

U.S. Environmental Protection Agency
Total Coliform Rule / Distribution System
Advisory Committee Conference Call

July 18, 2008

Teleconference Summary

Meeting Objectives/Desired Outcomes:

- *Discuss options for revising the Total Coliform Rule, including rule construct, monitoring provisions, system categories, action levels, investigation and follow-up, and public notification, etc;*
- *Discuss and reach preliminary agreement on priorities and coordination mechanisms for research and information collection concerning distribution systems;*
- *Agree on a draft version of the agreement in principle (AIP) to circulate with member organizations for comments prior to the July meeting; and*
- *Discuss next steps in the context of the Committee's overall time table.*

I. Welcome, Introduction, Meeting Objectives and Agenda

Crystal Rodgers-Jenkins, the Designated Federal Officer, opened the meeting and welcomed the members and meeting attendees to the tenth meeting of the Total Coliform Rule / Distribution System Advisory Committee, which was held via teleconference and web conference.¹

Gail Bingham, the facilitator from RESOLVE, briefly reviewed the objectives of the meeting, the meeting agenda, and the meeting materials. She noted that the goal of the call is to reach preliminary agreement on the issues highlighted in the agenda.

II. Overview of Current Distribution System Research Activities and Goals for the Proposed Partnership

Ms. Bingham introduced Audrey Levine, the National Program Director for Drinking Water in the EPA Office of Research and Development (ORD) and Chris Rayburn, Research Management Director for American Water Works Association Research Foundation (AwwaRF). Dr. Levine provided the Committee with an overview of ORD's research activities related to drinking water

¹ Please see Attachment A for the Total Coliform Rule / Distribution System Federal Advisory Committee roster. Please see attachment B for a copy of the meeting agenda. Please see Attachment C for a list of the meeting attendees.

distribution systems.² Following Dr. Levine's presentation, Dr. Rayburn provided an overview of AwwaRF's research activities related to drinking water distribution systems.³

Stig Regli, US EPA, and Alan Roberson, American Water Works Association, noted that, although additional resources would be welcome, the goal of the research and information collection partnership outlined in the draft Agreement in Principle (AIP) is principally to align the partners' ongoing distribution system research efforts and to focus them on the priorities in the AIP.

III. Proposed Partnership Mechanism and Priorities for Research and Information Collection

A. Structure and Governance (Section 4.1.a)

Mr. Roberson provided the Committee with an overview of section 4.1, Research and Information Collection Partnership (RP), in the draft AIP circulated prior to the conference call.⁴

During the discussion, one member stressed the importance of including the perspective of small systems in RP discussions and of considering whether the scope and size of the proposed research and information efforts are applicable or scalable to small systems.

One member voiced a concern that, without sufficient funding from both AwwaRF and EPA, the research and information collection efforts could become another Information Collection Rule (ICR) and place a burden on systems to provide the required information. Another member responded that there was no mention of an ICR in the AIP, but also noted that many of the projects would depend on system-level information collection in order to be successful.

With regard to funding, the EPA representative to the Committee explained that most of EPA's research resources are in the form of people, rather than dollars that could be given to outside researchers. Mr. Rayburn noted that the RP could not specifically direct how AwwaRF's subscriber funds should be spent. Both emphasized that the RP could influence greatly how their respective organizations would set priorities about which research projects to fund.

A member of the Committee, noting that several existing ORD research projects focus on lower level priorities of the Committee (e.g., biofilm, nitrification), asked if resources could be shifted to the Committee's higher priorities. In response EPA representatives noted that some of the work is on higher priority efforts, although the project descriptions do not make that clear. They also noted that the Agency could look at other ways, for example through Science to Achieve Results (STAR) grants, to get the high priority work done.

² Please see Attachment D for a copy of Dr. Levine's presentation "Overview of ORD's research activities related to Drinking Water Distribution Systems."

³ Please see Attachment E for a copy of Mr. Rayburn's presentation "AwwaRF Distribution System Research."

⁴ A copy of the draft Agreement in Principle is available from the Designated Federal Official.

Over the course of the discussion of the structure and governance of the RP, members of the Committee suggested the following edits, additions, and considerations:

- Refer to the RP as the “Research and Information Collection Partnership” throughout the agreement in principle.
- Add a recommendation that one or more of the members of the Steering Committee bring the small system perspective.
- Make it clearer that a representative from the CDC would be the first priority for the public health representative on the Steering Committee.
- Add a sentence that states: if EPA decides it is necessary to collect information through a regulatory process, other than the Unregulated Contaminant Monitoring Rule, the Agency will provide an opportunity for stakeholder input.
- Consider whether there should be a sentence added that failure to contribute funding would result in removal from the RP.
- Change 4.1.a.3 by replacing “selecting officers” with “defining responsibilities.”
- Make it clear that the partnership will collect information from systems on a voluntary basis.
- Consolidate and edit the three bullets in Section 4.1.b as follows:
 - Bullet 1: Replace “collaborative process and procedures by which the RP will function” with “formal commitments and defines roles and responsibilities,” and delete the rest of the bullet.
 - Bullet 2: Delete
 - Bullet 3: Edit sentence to say, “As part of the annual budget process for each of the RP parties, the parties will meet to discuss their research and information priorities and coordinate research and information collection projects.”

