

Message

From: Mike Keegan [keegan@ruralwater.org]
Sent: 10/6/2017 4:16:00 PM
To: Bob Freudenthal - TN [BobFreudenthal@taud.org]; Earl McKinney - WY [emckinney@daleweaver.us]; Gary Williams - FL [Gary.Williams@frwa.net]; George Crum [gcrum@prwa.com]; George Crum - PA [Ex. 6]; [Ex. 6]; George Hanson - MD [Ex. 6]; James Gammill [jgammill.orwa@gmail.com] [jgammill.orwa@gmail.com]; Jana Littlewood - AK [jana_littlewood@awps.com]; Jill Miller - SC [Jill@scrwa.org]; Jim Mackie - NJ [jamesjmackie@comcast.net]; John Sasur - MA [jsasur@hotmail.com]; Matt Holmes - NRW [Matt@nrwa.org]; Paul Fulgham [pfulgham@tremontoncny.com]; Randy Pleima - IA [h2opleima@mahaska.org]; Sam Wade [sam@nrwa.org]; [Ex. 6]; Tom Goulette - NE [Ex. 6]; Wilmer Melton - NC [wmelton@kannapolisnc.gov] [wmelton@kannapolisnc.gov]; Daniel Wilson [danielwilson@ncrwa.com]
Subject: Fwd: OIG Project: Public Notification of Drinking Water Quality

FYI - and minutes from Reno meetings should be distributed very soon.

----- Forwarded message -----

From: Mike Keegan <keegan@ruralwater.org>
Date: Fri, Oct 6, 2017 at 12:00 PM
Subject: Re: OIG Project: Public Notification of Drinking Water Quality
To: "Snyder, Gerry" <Snyder.Gerry@epa.gov>
Cc: "Hess, Kathryn" <Hess.Kathryn@epa.gov>, "Johnson-Davis, Tiffine" <Johnson-Davis.Tiffine@epa.gov>

Thank you for contacting us, and yes, a teleconference call would be welcome.

Mike Keegan, Analyst
National Rural Water Association
Washington, DC

As the Office of Inspector General reviews the public notification of drinking water quality as required under the Safe Drinking Water Act, small and rural communities urge you to examine the potential for EPA required public notifications to result in public confusion and unnecessary alarm.

We are concerned that the current EPA information is unnecessarily alarming the public regarding the safety of their drinking water. Many violations of EPA standards are not necessarily an indication of unsafe drinking water (i.e. a temporary exceedance for a small fraction of a part per million that is causing the public to stop drinking their water and begin to lose trust in their local government).

For fiscal year 2014, EPA lists 2,135 maximum contaminant level (MCL) violations of DBPs standards. This statistic is characterized by the following data: 477 of those exceedances include no recorded level of contaminant; 110 of the 416 violations for the haloacetic acids standards (HAA5) are for exceedances equal to or less than 5 parts per billion (PPB); and 174 of the total 1,252 violations for total trihalomethanes standards (TTHMs) are for violations equal to or less than 5 PPB. It is our understanding that this category of DBP violations requires a Tier 2 Public Notice (i.e. direct mailing of the violation to consumers with mandated language specified by EPA) which often results in alarming the public to the point they are afraid to drink the water. For example, after a DBP violation of two thousandths (.002) of a part per million, the local news station in Menominee, Michigan (WFRV, 4/3/2015) reported, "Residents in Menominee, Michigan are Questioning the Safety of their Drinking Water... Last week, [a consumer] got a notice in the mail saying the Menominee city water system recently violated a drinking water standard. The supply tested high for trihalomethane, a disinfection by-product. 'It was kind of a slap in the face when I got this and I thought, here I'm paying for a commodity and I'm not really sure that it's safe,' explained [the consumer]. 'I don't think I'm the only one in the city that feels that way... I'm actually looking into getting a whole house water filtration system,' she added. 'I don't trust our water anymore...'"

What the public wants to know most is whether there is a public health-related significant difference between 80 parts per billion and 82 parts per billion of THMs occurring in their water. Some states have been compelled to issue additional public notices to warn consumers of the significance of EPA mandated warnings (Kentucky Department for Environmental Protection, May 9, 2005, www.ruralwater.org/kydbps.pdf).

Regarding the public notice requirements for communities participating in Unregulated Contaminant Monitoring Rule (UCMR) sampling, many of these systems had detects found in each sample at every sampling point which in turn triggered numerous notifications. This also created a lengthy CCR despite the absence of violations in their routine monitoring and operations. Another example occurred in South Carolina during UCMR3 where all 70 of the PWSs sampled to date had UCMR detections, thereby requiring public notification. 68 of the 70 systems sampled had detects of strontium at a range of .31 – 1400 ug/L. No systems detected strontium under UCMR 3 at concentrations above the current HRL of 1500 ug/L; however, all of these systems were required to report strontium detects on their CCR.

