

Consideration of Potential MDBP Rule Revisions

Update on Working Group to Inform NDWAC Advice and Recommendations

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Presentation Overview

- Working group (WG) purpose
- Background
- WG membership
- Scope of WG discussions
- Timelines and next steps



Purpose

- In November 2021, EPA provided a charge to the NDWAC seeking consensus recommendations from the Council that would improve public health protection provided by the Microbial and Disinfection Byproducts regulations and better assure the regulations equitably protect consumers' health, particularly disadvantaged communities.
- Microbial and Disinfection Byproducts [MDBP] Rule Revisions Working Group will support the work of the Council by developing recommendations for the Council's consideration.



Background: MDBP Rule Revisions



- In January 2017, EPA announced the review results for the Agency's third Six-Year Review (Six-Year Review 3) of NDPWRs.
- Based on the Agency's review of newly available data, information, and technologies, EPA identified the following eight NPDWRs as candidates for revision.
- Chlorite, *Cryptosporidium*, Haloacetic acids, heterotrophic bacteria, *Giardia lamblia*, *Legionella*, Total Trihalomethanes, and viruses.
- These eight NPDWRs are included in the following MDBP rules:
 - Stage 1 and Stage 2 Disinfectants and Disinfection Byproduct Rules (D/DBPRs)
 - Surface Water Treatment Rule (SWTR)
 - Interim Enhanced Surface Water Treatment Rule (IESWTR)
 - Long-Term 1 Enhanced Surface Water Treatment Rule (LT1)

Forming the WG

- In November 2021, EPA requested nominations to serve on the MDBP Rule Revisions WG.
- More than 30 nominations were received by EPA.
- WG members were selected by EPA in consultation with the NDWAC chair based on the expertise, experience, and perspectives needed to inform recommendations to the NDWAC on issues related to MDBP rules.
- WG includes membership from state organizations, drinking water systems of all sizes, and environmental and public interest representatives.
- WG membership includes representatives with a variety of experience, educational and professional backgrounds, and from diverse geographic locations.

WG membership

| Working Group Member | Title and Affiliation |
|--|---|
| Lisa D. Daniels¹ (WG Co-chair) | Director, Bureau of Safe Drinking Water, Pennsylvania Department of Environmental Protection |
| Andy Kricun, PE² (WG Co-chair) | Senior Fellow, US Water Alliance and Managing Director, Moonshot Missions |
| Elin W. Betanzo, PE¹ | Founder and Principal, Safe Water Engineering, LLC |
| D. Scott Borman¹ | General Manager, Benton/Washington Regional Public Water Authority |
| John Choate | General Manager, Tri County Regional Water Distribution District |
| Kay Coffey, PhD, PE | Engineering Manager and Public Water Supply Group Project Adviser, Water Quality Division, Oklahoma Department of Environmental Quality |
| Jeffrey K. Griffiths, MD, MPH&TM | Professor of Public Health and Community Medicine, and of Medicine, Tufts University School of Medicine |
| Michael Hotaling, MBA, PE | Facilities Manager (Retired), Newport News Waterworks Department |
| Jolyn Leslie, PE | Regional Engineer, Office of Drinking Water, Northwest Regional Office, Washington State Department of Health |
| Rosemary Menard | Water Director, City of Santa Cruz |
| William F. Moody, PE, BCEE | Director of the Bureau of Public Water Supply, Mississippi State Department of Health |
| Erik D. Olson | Senior Strategic Director, Health & Food, Healthy People & Thriving Communities Program, Natural Resources Defense Council |
| Benjamin J. Pauli, PhD² | Associate Professor of Social Science, Department of Liberal Studies, Kettering University |
| Nancy A. Quirk, PE¹ | General Manager, Green Bay Water Utility |
| Lisa J. Ragain | Principal Water Resources Planner, Metropolitan Washington Council of Governments |
| Alex Rodriguez¹ | President & CEO, Diversity Consulting Group |
| Lynn W. Thorp | National Campaigns Director, Clean Water Action, Clean Water Action/Clean Water Fund |
| Gary Williams | Executive Director, Florida Rural Water Association |

1. Member of U.S. EPA's National Drinking Water Advisory Council
2. Member of U.S. EPA's National Environmental Justice Advisory Council

Potential topics for WG discussions

- Disinfectant residuals and opportunistic pathogens
- Regulated and unregulated DBPs
- Finished water storage facilities
- Distribution system water quality management
- Source water quality considerations, including DBP precursor removal
- Ground water under the direct influence of surface water (GWUDI) systems
- Sanitary survey
- Water Safety Plans
- Consecutive and small systems



Anticipated Working Group Schedule and Related Process with NDWAC

- WG meetings are anticipated from Spring 2022 through Summer 2023.
 - All meetings will be open to the public to observe.
 - Meetings will be held on a monthly or bimonthly basis.
 - First meeting will be May 2022
- WG will update NDWAC on progress and share meeting material, as applicable.
- WG will prepare a final report for NDWAC's consideration and deliberation on the Committee's recommendations to EPA.

Timeline for Rule Revisions

- EPA has agreed to the following deadlines:
 - Rule proposal or a formal decision not to propose amended rules: by July 31, 2024*. EPA may delay proposal until July 31, 2025, as needed.
 - Final Agency Action: Final rule or withdraw proposal by September 30, 2027*. EPA may delay proposal until September 30, 2028, as needed.



* Source: [Waterkeepers Alliance, Inc. et al v. U.S. et al, EPA Settlement Agreement](#), filed June 1, 2020 (19 Civ. 899 (LJL)).