B. Priorities (Sections 4.1.c and 4.2)

Members of the Committee discussed the paragraph added to the end of section 4.1.c and the 8th bullet added to 4.2.a. Some members suggested that it would be beneficial to develop performance measures related to the revised TCR (RTCR). Another member expressed the view that the RP should focus on distribution system issues and noted that the RTCR’s compliance effective date was so far in the future that the timing might not be appropriate for the RP. This member suggested that recommendations concerning evaluation of the RTCR would be more appropriately presented in Section 3.17 of the AIP. Several members of the Committee agreed to work on language for Section 3.17 for the Committee’s review at the next meeting. Based on the discussion, members suggested the following edits to these two sections:

- Section 4.1.c: Delete the second sentence of the new paragraph; add “and refine and optimize the research agenda, consulting with stakeholders” to the end of the first sentence.
- Section 4.2.a: Delete the added 8th bullet.
- Develop language on performance measures for Section 3.17.

C. Findings (Section 4.1.d)

One member suggested deleting “the RP concludes” from the paragraph under Section 4.1.d.

IV. Selected TCR Revisions

Violations (Section 3.11.b)

Members of the Committee discussed the Table in section 3.11.b and suggested the following edits:

- Divide the table into three sections: MCL violations; Treatment Technique violations; and routine monitoring violations.
- Under MCL violations, include two subcategories: MCL compliance violations; and failure to take repeat samples.
- Rename the MCL violations as “*E. coli* MCL violations” in the table and throughout the document.
- Change “failure to take repeat samples” to “failure to take every required repeat sample.”
- Under Routine Monitoring Violations, specify that public notification through the Consumer Confidence Report (CCR) only applies to community water systems, not non-community water systems.

One member voiced concern about the lack of a public notification requirement for failure to take repeat samples following a total coliform positive sample. This member agreed to look at the public notification requirements for treatment technique violations and offer proposed language for the Committee’s consideration.

Two members of the Committee agreed to look at the current CCR requirements and propose language for the AIP to address any needed changes to those requirements.

An alternate to the Committee voiced concern about the Public Notification Language provision in this section, and agreed to follow-up with EPA to address this concern.

Optimizing Distribution System Integrity (Section 3.16)

Members of the Committee discussed expressed general support for the concept presented in the revised section 3.16. However, one member suggested two changes to the language in this section: delete the reference to 4-log inactivation because it is not related to the distribution system; and delete the reference to operator certification programs, which are the purview of primacy agencies rather than the PWS. This member agreed to work with others to revise the language in this section for further discussion at the Committee’s next meeting.

V. Public Comment

Ms. Bingham informed the group that IDEXX Laboratories had provided written public comment prior to the meeting.⁵

⁵ Copies of IDEXX’s and Washington Department of Health public comments are available from the Designated Federal Official.

Mr. Bob James of the Washington Department of Health provided public comment at the meeting to supplement the written comments submitted. He urged the Committee to be mindful of the possible unintended consequences of the RTCR, and expressed concerns that the RTCR as structured would undermine the usefulness of Total Coliform as an indicator for distribution system health.

VII. Next Steps

Ms. Bingham requested TCRDSAC members to provide her with any proposed edits by noon July 25, so that a new version can be circulated prior to the next Committee meeting scheduled for July 30-31, 2008 in Washington, D.C.

NOTE: This document was prepared by the facilitators for consideration by the Total Coliform Rule Distribution System Advisory Committee and does not constitute a product of the Committee. The Total Coliform Rule Distribution System Advisory Committee is a federal advisory committee chartered by Congress, operating under the Federal Advisory Committee Act (FACA; 5 U.S.C., App.2). The Committee provides advice to the Administrator of the U.S. Environmental Protection Agency on revisions to the Total Coliform Rule (TCR), and on what information about distribution systems is needed to better understand the public health impact from the degradation of drinking water quality in distribution systems. The findings and recommendations of the Committee do not represent the views of the Agency, and this document does not represent information approved or disseminated by EPA.

Attachments

Attachment A – TCRDSAC roster*

Attachment B – Meeting agenda*

Attachment C – List of meeting attendees

Attachment D – Audrey Levine’s presentation “Overview of ORD’s research activities related to Drinking Water Distribution Systems”*

Attachment E – Chris Rayburn’s presentation “AwwaRF Distribution System Research”*

* The meeting presentation and other documents may be found online at http://www.epa.gov/OGWDW/disinfection/tcr/regulation_revisions_tcrdsac.html.

