment F – July 18 TCRDSAC teleconference summary*

* The meeting presentation and other documents may be found online at
http://www.epa.gov/OGWDW/disinfection/tcr/regulation_revisions_tcrdsac.html.

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Advisory Committee Teleconference
September 18, 2008

Meeting Attendees

Karl Anderson, US EPA
Ali Arvanaghi, US EPA
David Baird, National Rural Water Association*
Pamela Barr, US EPA*
Gail Bingham, RESOLVE
Eric Bissonette, US EPA
Joan Brunkard, Centers for Disease Control and Prevention
Gary Burlingame, Philadelphia Water Department
Jimmy Chen, US EPA
Tom Crawford, Native American Water Association*
Debbie Dalton, US EPA
Cynthia Dougherty, US EPA*
Patti Fauver, Environmental Council of States*
Kathy Grant, RESOLVE
Tom Grubbs, US EPA
Yu-Ting Guilaran, US EPA
Christine Maloni Hoover, National Association of State Utility Consumer Advocates*
Mike Keegan, National Rural Water Association
Dawn Kristof Champney, WWEMA
Mark LeChevallier, National Association of Water Companies*
Debbie Lee, RESOLVE
Audrey Levine, US EPA
Carrie Lewis, American Water Works Association*
Mario Lopez-Carbo, US EPA
Gary Lynch, National Association of Water Companies*
Erica Martinson, Water Policy Report
Harvey Minnigh, Rural Community Assistance Partnership*
John Neuberger, Council of State and Territorial Epidemiologists*
Eva Nieminski, Utah Department of Environmental Quality
Darrell Osterhoudt, Association of State Drinking Water Administrators*
Graciela Ramirez-Toro, CECIA-IAUPR
Stig Regli, US EPA
J. Kevin Reilly, US EPA
Alan Roberson, American Water Works Association*
Crystal Rodgers-Jenkins, US EPA
Patsy Root, IDEXX Labs
Sharon Roy, Centers for Disease Control and Prevention
Nicole Shao, US EPA
Jerry Smith, Association of State Drinking Water Administrators*

Vanessa Speight, Malcolm Pirnie
David Spenard, National Association of State Utility Consumer Advocates*
Jim Taft, Association of State Drinking Water Administrators
Lynn Thorp, Clear Water Action*
Bruce Tobey, National League of Cities*
Steve Via, American Water Works Association
Bob Vincent, National Environmental Health Association*
David Visintainer, Association of Metropolitan Water Agencies*
Paul Whittemore, National Rural Water Association*
Mae Wu, Natural Resources Defense Council*

*TCRDSAC member or alternate