

Potential MDBP Rule Revisions

Update on Working Group Activities to Inform NDWAC Advice and Recommendations

Lisa Daniels

Co-Chair, Microbial and Disinfection Byproducts Rule Revisions

Working Group

August 8, 2023

Presentation Overview

- **Brief Recap:** Microbial and Disinfection Byproducts (MDBP) Rule Revisions Working Group (through November 2022)
- **Working Group Meetings:** December 2022 through June 2023
- **Next Steps:** Working Group and NDWAC

MDBP Rule Revisions Working Group

Purpose

- **EPA is seeking advice and consensus recommendations from the NDWAC** that would improve public health protection provided by the MDBP regulations, better assure the regulations equitably protect consumers' health, particularly disadvantaged communities, and be implementable.
- **EPA charged the NDWAC** to provide the agency with advice and consensus recommendations on key issues related to potential revisions to MDBP rules.
- **To support the work of the NDWAC**, EPA requested that the Council form a working group (the MDBP Rule Revisions Working Group).
- **The MDBP Rule Revisions Working Group** is asked to consider issues related to potential rule revisions.
- **The Working Group is moving forward** to conclude its work this Fall.

Working Group Membership



Lisa D. Daniels* – WG Co-chair, Pennsylvania Dept of Environmental Protection
Andy Kricun** – WG Co-chair, Moonshot Missions
Elin W. Betanzo* , Safe Water Engineering LLC
D. Scott Borman* , Benton/Washington Regional Public Water Authority
John Choate , Tri-County Regional Water Distribution District
Kay Coffey , Oklahoma Department of Environmental Quality
Jeffrey K. Griffiths , Tufts University School of Medicine
Michael Hotaling , Newport News Waterworks Department
Jolyn Leslie , Washington State Department of Health
Rosemary Menard , City of Santa Cruz
William F. Moody , Mississippi State Department of Health
Erik D. Olson , Natural Resources Defense Council
Benjamin J. Pauli** , Kettering University
Nancy A. Quirk* , Green Bay Water Utility
Lisa J. Ragain , Metropolitan Washington Council of Governments
Alex Rodriguez* , Diversity Consulting Group
Lynn W. Thorp , Clean Water Action/Clean Water Fund
Gary Williams , Florida Rural Water Association

*Member of U.S. EPA’s National Drinking Water Advisory Council.

**Member of U.S. EPA’s National Environmental Justice Advisory Council.

Prior Public Engagement and Working Group's Formation and Initial Meetings

- **Prior to Working Group formation:** EPA held an initial virtual public meeting in October 2020 followed by six virtual meetings from May to November 2021 to solicit broad input and information on MDBPs in drinking water.
- **The Working Group was formed** in Spring 2022 and met virtually eight times from May 2022 through April 2023 and one time in person in June 2023.
- **The first four meetings focused on** characterizing problems related to opportunistic pathogens, disinfectant residuals, disinfection byproducts, finished water storage, implementation and compliance issues, environmental justice and other relevant topics.
- **EPA provided the Working Group** with information gathered through analyses and input from EPA and external technical experts and relevant published information, as well as with information gathered through the public docket and the prior public engagement.

MDBP Rule Revisions Working Group Meeting #5: December 13, 2022

- **Purpose** was to continue problem characterization discussions on opportunistic pathogens, disinfectant residuals, disinfectant byproducts, as well as risk-balancing/interdependencies, and begin focused discussion on problems relevant to disadvantaged communities.
- **Key meeting highlights** included an overview of a National Academies report on *Legionella*, a characterization of *Legionella* outbreak data, an evaluation of DBP precursor occurrence and control, and environmental justice in the MDBP context.

MDBP Rule Revisions Working Group

Meeting #6: January 24, 2023

- **Purpose** was to continue problem characterization discussions on environmental justice, begin focused discussion on problems relevant to implementation and compliance challenges, and continue discussions about preliminary findings for problem characterization.
- **Key meeting highlights** included implementation and compliance challenges from small and large systems, a synthesis of data and analysis on opportunistic pathogens and DBPs, premise plumbing, distribution systems, data and analysis, and preliminary findings for problem characterization.