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Teleconference Attendees

Martin Allen, MJ Allen and Associates
Karl Anderson, US EPA
Mary Armacost, American Water
Ali Arvanaghi, US EPA
Sarah Bahrman, US EPA
Joshua Baile, East Cherry Creek Valley
David Baird, National Rural Water Association
Pam Barr, US EPA*
Jeremy Bauer, US EPA
Gail Bingham, RESOLVE
Sara Birkmire, US Army
Eric Bissonette, US EPA
Steve Bouck, US EPA
Erica Brown, Association of Metropolitan Water Agencies
Joan Brunkard, Centers for Disease Control and Prevention
Dawn Kristof Chapney, WWEMA
Ken Clark, City of Boulder, Colorado
Sarah Clark, HDR
Sean Conley, US EPA
Julie Conroy, CDPHE
Joanne Dea, US EPA
Cynthia Dougherty, US EPA*
Donna Fries, Miami Dade Water and Sewage Department
Manja Blazer, IDEXX Laboratories
Vic Burchfield, Columbus Water Works
Gary Burlingame, Philadelphia Water
Ken Clark, City of Boulder, Colorado
Laura Cummings, Passaic Valley Water Commission
Cynthia Dougherty, US EPA*
Mary Dwyer, Lansing Board of Water & Light
Bill Dzeta, US Army
Patti Fauver, Environmental Council of States*
Charles Fiero, Harnett County Public Utilities
Melinda Friedman, Confluence Engineering Group
Ron Freeman, National Environmental Health Association*
Brad Glassman, Lasvirgenes Municipal Water District
Kathy Grant, RESOLVE
Tom Grubbs, US EPA
Michael Hage, Connecticut Department of Public Health

Patricia Hall, Ground Water & Drinking Water
Curtis Haymore, The Cadmus Group, Inc.
Robert Hollander, City of Phoenix Water Services Department
Bob James, Washington State Department of Public Health, Office of Drinking Water
Christine Jone, CDE
Jeff Kauffman, City of Columbus, Ohio
Kimberly Kunihiro, Orange County Utilities
Mark LeChevallier, National Association of Water Companies*
Debbie Lee, RESOLVE
Frank Letkiewicz, The Cadmus Group, Inc.
Audrey Levine, US EPA
Carrie Lewis, American Water Works Association*
Sean Lieske, City of Aurora
Gary Lynch, National Association of Water Companies*
David MacNevin, Carollo Engineers
William McClimans, Alabama Department of Environmental Management
Beth Messer, Environmental Council of States*
Harvey Minnigh, Rural Community Assistance Partnership*
Sue Murphy, Solano Irrigation District
Russell Navratil, County of Henrico, Virginia
John Neuberger, Council of State and Territorial Epidemiologists*
Jim Nilson, Seattle Public Utilities
Cruz Ortiz, Puerto Rico Aqua & Sewer Authority
Darrel Osterhoudt, Association of State Drinking Water Administrators*
Angela Page, US EPA
Brian Peake, US Airforce
Michael Perry, Southern Nevada Water Authority
Andre Porter, US EPA
Chris Rayburn, AwwaRF
Ken Reed, Las Virgenes Municipal Water District
Stig Regli, US EPA
Kevin Reilley, US EPA
Alan Roberson, American Water Works Association*
Maggie Rodgers, Cleveland Division of Water
Crystal Rodgers-Jenkins, US EPA
Mark Rodgers, US EPA
Ken Rosenfeld, National League of Cities*
Ken Rotert, US EPA
Sharon Roy, Centers for Disease Control and Prevention
Richard Sakaji, East Bay Municipal Utility District
Tom Schaeffer, Association of Metropolitan Water Agencies
Anne Seeley, New York City Department of Environmental Protection
Nicole Shao, US EPA
Ranjit Sharma, US Army Maderial Command
Heather Shoven, USCPA Region 5
Jennifer Singh, EMD Chemical

Charlotte Smith, Charlotte Smith & Associates
Jerry Smith, Association of State Drinking Water Administrators*
Kira Smith, City of Houston
Robert Smith, Colorado Springs Utilities
Tim Smith, Aura Water
Vanessa Speight, Malcolm Pirnie
David Spenard, National Association of State Utility Consumer Advocates*
Scott Summers, University of Colorado at Boulder
Carol Stuckey, Washington State Department of Public Health, Office of Drinking Water
Rhonda Suzuki, CSU Contractor for Army
Lynn Thorp, Clean Water Action
Teresa Trott, Maine Drinking Water Group
Steve Via, American Water Works Association
David Visintainer, Association of Metropolitan Water Agencies*
Rachel Walker, Continental Airlines
Jeannetter Weber, Alameda County Water District
June Weintraub, San Francisco Department of Public Health
Bethany Wernle, DPW Environmental
Kathy Wiseman, Water Systems Engineering
Mae Wu, Natural Resources Defense Council*

*TCRDSAC members or alternates