



DRINKING WATER CONTAMINANTS POSITION PAPER

I. Issue Statement

a. Overview

There has been accelerated activity at EPA in the past year with regards to planning for new drinking water contaminant regulations. Many WWEMA members will be impacted by the introduction of these new regulations. As the EPA is currently seeking input from stakeholders in the water industry for a revised strategy for regulating contaminants, it is an ideal opportunity for WWEMA to provide input on behalf of the Association.

b. Legislation, regulations, guidelines and/or actions affecting the issue

1) EPA's New Drinking Water Regulation Strategy

The strategy encompasses four principles:

1. Address contaminants in groups so that drinking water protection can be achieved cost effectively.
2. Foster development of new drinking water technologies to address health risks posed by contaminants.
3. Use the authority of multiple statutes to help protect drinking water.
4. Partner with states to develop shared access to all PWS's monitoring data.

Cynthia Dougherty stated at AWWA's ACE10 in June that it is the EPA's goal to have formulated a strategy by this fall as well as having selected "the first group or two" of contaminants to review for regulating.

Pros and cons from a macro (industry) and micro (business opportunity) perspective

Principle 1 - Faster enforcement of regulations will be of benefit to manufacturers of advanced treatment processes. Implementation challenges will be around water utilities resisting groups of contaminants that require multiple treatment processes to be in compliance and subsequently prohibitively high compliance costs.

Principle 2 - This would be great for the industry in helping bring new technologies to market. Conservative acceptance processes for new technologies at the State level could hinder this objective.

Principle 3 - Not a major impact.

Principle 4 - If available to public, this will help significantly in estimating market sizes for solving water quality issues. This will also be of benefit to those companies offering data monitoring and analysis tools.

2) EPA's Third Contaminant Candidate List (CCL3)

List of 116 contaminants finalized in September 2009. Possible regulations on NDMA and other nitrosamines and chlorate. 22 unregulated contaminants proposed for Assessment Monitoring to commence in 2013 by 4,800 utilities (UCMR3). Another six chemicals added to the UCMR3 that are not part of CCL3, including 4 PFCs.

Pros and cons from a macro (industry) and micro (business opportunity) perspective

A chlorate regulation may adversely impact companies selling chlorine dioxide and onsite chlorine generators. Other contaminants will have less impact and may in fact increase demand for advanced treatment processes.

3) Constituents of Emerging Concern (CECs)

A number of CECs are included in CCL3 and will be monitored as part of UCMR3. Many new and existing WTPs that have wastewater inputs to source waters are including AOPs in anticipation of future regulation for CECs.

Pros and cons from a macro (industry) and micro (business opportunity) perspective

Any regulations on CECs will be of benefit to those companies offering advanced treatment technologies for removal/destruction of these contaminants. Regulation could still be a long way off but many utilities are already proactively incorporating treatment. A number of CECs were included in the CCL3 and will be monitored as part of the UCMR3.

4) Other EPA Regulatory Activities

The EPA has made a determination to regulate perchlorate and is considering regulatory action in regards to radionuclides. The EPA is reviewing the Radionuclides Rule to determine if it should continue without change, be rescinded or amended to minimize economic impacts on small communities. If it is rescinded, companies providing processes to remove radionuclides will be adversely impacted.

The EPA's second six-year review of existing drinking water standards was published in March 2010. As a result, the EPA is considering the regulation of

four new water contaminants (acrylamide, epichlorohydrin, tetrachloroethylene & trichloroethylene). Publication of the Federal Register notice starts the second Six-Year Review's regulatory process; that involves a public comment period, more detailed analyses of health effects, analytical and treatment feasibility, occurrence, benefits, costs and other regulatory matters relevant to deciding whether a NPDWR should be revised. As part of the Six-Year Review, the EPA is also revising the Total Coliform Rule (TCR) to reduce health risks via cross-connection control and backflow prevention requirements. The proposed revisions were published in July 2010 and are scheduled to go final in mid-2012.

Peter Silva, Assistant Administrator for Water committed before the Senate Environment and Public Works Committee in late 2009 to additional revisions to the Lead and Copper Rule by 2012. Scope is unknown at this stage.

II. Recommended Position and Call to Action

1) EPA's New Drinking Water Strategy

1. WWEMA should advocate groupings of contaminants based on advanced and hybrid (combined) treatment technologies that promise to economically mitigate health risks associated with broad groups of contaminants (i.e. advanced oxidation processes can be used to remove many CECs). Faster acceptance of new regulations will accelerate the implementation of treatment technologies.

2. Be intimately involved with the implementation of Principle #2. If WWEMA members are not actively involved in developing the new technologies, they will certainly be responsible for bringing them to market. WWEMA should work with EPA to ensure obstacles for adoption of new technologies for meeting the new regulations are minimized. Such obstacles may be regulatory barriers at the State level (i.e. requirement for local installations and operating data, lengthy trials, etc. for technology acceptance).

2) EPA's Third Contaminant Candidate List (CCL3)

Seek input from members with equipment directly impacted to determine if any action from WWEMA is required.

3) Other EPA Regulatory Activities

Regulations for CECs are perhaps too far off for WWEMA input at this stage. Watch closely for developments, including outcomes from new EPA Drinking Water Strategy.

When details of proposed revisions to the Lead Copper Rule are known, determine possible impact on industry and if any action from WWEMA is required.

III. Enforcement authority

The enforcement authority for all regulatory actions identified lies with the EPA at the Federal level.

IV. Resource links

EPA New Drinking Water Strategy:

<http://www.epa.gov/safewater/sdwa/dwstrategy.html>

EPA Six Year Review:

http://www.epa.gov/safewater/review/pdfs/psfs_2ndSix-Year/fs_federalregisternotice.pdf

EPA CCL3:

http://www.epa.gov/safewater/ccl/pdfs/ccl3_docs/pre-fr_ccl3.pdf

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