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EXECUTIVE SECRETARY



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

May 23, 1994

To: Board of Directors (Committee on Legislation--Information)
(Special Committee on Water Quality and
Environmental Compliance--Information)
From: General Manager
Subject: Safe Drinking Water Act Reauthorization Update

Report

With a vote of 95 to 3, the U.S. Senate has passed the Safe Drinking Water Act (SDWA) Amendments of 1994 (S. 2019). It is significant that there was such strong bipartisan support in the compromise version of S. 2019. As passed, S. 2019 represents a major victory for water suppliers nationwide. The standard-setting language in the bill is supported by the Coalition of water associations, local government, and health officials. The bill also contains strongly supported legislation related to radon alternatives in drinking water, the use of "good science" in the development of regulations and the establishment of a voluntary, incentive based program for source water protection. Some uncertainty exists regarding the impact of language to protect vulnerable subpopulations (immunosuppressed persons, babies, pregnant women, etc.). Attached is a summary of the Amendments provided by the Association of Metropolitan Water Agencies.

The attention now shifts to the House of Representatives. It is expected that pressure to pass an "environmental" bill for upcoming re-election campaigns will provide the incentive to begin discussions on the SDWA before the end of June.

Board Committee Assignments

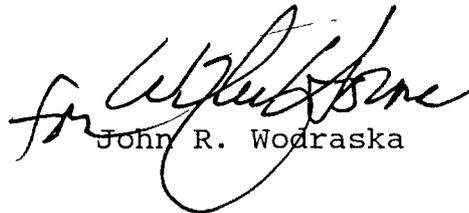
This letter is referred for information to:

The 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 regarding Federal water quality issues pursuant to Administrative Code 2551 (b) and (c).

Recommendation

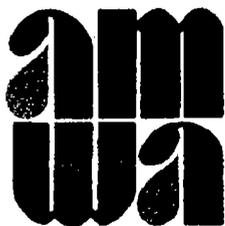
For information only.



John R. Wodraska

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Attachment

**ASSOCIATION OF METROPOLITAN WATER AGENCIES**

MEMORANDUM BY FAX

Total Number of Pages: 4**TO:** AMWA Members and Subscribers**FROM:** Diane VanDe Hei**DATE:** May 18, 1994**SUBJECT:** Safe Drinking Water Act Reauthorization Passes In The Senate**SAFE DRINKING WATER ACT PASSES IN SENATE**

Earlier today, the Senate by a vote of 95 to 3, passed S. 2019, the Safe Drinking Water Act Amendments of 1994 as amended on the Senate floor. The 3 no votes were cast by Senators Jesse Helms (R-NC), Lauch Faircloth (R-NC) and Larry Pressler (R-SD). Below is a summary of the bill as passed including a brief synopsis of some of the more pertinent amendments that were approved over the past few days.

Interestingly, the EPA cabinet status bill and the Johnston amendment on risk assessment are now part of the Senate's SDWA reauthorization bill. (See page 4.) In addition, Bob Saner, AMWA's counsel, is reviewing the impact of Senator Boxer's amendment on sensitive subpopulations. Bob's analysis along with a complete package of the amendments and the floor statements will be sent out early next week.

Summary of SDWA Reauthorization Bill as Amended

Standard Setting: At the time a maximum contaminant level is proposed, EPA must publish, seek public comment on, and consider an analysis of: 1) the health risk reduction benefits that are likely to occur as the result of treatment to comply with the standard; 2) the costs that will be experienced as a result of compliance with the standard, including monitoring, treatment, and other costs; 3) any potential increased health risk that may occur as a result of compliance with the maximum level; and 4) the effects of the contaminant upon subpopulations that are identified as being at greater risk for adverse health effects in the research and evidence described in section 1442(j). (Boxer amendment).

Although the bill retains the current standard setting process, this section also allows the EPA to establish a standard that is less stringent than is feasible (as defined by existing law) under certain circumstances. Under this section, if the Agency determines that the less stringent level will result in compliance costs that are "substantially less than costs that would be experienced by public water systems to comply with the level that is feasible and that the less stringent level will -- 1) for any

contaminant regulated on the basis of the carcinogenic effects of the contaminant, not result in a significant increase in individual lifetime cancer risks from concentrations of the contaminant in drinking water relative to the feasible level; or 2) for any contaminant regulated on the basis of a health effect other than a carcinogenic effect, ensure a reasonable certainty of no harm.

For the non-carcinogens, EPA is allowed to use the authority provided only after the Administrator publishes guidelines establishing sound scientific practices for the implementation of such authority. In order to assist in the development of the guidelines, \$1 million is authorized from the State Revolving Loan Fund for fiscal year 1995 to support a study by the National Academy of Sciences of the scientific practices related to the development of drinking water standards.

