

Engineering and Operations Committee

Item #6a

Subject: National Perspective on Emerging Water Quality Regulations

Purpose: To provide an update on emerging federal regulations in water quality

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Summary

This presentation will provide an update on emerging federal regulations related to water quality. The presentation will focus on (1) EPA's new leadership and regulatory plans; (2) possible regulations in the next few years; and (3) long-term trends and predictions on regulatory issues.

National Perspective on Emerging Water Quality Regulations

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Overview of Presentation

- The new Administration
- EPA's planned regulatory actions in 2010
- The next few years for regulations
- Some long-term trends and predictions

The New Administration

- The Obama Administration wants to “take action” that they can point to as an achievement
 - And still balance these actions with good science and transparency
- New ozone air quality regulations are one recent example from EPA

EPA 2010 Regulatory Actions

Timeframe	Regulatory Action
Early 2010	Second Six-Year Review
Mid-2010	Final Perchlorate Regulatory Determination
Mid- to Late 2010	Proposed Revised Total Coliform Rule

Second Six-Year Review and Perchlorate

- Some standards could be revised based on new data
 - Potential change to chromium-VI standard is probably MWDSC's biggest concern
- Perchlorate regulatory determination
 - Proposed not to regulate in 2008
 - Asked for comments in 2009 on health issues
 - EPA will likely make a positive regulatory determination
 - Numerical standard is a separate decision

The Next Few Years for Regulations

- Chemical security is the biggest issue
 - House passed a bill last year but timing in the Senate is not completely clear
 - Maintaining local choice for disinfectants is the biggest issue in legislative discussion - pressure will continue for less use of chlorine gas
- Third regulatory determination in 2013
 - Continued pressure to “take action” - 20 negatives in first two regulatory determinations
 - NDMA a likely candidate for regulation
 - EPA likely not ready to address PPCPs

Long-Term Trends

- Continued pressure to “take action” from the new Administration
 - The media stories are not going to go away
- Increased interest in children’s health
 - More reproductive and developmental health effects research - EPA’s Endocrine Disruptor Screening Program data
 - What about Disinfection By-Products (DBPs)?
- Lack of health effects data is problematic
 - Especially for PPCPs and endocrine disruptors

Predictions

- Current regulations have taken the “low-hanging” fruit
- Future regulations will be chasing more challenging contaminants
 - Perchlorate is one example
- Opportunity exists to define “...meaningful risk reduction...” under the SDWA
 - Number of systems impacted
 - Relative Source Contribution between food and water

More Predictions

- “Fear precedes knowledge”
 - Media and social pressures could end up driving the regulatory process
- Future regulations have the potential to:
 - Become even more complex
 - Possibly more treatment techniques
 - Require advanced treatment
 - More frequent monitoring and shorter compliance timeframe to address reproductive and developmental endpoints

Summary

- The regulatory process is complex and will become even more complex
- Lots at stake for water utilities from the regulatory outcomes
 - The utility's role is important
- The continuation of Metropolitan's leadership role in the regulatory and research processes is critical