

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

December 29, 1993

(Executive Committee--Information)
 (Special Committee on Legislation--Information)

To: Board of Directors (Special Committee on Water Quality and
 Environmental Compliance--Information)

From: General Manager

Subject: Update on Reauthorization of the Federal Safe Drinking
 Water Act (H.R. 3392)

Report

The Federal Safe Drinking Water Act (SDWA) was last reauthorized in 1986 at which time Congress made major changes resulting in a heavy regulatory burden on water utilities as well as on the U. S. Environmental Protection Agency (USEPA) and State regulators. Some of the changes have led to USEPA being required to develop unnecessarily stringent drinking water standards without regard to the benefits achieved or the costs of compliance. Frequently, standards are set without the benefit of having adequate time or funding to undertake necessary research on health effects or treatment technology. (Radium is an example where a stringent standard is being relaxed based on new health effects data after millions of dollars were spent on treatment facilities by Midwest utilities.)

Reauthorization of the SDWA is overdue and is on the agenda for Congress this year although it may be delayed until 1995 due to health care reform and the Congressional elections. Reauthorization is important to Metropolitan and its member agencies because, without major amendments, USEPA will be required to continue to set drinking water standards without sufficient latitude or legislative direction to consider the real health benefits and costs involved.

Based on the SDWA policy principles adopted by the Board in October 1992 (Attachment No. 1), Metropolitan staff has worked with the American Water Works Association (AWWA), Association of Metropolitan Water Agencies (AMWA) and National Water Resources Association (NWRA) as they formed a coalition with national organizations representing State and Local government (Attachment No. 2) to create a reauthorization bill that addresses the primary concern of public health and other major issues of drinking water suppliers and local government. The coalition formed is remarkable because of the diversity of the organizations involved including

small and large water systems, governors, legislators, mayors and even the State agencies that regulate drinking water quality and rates.

The coalition's SDWA reauthorization language has been introduced as H.R. 3392, a bill sponsored by Representatives Slattery (D-KS) and Bliley (R-VA). The bill currently has 61 cosponsors, about half from each party. (Attachment No. 3 is a summary of the main points of the bill.) H.R.3392 embodies all of the more important Metropolitan SDWA legislative policy principles.

Metropolitan's emphasis in this legislative effort is that public health protection is first and foremost. It is not the intent of Metropolitan or of the national water organizations to avoid compliance with necessary drinking water standards. It is important, however, that the costs and the benefits of the relative risk reduction achieved by new standards be identified, considered and communicated to the public so the limited funds available to reduce risk can be spent where they will do the most good. (One example of how the coalition-supported legislation would be of significant benefit to the customers of Metropolitan and its member agencies is that radon would be treated differently than under the current law. This would result in a more rational standard that recognizes the billions of dollars it will cost to remove relatively low levels of radon from drinking water would address less than 5% of the total environmental radon risk and the public's funds would be better spent on reducing the more significant risk due to radon from sources other than drinking water.)

Opposition to the bill has been expressed by several environmental organizations such as the Natural Resources Defense Council and Friends of the Earth, and by Representative Waxman (D-CA). Their opposition is primarily to the proposed changes in the standard setting process which would provide USEPA with the authority to consider risk reduction benefits and the costs of new regulations. Rep. Waxman's opposition is significant because he chairs the House Subcommittee on Health and Environment which must pass the legislation before the House can vote on it.

There are several other bills that relate to the SDWA but the most significant is S.1547 which was introduced by Sen. Baucus (D-MT), chairman of the Senate Environment and Public Works Committee. While S.1547 is a moderate bill and would make some needed improvements, it does not address the critically important standard setting issue.

The strategy of the coalition is to obtain as many cosponsors for H. R. 3392 as possible in order to help move the bill out of Rep. Waxman's committee for full committee consideration. Metropolitan staff is working with the national coalition organizations, with the Association of California Water Agencies and the California-Nevada Section of AWWA, as well as with member agencies to help secure additional cosponsors. (Attachment No. 4 is a copy of the General Manager's letter sent to Metropolitan's congressional delegation.) To date, there are only three California representatives (Condit, Lehman & Hunter) signed on as cosponsors. It is not clear how much Representative Waxman's opposition has contributed to this small number.

Follow-up efforts to increase the number of California cosponsors are currently underway by Will & Muys and Metropolitan staff working closely with the coalition organizations and member agencies to improve the likelihood of success. One strategy being considered is to get the mayors of the larger California cities as well as other smaller cities to follow-up on the endorsement of the bill by the National League of Cities and the U.S. Conference of Mayors and to urge their Representatives to support the bill. Also, there is some interest in getting Senators Boxer and/or Feinstein to sponsor the bill in the Senate. Other possible strategies include getting high-visibility support by Governor Wilson and/or the State Assembly.

Board Committee Assignments

This letter is referred for information to:

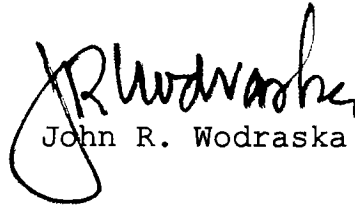
The Executive Committee because of its jurisdiction over legislation sponsored by the District or in any way affecting the District, pursuant to Administrative Code Section 2417(a);

The Special Committee on Legislation because of its responsibility to review staff's recommendations for positions on legislation, pursuant to Administrative Code Section 2581 (b); and

The Special Committee on Water Quality and Environmental Compliance because of its authority to study and advise on compliance requirements pursuant to administrative Code Section 2551 (a) and (b).

