



The AWWA

Washington Report

PLAINTIFF'S EXHIBIT

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WUC ACE TECHNICAL SESSION: HOW SAFE SHOULD DRINKING WATER BE?

Against a backdrop of increased emphasis on groundwater pollution, the interrelationship of groundwater contamination and safety of drinking water, and concern about removing contaminants found only in minute quantities, the Water Utility Council will host a panel discussion on "How Safe Should Drinking Water Be?" at the Annual Conference in Dallas. The topic is particularly apropos in light of the current political climate, which suggests basing drinking water standards on best available technology (as do proposed revisions to the Safe Drinking Water Act). National attention is also focused on broadening the data base on health effects of contaminants found using rapidly improving analytical capabilities; increasing operational problems and costs for removing every trace of complex contaminants; the growing public perception and media hoopla about quality of tap water; and using risk assessment and risk management in developing standards (proposed by EPA Administrator William Ruckelshaus in a 1983 speech).

Following an introduction by AWWA President Bill Lynch, an overview of Council activities by outgoing Chairman Foster Burba and a review of EPA's drinking water program by Assistant Administrator for Water Jack Ravan, the panel will provide an opportunity to air views of the myriad groups concerned about provision of drinking water.

Panelists include Jean Auer, water director for the Bay Area League of Women Voters, representing the public; Vic Kimm, director of the EPA Office of Drinking Water, representing the regulatory agency; Foster Burba, president of the Louisville (KY) Water Company, the water supplier; Robert Neal, president of the Chemical Industry Institute for Toxicology, the scientific community; and William Ford, director of the public water program for the Missouri Natural Resources Department, the primacy agency. Set for 9:00 am, Wednesday, June 13, the five-member panel promises to both pique your interest and educate you.

The WUC will meet at the ACE on Monday, June 11. On the agenda are proposed revisions to the SDWA, groundwater and reports from committees examining emergency response by utilities and suggested policy statements on environmental issues. All members are welcome to attend the meeting.

Also at the ACE, look for an outstanding keynote speech from Sen. Dennis DeConcini (D-AZ), chairman of the National Water Alliance. DeConcini sees the Alliance as providing bipartisan leadership to address the "frightening pattern of inadequate preparation and planning, increasingly complex and conflicting resource demands and an inevitable financial shortfall of staggering proportions." He will be joined by Marilyn Reeves, second vice president of the League of Women Voters, who has been active on local, as well as national, water issues. Reeves is currently a member of the National Drinking Water Advisory Council.

THE WUC TECHNICAL SESSION AT THE ACE — DON'T MISS IT!!

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IN THE FEDERAL REGISTER . . .

SECTION 404: On March 29, the Corps of Engineers proposed a rule (49 FR 12660) limiting the scope of Clean Water Act section 404 dredge and fill actions allowable under a nationwide general permit. The rule affects isolated waters and areas above headwaters, both primarily wetlands areas. Individual permits for 404 activities in such areas will be required if the affected area is larger than 10 acres. Activities covering one to ten acres may require individual permits; the Corps will review the planned action, in consultation with other agencies, to determine whether an individual, or a nationwide, permit is required. Submit comments by May 29, 1984 to Office of the Chief of Engineers, ATTN: DAEN-CWO-N, Washington, DC 20314 . . .

BUREC 404 PERMITS: Bureau of Reclamation has requested nationwide permits for activities that will "neither individually nor cumulatively have a significant effect on the human environment" (49 FR 13568). Activities to be conducted under

the nationwide permit include training, research and data collection, construction of authorized projects, operating and maintenance and various grant programs. Comments are due May 21 to Dr. Robert Pierce or Sam Collinson, HQDA, DAEN-CWO-N, Washington, DC 20314, (202) 272-0199 . . .