The following statement was submitted by Chesterfield County Rural Water (SC) for consideration during the UCMR forum in June, 2014:

COMMENTS OF CHARLES GRAY
CEO, CHESTERFIELD COUNTY RURAL WATER, SOUTH CAROLINA
ON BEHALF OF
THE SOUTH CAROLINA RURAL WATER ASSOCIATION
THE NATIONAL RURAL WATER ASSOCIATION
U.S. ENVIRONMENTAL PROTECTION
FORUM ON UNREGULATED CONTAMINANT MONITORING RULE (UCMR)
JUNE 25, 2014

Good afternoon, I am Charles Gray, the chief executive office of Chesterfield County Rural Water in Chesterfield County in northeastern South Carolina. I appreciate the opportunity that the U.S. Environmental Protection has provided to address this forum on Unregulated Contaminant Monitoring Rule (UCMR) issues for all small and rural drinking water utilities. I am providing my comments on behalf of my water utility, the South Carolina Rural Water Association and the National Rural Water Association which represents over 28,000 communities.

Chesterfield County Rural Water has 900 miles of waterlines with 7,500 customers and additionally serves the Towns of Pageland, Chesterfield, Ruby, and Mount Croghan.

My utility has conducted two rounds of UCMR3 monitoring which was paid for by our state Department of Health & Environmental Control (SCDHEC). We found positive detects for the following substances: Hexavalent Chromium (.058 – 1.0 ug/l), 1, 4 Dioxane (0.123 – 0.589 ug/l), Strontium (12 – 47 ug/l), Vanadium (0.12 - 0.45 ug/l), Chlorate (100 – 130 ug/l) and 1, 1 Dichloroethane (38 – 38 ug/l).

On behalf of Chesterfield County Rural Water and thousands of other small water utilities, we urge the EPA to consider the following questions and modifications to the current and future Unregulated Contaminant Monitoring Rules:

One: These are, by definition, unregulated elements and/or compounds found in water samples. The term “contaminant” has a negative connotation for customers when another, less alarming and more accurate term could be used if a utility is going to be required to report findings.

Two: It is unclear and apparently undefined as to the concentration of the elements or compounds that may cause some detrimental impact on public health. As such, it seems reporting these findings without clear

determination of what accepted levels are considered unsafe concentrations is premature and unwarranted. It also leaves the public without the information they most want to know; what levels of these substances are safe or not safe. We don't think EPA should override the locally preferred public disclosure policy without providing this basic information to the public.

Three: Utilities were not informed as to how to address customer questions with regard to how any of these elements or compounds were determined to make the test list nor what, if any, detrimental health consequences might result from positive test results.

Four: Consumer Confidence Reports are intended to inform the public about the safety of their drinking water and system operation. A system can have flawless performance and meet all the guidelines of the Safe Drinking Water Act (SDWA), and yet have "hits" on unregulated contaminants and appear to consumers that issues exist with system operations.

Five: Does the SDWA mandate that unregulated contaminants be reported in CCRs? If not, why was this required? If this reporting is not required by EPA, water utilities should be allowed to publicly disclose the information in a manner more reflective of public health relevance.

Six: We urge EPA to better inform water utilities as to why these elements/compounds were selected and to address customer inquiries and public notifications on CCRs.

Thank you for your attention and consideration. Small and rural water utilities are eager to collaborate with the EPA on improving the current process. We are locally governed by the public and want to ensure that federal mandates don't conflict with the public's preferred disclosure policies. We appreciate the opportunity to comment today, thank you.

Also, EPA should declare that federally mandated "Tier 2" public notices (particularly Disinfectants and Disinfection Byproducts Rules - DBPs) issued under the Safe Drinking Water Act are eligible for e-reporting under EPA's January 3, 2013 policy for "CCR Rule Delivery Options." Adoption of this regulatory reform policy could save small and rural communities millions of dollars in public funding, provide more timely information to the public, and allow for enhanced availability of information to the public by archiving the disclosure material on the internet (as opposed to a one-time mailed notice). EPA's Safe Drinking Water Information System fiscal year 2016 database lists over 30,000,000 persons in communities with Tier 2-type maximum contaminant level (MCL) or treatment technique (TT) violations with EPA drinking water rules. A 2015 assessment by the Kansas Rural Water Association found that each Tier 2 public notice costs over \$1 per customer (printing, copying and mailing).

U.S. Senator Roger Wicker inquired about such regulatory relief to the EPA on June 11, 2015; but EPA did not directly answer the Senator's concern (the DBPs' Tier 2 notices) and the status quo remains in place ([Wicker letter and EPA reply](#)).

On Fri, Oct 6, 2017 at 10:55 AM, Snyder, Gerry <Snyder.Gerry@epa.gov> wrote:

Mr. Keegan,

EPA's Office of Inspector General is conducting an evaluation to determine whether the EPA adequately ensures that public drinking water systems notify the public as required by the public notification rule promulgated under the Safe Drinking Water Act, such as when the systems identify contamination at unsafe levels. The attached notification memo provides additional information about our review.

On September 7, 2017, we met with Alan Roberson, Director of the Association of State Drinking Water Administrators, to discuss our evaluation. He suggested we talk to you regarding the standard language used

in public notifications. Would you be available to talk with our team? We could set up a teleconference call at your convenience preferably within the next two weeks.

Our evaluation team looks forward to your input into our evaluation.

Gerry Snyder

EPA, Office of Inspector General

303.312.6623