



**American Water Works
Association**

The Authoritative Resource on Safe Water SM

Government Affairs Office
1300 Eye Street NW
Suite 701W
Washington, DC 20005
T 202.628.8303
F 202.628.2846
www.awwa.org

Headquarters Office
6666 W. Quincy Avenue
Denver CO 80235
T 303.794.7711
F 303.347.0804

**Comments to
Science Advisory Board Drinking Water Committee
on
Draft EPA Analyses to Support the Proposed Revised Total Coliform Rule
prepared by the
American Water Works Association**

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to the improvement of drinking water quality and supply. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our 57,000-plus members represent the full spectrum of the drinking water community: treatment plant operators and managers, environmental advocates, scientists, academicians, and others who hold a genuine interest in water supply and public health. Our membership includes more than 4,600 utilities that supply roughly 80 percent of the nation's drinking water.

AWWA was one of the signatory organizations to the Total Coliform Rule and Distribution System Advisory Committee (TCRDSAC) Agreement in Principle (AIP). In signing the AIP AWWA has committed to supporting the proposed Revised Total Coliform Rule (RTCR) to the extent it is consistent with the TCRDSAC recommendations. AWWA would like to offer several comments to assist the Drinking Water Committee (DWC) in its review of EPA's draft cost and benefit analyses for the RTCR proposal.

RTCR Analytical Methods – Under Section 3.2 of the TCRDSAC AIP, EPA committed to selecting analytical methods that meet appropriate performance criteria and engaging stakeholders in crafting a method approval process that appropriately evaluates analytical methods employed under the RTCR. This commitment is important as the positive / negative analytical results are the foundation of the distribution of observed occurrence modeled in the

draft cost-benefit analysis. EPA must complete its deliberative process to select criteria and evaluate existing analytical methods using a sound approval methodology prior to finalizing the RTCR, tentatively scheduled for 2012.

Ground Water Rule – The draft cost-benefit analysis underestimates the impact of the Ground Water Rule (GWR) on the future compliance of small, community and non-community water systems with the RTCR. The GWR will be effective November 2009, approximately six years prior to the most significant provisions of the RTCR becoming effective. Between November 2009 and RTCR implementation, not only will ground water systems be complying with GWR triggered monitoring provisions, states will be completing at least one full sanitary survey cycle for all systems, and states will be requiring some systems to conduct additional source water monitoring and hydrogeologic analysis. Consequently, the source water quality entering ground water system distribution systems in 2015 should be comparable in quality (if not of a higher quality) to that found in surface water systems. The only significant distinguishing characteristic between surface and ground water at that time would be the universal application of a secondary residual in surface water systems. Consequently, EPA’s expected frequency of small groundwater systems being triggered to undertake assessments or undertake corrective action is too high, and should be similar to that applied to surface water systems.

Coliform positive samples result from numerous different causes. – The draft cost-benefit analysis assumes that after corrective action there will always be a three year period of compliance. This assumption is not valid and a more distributional approach is warranted. Because there are numerous causes of coliform positives, correcting one item will not necessarily prevent the occurrence of a second in many instances. Some changes such as improving sample taps or sampling procedures will have persistent and long lasting effects across the distribution system. However, other potential causes will not be systematically reduced across the distribution system, e.g., correcting one cross-connection does not prevent another from occurring, line construction is a frequent occurrence and each location is a potential point of entry for contamination, etc. Similarly, one would reasonably expect that the combined effect of the GWR and RTCR will over time further depress the frequency with which actions will be triggered under the RTCR (i.e., assessments and subsequent corrective actions).

Metrics for Rule Performance – The existing Safe Drinking Water Information System (SDWIS) database is currently inadequate to support the RTCR cost-benefit analysis. Numerous assumptions are required to employ available SDWIS data, which consequently lead to the introduction of unquantifiable uncertainty into the analysis. It is essential that in constructing the proposed RTCR that the agency consider and articulate in the proposed rulemaking how it will monitor and evaluate the effectiveness of the RTCR. This action is consistent with Section 3.17 b. of the TCRDSAC AIP and is fundamental to the TCRDSAC's objectives. The cost of developing and managing relevant data will be significant; consequently, the economic impact of this effort should be considered in the agency's cost-benefit analysis.

At present, the projected frequencies of corrective actions included in the draft cost-benefit analysis (Exhibit 7.16) are a preliminary attempt based on limited data. The TCRDSAC set the stage for EPA to analyze the effectiveness of the RTCR when it is implemented if the agency follows the TCRDSAC recommendations.

Transparency – Administrator Jackson has committed to open and transparent analysis underlying rulemaking decisions. The RTCR is premised on the AIP and the draft cost-benefit analysis builds on that process and includes a number of projections based on additional assumptions for the purpose of illustrating the potential impacts of revising the rule. The agency should clearly describe underlying assumptions and acknowledge the illustrative role of the resulting analysis.

Transparency should include identification of simplifying assumptions. For example, the draft analysis implies that the cost of state implementation is a cost born by the state's general fund rather than water system ratepayers. In some states, the cost burden for state primacy agency programs rests on fees charged to drinking water systems and thus directly on the ratepayers.

Conclusion – In briefly reviewing the draft cost-benefit analysis, AWWA found that in large part it closely paralleled the TCRDSAC discussion and supporting analysis. It is essential in our view that the agency maintains a constant dialogue with stakeholders throughout the rulemaking process, so that it does not lose touch with the tenets underlying the TCRDSAC AIP.