SUPERFUND: A report prepared by law professor Fred Anderson, University of Utah, concerning use of negotiation in cleaning up hazardous waste dump sites will be discussed at a May 14 meeting of the Administrative Conference of the US committee on judicial review (49 FR 14411). The report reviews Superfund implementation, suggesting greater use of negotiation among responsible parties to expedite the voluntary cleanup process. The negotiation in advance of litigation should involve interested citizens' groups as well as industry and government representatives. The draft report is available from Administrative Conference of the US, 2120 L Street, NW, Washington, DC 20037, (202) 254-7065.

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GAO REPORTS ON . . .

GROUNDWATER: Groundwater contamination is a "significant and widespread problem" and "the extent of contamination is unknown," states GAO's "Federal and State Efforts to Protect Ground Water", GAO/RCED-84-80. In a 15-state study, GAO found only three states that did not see groundwater contamination as a problem. The most prevalent groundwater contamination sources, the report stated, are hazardous waste sites; landfills, lagoons, dumps and junkyards; spills and leaks of petroleum products, including underground storage tanks; and industrial site solvents and chemicals. The diversity of pollutant sources, as well as state and regional differences, may make identifying a uniform, national solution to groundwater contamination impossible, GAO said. The 15 states surveyed favored funding, research and development as federal groundwater protection activities, with regulatory activities left to state control . . .

Reports are available from GAO, Document Handling and Information Services Facility, PO Box 6015, Gaithersburg, Maryland 20760, (202) 275-6241.

COST-BENEFIT ANALYSIS: GAO recommends that Congress "reexamine the need" for restrictions on use of cost-benefit analysis in environmental rulemaking. "Cost-Benefit Analysis Can be Useful in Assessing Environmental Regulations, Despite Limitations," GAO/RCED-84-62, goes on to state that "cost-benefit analysis shows promise as a tool for assessing environmental regulations" that can "contribute to more cost-effective regulation by systematically presenting the advantages and disadvantages of alternative regulatory approaches." Nor is EPA let off the hook for its poor use of cost-benefit analyses. GAO recommends the agency isolate the most likely estimates of regulatory effects; highlight priorities to address the most critical data gaps affecting precision of cost-benefit analyses in congressional budget submissions; and submit to Congress the analyses that cannot be used in rulemakings due to restrictions in the law.

UP ON THE HILL . . .

SDWA: Sen. David Durenberger (R-MN) has circulated draft proposed amendments to the Safe Drinking Water Act. The draft requires simultaneous proposal of maximum contaminant level goals and national primary drinking water regulations. Other provisions include: publication of a list establishing priorities for review of toxic pollutants; setting MCL goals at which no known or anticipated adverse health effects occur; setting MCLs as close to MCL goals as feasible, without considering cost; issuing variances only after installation of best technology; specifying treatment techniques that prevent known or anticipated adverse health effects, considering economic and technological monitoring feasibility; requiring all public water systems to monitor for unregulated contaminants at least once every four years; and banning injection of hazardous wastes into or above aquifers within 1/2 mile of a drinking water source or below a formation containing drinking water. Durenberger plans to introduce the bill when Congress returns from recess at the end of April . . .

GROUNDWATER: Two days of hearings before House Government Operations subcommittee on environment resulted in conflicting statements on EPA's groundwater policy. EPA Deputy Administrator Al Alm called the policy a "solid beginning" in solving the problems of groundwater contamination. He pointed to the policy's emphasis on state action and control and cited proposed support for state programs from grants for development of management strategies and implementation plans as well as from technical assistance. Alm acknowledged that funds will be drawn from existing sources identified through discussions with states and EPA regional offices.

Non-federal speakers urged a more aggressive groundwater protection strategy and increased funding. While noting that existing laws are adequate, National Water Well Association's Jay Lehr pointed out that poor implementation results from lack of funds and manpower. Environmental groups cited lack of coordination at EPA in setting standards to address groundwater contamination. Industry cited consideration of "quality and quantity" as paramount . . .

EPA FUNDING: A mixed bag of organizations and congressmen supported increases in EPA funding for FY 85, citing progress by the agency in implementing environmental laws. In a rare show of agreement, environmentalists and industrialists called for more research funds for the agency. Environmental groups cited groundwater contamination as an area needing increased research and attention.

