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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

James E. Duff
EXECUTIVE SECRETARY

September 29, 1994

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

From: General Manager

Subject: Update on Safe Drinking Water Act Reauthorization

Report

Consideration of the Federal Safe Drinking Water Act Amendments of 1994 (SDWA) is imminent. The Senate passed S.2019, their version of the SDWA on May 18, and H.R.3392 passed the House of Representatives on September 27. Key House and Senate Committee staff are working to resolve the differences in the two bills. Time is of the essence because Congress is scheduled to adjourn on October 7. Metropolitan staff is implementing a "grass roots" action plan to help assure passage.

H.R.3392 and S.2019 have been approved by all interested parties: water utility associations, local government, health officials, environmentalists, and the U.S. Environmental Protection Agency. While there may still be some problems with each of the bills, the benefits far outweigh the concerns. Attached is a brief summary of H.R.3392 (Attachment No. 1), along with the opening statement by Representative Carlos Moorhead (ranking Republican on the House Energy and Commerce Committee), which was complimentary of Metropolitan's efforts. (Attachment No. 2)

Recommendation

For information only.

John R. Wodraska
General Manager

By *Mark D. Beuhler*
Mark D. Beuhler
Director of Water Quality

Concur:

John R. Wodraska

John R. Wodraska
General Manager

**SUMMARY OF BALANCED
PROVISIONS FOR PUBLIC WATER SYSTEMS,
THE STATES, AND ENVIRONMENTALISTS
IN THE SAFE DRINKING WATER COMPROMISE
FOR H.R. 3392**

September 20, 1994

- New Contaminant Regulation. A revised approach to the regulation of new contaminants is established to assure that new regulatory efforts focus on those contaminants associated with the greatest health threats. Current requirements for regulation of 25 contaminants per 3 years are eliminated. It includes a selection process of unregulated contaminants that seeks to better incorporate good science.
- Standard Setting. A revised standard setting approach is established providing EPA with greater flexibility to consider incremental costs and benefits in determining the feasibility of standards for drinking water contaminants not yet the subject of proposed or final regulations.
- Interim Monitoring Relief. A new interim program offering three years of monitoring relief for pesticides, PCB, dioxins, and unregulated contaminants;
- Permanent Monitoring Relief. Authority for a new state program of permanent monitoring relief for all contaminants where the state develops tailored monitoring requirements.
- Time Tables for Action. Provides deadlines for action by the Environmental Protection Agency, the states, and public water systems that individually and collectively are reasonable and attainable.
- Revolving Fund Grants. It provides grants to primacy states to make loans to public water systems.
- Funding of State Agencies. Provides that 5% of already appropriated grants to states may be used to finance state primacy programs.
- Nearly \$200 Million in Financial Help (Already Appropriated). A set aside of 15 percent of the new state revolving fund for small systems. This fund totals more than \$1.3 billion for fiscal years 1994 and 1995 alone. These funds have already been appropriated.
- \$15 million per year in new funding for technical assistance to small systems.
- Special Small System Technologies. A new program directing EPA to, where feasible, list technologies suitable for use by small systems when issuing drinking water standards. The Agency is also directed to produce such a list for contaminants already subject to regulation.

- Small System Variances. A new program allowing small water systems to utilize alternative technologies tailored to their more limited capabilities in meeting drinking water standards. This new special variance program for small systems allows use of the best available affordable technology.
- More Time for Compliance. Extended timeframes are provided for compliance with new drinking water standards. Small systems may be allowed up to 60 months, as opposed to the current 18 month compliance.
- Exemptions. Broad new state authority is provided to grant small water systems renewable exemptions from Safe Drinking Water Act requirements.
- Arsenic, Sulfate, and Radon. The substitute includes new provisions promoting more cost-effective approaches to the contamination of drinking water by sulfate and arsenic; and new provisions with a less burdensome approach to drinking water contamination with radon, where effective national polices are adopted for control of radon in indoor air pollution.
- Cryptosporidium. Provides a deadline, consistent with a recent regulatory negotiation, for rules regulation of cryptosporidium which affected many people in Milwaukee, Wisconsin in 1993.
- Enforcement. Adopts new provisions to enforce the requirements of the Safe Drinking Water Act, including criminal and civil penalties, and does not change existing law on citizen suits.
- Operators and Laboratories. Provides a program of certification by the states of persons who operate public water systems and of laboratories that do testing of water flowing from such systems.
- Reporting of Violations. Provides for improved reporting on a quarterly basis of violations.
- Viability. Provides a program administered solely by the states to examine the financial, managerial, and technical capability of public water systems serving less than 10,000 to comply with the Safe Drinking Water Act and the regulations thereunder and to operate the systems that are becoming more and more complex. The bill recognizes that many systems are quite small and have few resources, but they still are required to provide the same high quality water as the big systems serving millions of people. Systems that are not viable may be in jeopardy of violating the Act and making costly mistakes from a health standpoint.
- Federal Facilities. Provides that federal agencies having jurisdiction over federal facilities in wellhead protection areas are subject to controls under existing law to comply with state and local laws.

OPENING STATEMENT OF THE
HONORABLE CARLOS J. MOORHEAD

SUBCOMMITTEE ON HEALTH
AND THE ENVIRONMENT

MARKUP OF H.R. 3392,
THE SAFE DRINKING WATER ACT
AMENDMENTS OF 1993

SEPTEMBER 20, 1994

Thank you, Mr. Chairman.

Mr. Chairman, I want to begin by commending Mr. Bliley and Mr. Slattery for their work on the legislation before us today. Through their bipartisan efforts, they have provided us with an opportunity to make important and necessary changes to the Safe Drinking Water Act.

I also want to commend the efforts of both Chairman Waxman and Chairman Dingell for their role in facilitating the negotiations that have brought us to this markup today.

Finally, I want to recognize the work of other Members involved in the negotiations, including Ms. Lambert, Mr. Synar and Mr. Studds. They also have made important contributions to the negotiations, especially in the areas involving source water

protection and small public water systems.

I'm pleased to be part of the compromise agreement that Chairman Waxman will offer in a few minutes. Although it is by no means a perfect bill, it is certainly a good compromise, because it gives all sides most of what they wanted.

I'm supporting the compromise agreement for several reasons. First, the agreement authorizes EPA to consider costs and benefits when it sets standards for new contaminants. One of the biggest problems with the Safe Drinking Water Act has been that EPA hasn't been able to take costs and benefits into consideration when it sets new drinking water standards. The compromise agreement would change that.

The compromise agreement also contains language that requires EPA to ensure that when it talks about the risks from certain drinking water contaminants, it presents that information in an objective and unbiased manner. The unbiased presentation of risk information is essential to making sure that we spend our scarce resources on the most important public health risks.

The compromise agreement also contains a source water

 assessment and petition program that should help public water systems prevent contamination in drinking water and save millions of dollars on treatment costs. I know that in Southern California, the Metropolitan Water District, one of the largest public water systems in the country, is working hard with land owners and others to prevent contamination in drinking water supplies. The source water assessment and petition program in the compromise agreement provides voluntary, problem-solving tools to help water systems and others work together to protect drinking water supplies.

There are a number of other worthy provisions in the compromise agreement, but I won't take time to mention them. I simply want to point out that the compromise agreement is the product of bipartisan efforts and the hard work of a broad coalition of elected officials and public water systems. Although the remaining time in this Congress is very short, I think we have an opportunity to make important reforms to the Safe Drinking Water Act, and I urge my colleagues to support the compromise agreement.

Thank you, Mr. Chairman.