Reports, Studies and Good Science Amendments: The bill, as amended, includes a section on subpopulations at greater risk and one on "good" science. Under this section, the Administrator must conduct a continuing program of research to identify groups within the general population which may be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population. The Administrator must report to the Congress on the results of this research every three years and indicate in such reports whether there is any evidence that infants, children, pregnant women, the elderly, those with history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water. In characterizing the health effects of drinking water contaminants under this section, the Administrator must take into account all relevant factors, including the margin of safety for variability in the general population and the results of research required under this subsection and other sound scientific evidence (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects. (Boxer amendment).

Another amendment introduced by Senator Domenici, and passed by the Senate, covers the scientific basis for decisions. In general this amendment requires EPA to use the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices. In carrying out the provisions of this section, EPA must ensure that the presentation of information on public health effects is complete and informative. In addition, EPA must make available to the public, in support of a regulation issued under this bill, to the extent feasible: (i) each population addressed by any estimate of public health effects; (ii) the expected risk or central estimate of risk for the specific population; (iii) each appropriate upper-bound or lower-bound estimate of risk; (iv) each uncertainty identified in the process of the assessment of public health effects and future research that is necessary to address the uncertainty; and (v) any study known to the Administrator that supports or fails to support any estimate of public health effects, including the methodology used to reconcile varying scientific data.

Selection of New Contaminants for Regulation: S. 2019 creates an occurrence data base and uses the data base for the selection of future contaminants for regulation. The Amendment, retains the provision as it came from the Committee back in March, but was amended on the floor to require EPA to consider appropriate, peer-reviewed,

scientific information and an assessment of health risks, conducted in accordance with sound scientific practices (considering applicable guidance from the national Academy of Sciences) in making a determination on whether to regulate a contaminant.

Viability: The bill, as passed by the Senate, requires States to establish a "viability" program, but does not tie it to State primacy and focuses on new systems rather than existing ones.

Monitoring: S. 2019, as passed, allows States greater flexibility in determining monitoring requirements. The bill allows the States to submit an application to the Administrator to establish, for any National Primary Drinking Water Regulation (other than a regulation applicable to a microbial contaminant), a monitoring plan based on occurrence data and other relevant factors. In addition, however, the monitoring frequencies must be not less frequent than the requirements of the NPDWR for a contaminant that has been "detected at a quantifiable level" during the 5-year period ending on the date of the monitoring.

EPA must review the State plan and approve or disapprove it within 180 days or the plan is deemed approved.

Operator Certification: The bill requires EPA to develop guidelines for operator certification and requires States to have a certification program. The penalty for not establishing a program, is a reduction in capitalization grants from the State Revolving Loan Fund.

Radon: The bill allows for a radon standard that: (i) results in a radon concentration level in indoor air from drinking water that is equivalent to the national average concentration in outdoor air, or (ii) is not less than 50 percent of the national level (established under (i)) including risks from ingestion of radon in drinking water and episodic uses of drinking water, if the National Academy of Sciences considers it appropriate to include the risk.

Notification of Violations: The bill requires water suppliers to provide notice by mail to each customer of any violation of a maximum contaminant level or treatment technique in the first billing, if any that occurs after the violation, but not later than 1 year after the violation.

Variances: The bill does not clean up the current variance process but adds a new variance section for systems serving less than 10,000 people.

Compliance Timeframes: The bill, as approved, allows 3 years for compliance plus 2 additional years if capital improvements are needed.

Enforcement: There are not additions to the current law's citizen suits provisions and the bill prohibits EPA from bypassing States that are diligently taking enforcement actions. The bill does increase the amount for civil penalties.

Source Water Protection: The bill sets up a voluntary program whereby water suppliers can petition the State for assistance in source water protection based on contaminants found in drinking water sources.

Additional Amendments adopted include:

Senator Bennett Johnston (D-LA): requires risk assessment and cost-benefit analysis regarding major human health or environmental regulations promulgated by EPA.

Senator John Glenn (D-OH): establishes the Department of Environmental Protection and provides for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection.

Senators Barbara Box (D-CA) and Bill Bradley (D-NJ): requires the EPA to establish a health-effects based performance standard and testing protocol for the maximum leaching of lead from water well pumps and component parts.

Senator James Jeffords (R-VT): requires the Administrator to prepare a report on the health risks from submersible well pumps.

Senator Alfonse D'Amato (R-NY): requires the EPA to develop and implement a testing program to identify pesticides and other chemicals that can cause estrogenic and other biological effects.

Senators Charles Robb (D-VA) and John Warner (R-VA): establishes a hardship community demonstration program in the financing of drinking water projects in rural communities.

Senator Bob Dole (R-KS): requires Federal agencies to prepare private property taking impact analysis.

Senator Slade Gorton (R-WA): requires EPA, when making grants to non-profit organizations, to assure that the program is administered among States in an equitable manner. In addition, non-profit organizations receiving grants must consult with the State agency having primacy authority.

Senator Herb Kohl (D-WI): requires EPA to develop and carry out a research plan to support the development and implementation of certain rules concerning harmful substances in drinking water.

Senator Frank Lautenberg (D-NJ): requires the Food and Drug Administration to set standards at least as stringent for bottled water as set for public water systems.