At the same hearing, the AWWA Research Foundation called for a second \$1 million add-on to the EPA budget to be matched by the RF. The resulting \$2 million will be used to continue the joint federal-water utility research program which has already identified 15 projects to be funded with FY 84 monies and 20 research areas for FY 85. Federal funding will provide time for the utility industry to develop a self-supported research program . . .

WATER RESOURCES: Senate Energy review of S 1739, passed by Senate Environment in November 1983, should be completed by the end of April. No action has been taken on Title 8, which provides a loan program for public water supplies. Administration representatives disagreed on cost-sharing, with the Corps' William Gianelli saying it provides "a new direction" and relieves the federal dollar burden of water project construction; and Interior's William Horn charging that the cost-sharing provisions conflict with Administration policy. Water policy board opponents charge that creating another level of bureaucracy will not solve water policy coordination problems while supporters allege that the board would develop, coordinate and provide direction to federal water policy.

HR 3678, reported by House Public Works in August, is also undergoing additional review, although not of Title 8, the House public water supply loan program. House Interior voted to retain the water policy board and removed restrictions on its study of interbasin transfers in the Columbia River Basin. House Merchant Marine added provisions allowing nonfederal interests to begin construction of authorized projects after completion of environmental impact statements . . .

AROUND WASHINGTON . . .

EPA has officially opened an Office of Groundwater Protection, headed by newly appointed Director Marian Mlay. The office will coordinate all agency groundwater activities, provide guidance to EPA regional groundwater programs and develop policies and guidelines for groundwater activities. A Groundwater Steering Committee, under the aegis of the groundwater office, will make recommendations on budget requests and review proposed policy. A Groundwater Oversight Committee chaired by Jack Ravan, assistant administrator for water, will be given staff support from the groundwater office . . .

. . . EPA has formed an intergovernmental task force on nonpoint source pollution, chaired by assistant administrator for water Jack Ravan. Federal task force members include, in addition to EPA, the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Forest Service, Office of Surface Mining, Corps of Engineers and Tennessee Valley Authority; six state representatives will also participate. Task force goal is to develop new approaches to control of pollution from nonpoint sources . . .

. . . Interior Department has approved a flood control and storage system for the Central Arizona Project. Plan 6 includes construction of New Waddell Dam on the Agua Fria River, Cliff Dam on the Verde River and modification of Roosevelt and Stewart Mountain Dams on the Salt River. It will protect Phoenix from flooding and provide sufficient storage to ensure water delivery to the entire CAP service area. Costs will be shared between the Bureau of Reclamation and CAP beneficiaries . . .

. . . EPA's new water pollutant control policy proposed use of biological and chemical methods to assess toxic substances in surface water. The agency expects the integration of biological and chemical methods to aid industries as well as municipalities in measuring the impact on receiving waters and subsequently controlling pollutants to a greater extent than use of technology-based requirements. Choice of method is left to the states, depending on the individual situation. States will also be expected to develop water quality-based effluent limits for inclusion in any national pollutant discharge elimination system permit issued under the policy. EPA will provide guidance on the limits to those states requesting it . . .

. . . Workshops on financing and user charges for wastewater treatment will be conducted by the Water Pollution Control Federation on June 6-7 in Hyannis, MA; and July 11-12 in San Francisco. Topics include institutional and financing alternatives, revenue requirements, cost distribution, rate design, industrial considerations, mediation and the EPA viewpoint. WPCF will also hold five workshops on 1984 construction grants guidelines, on May 21-22 in San Francisco; June 4-5 in Denver; June 7-8 in New Orleans; June 18-19 in Chicago; and June 21-22 in Boston. The construction grants workshops will focus on project performance certification, pre-treatment, reserve capacity and maximum allowable project costs. For information on the workshops, contact Education Division, WPCF, 2626 Pennsylvania Avenue, NW, Washington, DC 20037, (202) 337-2500.

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