Recommendation

For information only.



John R. Wodraska

CEA/sdf
s:staff\HR3392.cea

Attachments

EXCERPT FROM METROPOLITAN'S LEGISLATIVE POLICY PRINCIPLES

Federal Safe Drinking Water Act

Issue: Should Metropolitan pursue legislation to amend the Safe Drinking Water Act (SDWA) and, if so, what should the amendments be?

Policy Adopted: Make selective amendments to the Act, (including some return of authority to the local government) to improve the ability to ensure safe drinking water at a reasonable cost. These amendments may include the following:

- a. Replace the requirement of 25 new standards every three years with a periodical review of new studies.
- b. Remove the continuous "ratcheting down" of the standard unless there are significant health benefits.
- c. Reconsider the feasibility of granular activated carbon for the control of synthetic organic compounds.
- d. Remove the conflicts between SDWA regulations and other environmental regulations.
- e. Place compliance deadlines in the regulation.
- f. Permit utilities to continue to meet existing regulation while the State is in the process of revising the rule.
- g. Develop regulations for "interrelated" contaminants simultaneously.
- h. Address small system compliance problems.
- i. Require that public notification language reflect the degree of hazard.
- j. Consult equally between the National Drinking Water Advisory Council and the Science Advisory Board.
- k. Allow greater discretion in considering responsible use of public fiscal resources in setting drinking water regulations.
- l. Allow municipalities to prioritize risk reduction resources and address the most pressing needs first.

*Consider these with the understanding that during the negotiations for the Reauthorization these issues may be revised and other issues may arise.

ATTACHMENT No. 2

THE H.R. 3392 SAFE DRINKING WATER ACT REAUTHORIZATION COALITION

National Governors' Association

National Conference of State Legislators

U.S. Conference of Mayors

National League of Cities

National Association of Counties

Association of State Drinking Water Administrators

National Association of Regulatory Utility Commissions

American Water Works Association

Association of Metropolitan Water Agencies

National Water Resources Association

National Association of Water Companies

National Association of Towns and Townships

H.R. 3392

SLATTERY/BLILEY SAFE DRINKING WATER ACT AMENDMENTS OF 1993

Bill Summary

1. Establishes standards (Maximum Contaminant Levels) for drinking water based on best technology, risk reduction benefits and cost.

* Requires EPA to establish, in regulation, best available technology for systems of less than 1,000 people, for systems serving between 1,000 and 10,000, and systems serving greater than 10,000 people.

* Watershed protection and pollution prevention are specifically mentioned as appropriate technologies.

2. Allows states to establish monitoring requirements that are practical and affordable.

3. Establishes a separate standard setting process for contaminants that by their nature should be given special consideration. Radon, disinfectant and disinfectant byproducts, sulfate and corrosion byproducts are listed as the contaminants to be given special consideration.

4. Retains goals (Maximum Contaminant Level Goals) but the goals do not drive the standards.

5. Requires EPA, within 18 months of enactment, to eliminate monitoring, compliance and enforcement for contaminants that do not occur at levels of public health concern.

6. For contaminants in the pipeline, but not yet finalized, EPA would be required to use the new standard setting process.

7. Future contaminants for regulation, would be selected based on an occurrence data base.

8. Time frames for compliance with regulations would be established in regulation based on the time needed to plan, finance, design and construct treatment facilities.

9. Allows states to grant a variance from a regulation if a water system cannot afford to install the best available technology (BAT) and if it is not feasible for the water system to restructure or consolidate its function with other water systems such that it could afford the designated BAT. If a state determines that a water system is unable to comply with a designated BAT, the system is required to comply with a "best available affordable technology" (BAAT). EPA, in consultation with the state, is required to identify BAAT.

LETTER SENT TO METROPOLITAN'S CONGRESSIONAL DELEGATION



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Office of the General Manager

October 26, 1993.

The Honorable Maxine Waters
1207 Longworth Cannon House Office Bldg.
Washington, DC 20515

Dear Representative Waters:

On October 21, 1993, Representatives Slattery and Bliley sent you a "Dear Colleague" letter urging your cosponsorship of a bill they plan to introduce reauthorizing the Safe Drinking Water Act. If enacted, this legislation would make implementation of regulations governing safe drinking water more logical and cost-effective. Since this bill would provide significant benefits to citizens in Southern California, I urge you to consider cosponsoring the bill.

The Slattery/Bliley bill has the strong support of a broad base of national organizations which represent a diverse constituency including large and small drinking water agencies, local and state governments. Supporters include the National League of Cities, U.S. Conference of Mayors, National Governors' Association, National Association of Counties, American Water Works Association, Association of Metropolitan Water Agencies, National Rural Water Association, National Water Resources Association, National Association of Water Companies and the National Association of Regulatory Utility Commissions.

The regulatory approach directed by this legislation would provide for practical and affordable requirements that are protective of public health.

Please consider cosponsoring this bill and working for its passage in the House of Representatives. If you have questions or would like additional information, please contact Bob Will or Peter Carlson, our Washington, D.C. representatives, at 202-429-4344.

Very truly yours,

John R. Wodraska
General Manager