

Recommendations of the National Drinking Water Advisory Council

Resulting from a Meeting Held May 10 and 11, 2000

San Francisco, California

The National Drinking Water Advisory Council (NDWAC) met at the Sir Francis Drake Hotel, San Francisco, California, May 10-11, 2000. The meeting provided the Council with: (1) An update on the Environmental Protection Agency's (EPA) regulatory actions for arsenic, radon and unregulated contaminant monitoring; (2) a discussion and opportunity to make recommendations on the Ground Water Rule, Proposed Long Term 1 (LT1) Enhanced Surface Water Treatment and Filter Backwash Rule and the Radionuclides Notice of Data Availability; (3) an opportunity to hear two separate panels discuss outreach efforts to sensitive sub-populations and the interaction between the Clean Water Act and the Safe Drinking Water Act as demonstrated by the CAL-FED Bay Delta Program; (4) a report on progress and next steps for its Contaminant Candidate List/Six-Year Review Working Group; and (5) the Final Report of the Small Systems Implementation Working Group. The following recommendations are a result of the Council's deliberations. It should be noted that a meeting has been scheduled on June 14, 2000, in Denver, Colorado, for the Council to take action on the protocol to be used for regulatory determination for the Contaminant Candidate List chemical and microbial contaminants. The Council will also continue their discussion on the Proposed LT1 Filter Backwash recommendations begun at this meeting in May.

Ground Water Rule

The Proposed Ground Water Rule was published in the Federal Register on May 10, 2000. However, a signed advance copy was provided to the Council so comment could be taken at this meeting. Following a briefing from EPA Staff, the Council was asked to provide recommendations on four specific issues/questions:

1. Should systems to required to monitor for both bacterial and viral indicators?

Recommendation: The Advisory Council recommends that systems should be required to monitor for both bacterial and viral indicators.

2. Should all undisinfected ground water systems be required to perform routine source water monitoring?

Recommendation: The Advisory Council recommends that for systems with non-sensitive sources, the monitoring frequency should be annual for three years; if there are no positive results and no change in vulnerability to the source, the monitoring frequency should be reduced to once every three years.

3. Should the Agency promulgate a minimum list of significant deficiencies?

Recommendation: The Council recommends that in lieu of promulgating a minimum list, EPA should develop a Guidance Document which includes a list of typical significant deficiencies as examples that the States can use.

4. Should sanitary surveys be conducted on an alternative schedule, e.g., all systems every five years?

Recommendation:

The Council recommends no change from the proposal of three years for Community Water Systems and five years for Non-Transient, Non-Community Water Systems.

The Council further recommends follow-up inspections to determine if significant deficiencies have been corrected.

Radionuclides Proposal: Notice of Data Availability

Under a court agreement, the EPA is required to promulgate a National Primary Drinking Water Regulation for uranium and to finalize or justify not finalizing the other relevant portions of the 1991 proposal by November of 2000. EPA believes that the current risk analysis supports the existing Maximum Contaminant Levels (MCLs) for combined radium, gross alpha, and beta/photon radioactivity, since the existing MCLs have associated risk within the 10⁻⁶ to 10⁻⁴ range (one in ten thousand to one in one million), while the proposed MCLs have higher associated risks, many in excess of the 10⁻⁴ level. The new risk assessment is based on Federal Guidance Report-13 (EPA 1999), which was extensively peer-reviewed, including a formal Science Advisory Board review, and is widely considered to be a significant improvement over previous sources.

The Council was asked to discuss and make recommendations on two questions:

1. Given that the current MCLs have acceptable associated risks, EPA believes that any further changes to these MCLs should be prioritized in view of other pressing drinking water public health concerns through the vehicle of the Six Year Review (under Section 1412(b)(9) of the SDWA). Does the Council support this view or have any particular recommendations about the relative priorities that should be assigned to reviewing the various radionuclide MCLs?

Recommendation: Given that the current MCLs for Radium, Gross Alpha, and Beta/Photon radioactivity have acceptable associated risks, the NDWAC recommends that future changes to these MCLs should be evaluated and processed through the vehicle of the six year review process as provided under Section 1412(b)(9) of the SDWA.

2. In view of the non-quantifiable benefits and in light of the quantified costs and benefits, what are the Council's views on whether or not the Agency should exercise its discretionary authorities under Section 1412(b)(9) relative to the final MCL for uranium?

Recommendations:

In view of the non-quantifiable benefits, and in light of quantified cost/benefit factors, the NDWAC recommends that if EPA decides to regulate uranium with an MCL, it consider exercising its discretionary authority under Section 1412(b)(9) of SDWA, taking into consideration the following:

- All quantifiable and non-quantifiable costs/benefits including possible benefits of reduced cases of kidney disease.
- Obtaining better estimates of the uncertainties associated with health effects at levels at 20, 40 and 80 pCi/L with due consideration given to using a bench marking approach.
- All treatment costs, including all costs of handling and disposal of possible hazardous residual wastes, are considered.
- That EPA continue to use its traditional risk window for carcinogens of 10⁻⁴ to 10⁻⁶ range.