

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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American Water Works Association

Overview of AWWA

- Founded in 1881
 - International non-profit and educational organization devoted to providing safe water
 - Considered the largest and oldest organization of water professionals in the world
- Mission: Sharing knowledge on water resource development, water and wastewater treatment technology, water storage and distribution, and utility management and operations
- Over 60,000 members including: 4,700 utilities, environmentalists, manufacturers, academicians, regulators, and others who hold genuine interest in water supply and public health

Overview of Presentation

- The new Administration and the new drinking water strategy
- 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 air quality regulations are one recent example from EPA

The New Drinking Water Strategy

- Four-part strategy detailed in a speech from EPA Administrator Jackson on March 22nd
 - Address contaminants as groups rather than one at a time
 - Foster development of new treatment technologies
 - Use of authority of multiple federal statutes to protect drinking water
 - Partner with states to share more utility monitoring data

EPA 2010 Regulatory Actions

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

Second Six-Year Review

- EPA reviewed health effects, analytical methods, occurrence, and treatment data for 71 standards
- Four standards will be revised
 - Proposed new standards for tetrachloroethylene (PCE) and trichloroethylene (TCE) in 2011
 - Proposed new standards for acrylamide and epichlorohydrin will be later
- 60-day comment period on these four
 - EPA also asking for comments on nitrate/nitrite, chromium, selenium, and 1,2,4-trichlorobenzene issues

Perchlorate

- Whether to regulate perchlorate in drinking water is still up in the air
- 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
 - A very difficult decision for EPA management
 - Pressure to “take action”
 - 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
 - PPCP 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