MDBP Rule Revisions Working Group

Meeting #7: March 9, 2023

- **Purpose** was to continue discussions about preliminary understandings for problem characterization and begin discussion of interventions.
- **Key meeting highlights** included continued discussions of preliminary findings from Meeting 6, synthesis of source water conditions, storage tanks, consecutive systems, environmental justice, and implementation challenges, and introducing and planning for Working Group interventions discussions.

MDBP Rule Revisions Working Group

Meeting #8: April 19, 2023

- **Purpose** was to create / characterize an initial list of intervention ideas and related implementation mechanisms; to set up the ability to formulate intervention/ implementation mechanism options for Working Group consideration at the June in-person meeting; and to understand where future information would be helpful to support discussions at the June in-person meeting.
- **Key meeting highlights** included breakout discussions on source water and treatment, distribution systems, premise plumbing and the SDWA enabling environment. Plenary discussions were held following the breakout discussions.

MDBP Rule Revisions Working Group

Meeting #9: June 27-29, 2023

- **Two and a half day in person Working Group meeting** with observer option for in person or virtual attendance.
- **Purpose:**
 - Review and discuss MDBP Working Group-generated interventions and implementation actions to form the basis for Working Group recommendations to the NDWAC.
 - Cross-check status of MDBP Working Group deliberations with the EPA charge to the NDWAC and the NDWAC request for recommendations from the MDBP Working Group.
 - Identify emergent recommendations that hold potential to receive Working Group member consensus support.

MDBP Rule Revisions Working Group

Meeting #9: June 27-29, 2023

- **Key meeting highlights** included Facilitator Review of Interventions and Implementation Actions related to:
 - Premise Plumbing – Improve Building Water Quality
 - Distribution System – Disinfectant Residual, Overall Distribution Water Quality, and Opportunistic Pathogen Benefits
 - Treatment and Distribution System – Regulated and Unregulated DBPs
 - Distribution System – Finished Water Storage Tanks
 - Consecutive Systems (e.g., DBP Compliance)
 - Treatment – Improve Chloramination Practice
 - Source Water – Source Control and Source Water Assessment
 - Enabling Environment – Technical, Managerial, and Financial Capacity
 - Enabling Environment – State Capacity

Moving Forward: Working Group Next Steps

- **Planning for Working Group meetings:**
 - Meeting #10 – September 14, 2023
 - Meeting #11 – October 5, 2023
 - Meeting #12 – October 31, 2023
- **Development of a report** to inform the NDWAC's deliberations in responding to EPA's request for advice and recommendations from the Council.

Moving Forward: NDWAC Next Steps

- **Mid-October 2023 NDWAC Public Meeting:** The Working Group will brief the NDWAC on general direction and anticipated scope of the pending report to the Council.
- **Mid-November 2023:** Delivery of the Working Group's report to the NDWAC.
- **Late November 2023 NDWAC Public Meeting:** The NDWAC will meet to deliberate and develop advice and recommendations from the Council to EPA.
- **Early December 2023:** Delivery to EPA of NDWAC advice and recommendations on potential revisions to MDBP rules.

Key Takeaways to Date

- **All Working Group members** have provided valuable input and contributed to meaningful discussions relevant to the Working Group purpose.
- **There is recognition of the depth and complexity** of the topics and of the technical information provided to the Working Group for supporting discussions and deliberations.
- **Information provided by the technical analysts** is helpful for supporting the Working Group.

Open for NDWAC Discussion

- **Additional thoughts from NDWAC members serving on the Working Group:** Please share your observations and perceptions about Working Group proceedings.
- **Discussion among all NDWAC members:** Floor is open to all members of the NDWAC to share your thoughts, raise questions, and engage in conversation.