



**American Water Works
Association**

Government Affairs Office
1300 Eye St. NW
Suite 701W
Washington, DC 20005-2149
T 202.628.8303
F 202.628.2846

Headquarters Office
6666 West Quincy Avenue
Denver, CO 80235-3098
T 303.794.7711
F 303.347.0804
www.awwa.org

The Authoritative Resource on Safe Water SM

Washington D.C. Report

June 18, 2007

Federal Advisory Committee Act Process Kicks Off on Total Coliform Rule / Distribution System Rule

On June 13-14, EPA held a meeting of technical experts to begin organizing the technical information and analysis that would underlie a Federal Advisory Committee Act (FACA) dialogue on revisions to the Total Coliform Rule. The task also involves organizing information that would be needed to inform possible future rulemaking on distribution systems. Under FACA, the agency may convene a group of stakeholders (in this case, including the water sector, manufacturers, health groups, and environmental advocates) and formally seek advice on agency policy or rulemaking. Although the charter for the proposed dialogue has not received final approval, we anticipate that FACA meetings will begin in earnest on July 17-18, 2007.

Participants in last week's meeting included a broad swath of EPA staff, drinking water utilities, representatives from drinking water equipment manufacturing, representatives of the plumbing sector, and state drinking water primacy agencies. AWWA will be represented on the FACA by Carrie Lewis, Superintendent of the Milwaukee Water Works. We also anticipate substantial involvement in the project by members of the TCR/DSR Technical Advisory Workgroup (TAW) and staff from the AWWA Washington Office.

The meeting last week accomplished several things:

- It provided a concrete demonstration of EPA's stated commitment to support the FACA with a multi-stakeholder Technical Work Group (TWG), on which AWWA and other drinking water organizations will be active;
- It initiated face-to-face technical dialogue highlighting some of the nitty-gritty details to be worked through in the rulemaking; and
- It began the process of compiling and organizing information to inform the FACA's subsequent discussion of the TCR as well as research / information development needs for a possible distribution system rule.

The meeting defined a series of next steps with multi-stakeholder teams of individuals engaged in those steps. Importantly, the tone and content of the meeting were consistent with initiating an open and frank discussion.

EPA has contracted with Resolve to facilitate both the FACA and the Technical Working Group. Doug Owen of Malcolm Pirnie is under contract to be the technical facilitator for the TWG. Doug will be responsible for organizing the TWG discussions and communicating the TWG responses to questions

posed by the FACA. In addition, Scot Summers (University of Colorado, Boulder) will serve as technical advisor to the environmental advocacy groups participating in the FACA.

At present, the anticipated schedule for the FACA includes an organizational meeting in July and scheduled meetings in September and October. It is anticipated that additional meetings will be scheduled to cover at least the next twelve months. In its first two meetings this Fall, the FACA will dive into the specific rule provisions, how those provisions are effective, and where they are not effective.

There was general agreement last week that:

1. Monitoring for total coliform and E. coli have led to significant improvements in drinking water system operation and in delivered water quality (that is, the TCR has succeeded in improving public health).
2. The current rule construct, particularly the non-acute MCL based on total coliform, should be evaluated in depth and alternatives should be considered.
3. A number of data sources are available to the TWG, but data to answer key questions, such as attributable reduction in disease burden, are sparse.
4. A number of issues will require research and data collection in order to inform our understanding of cross-connection control and other aspects of maintaining water quality in distribution systems.
5. There will need to be a clear set of questions articulated by the FACA to guide the organization of current data and to guide and prioritize future research.

We expect special challenges in the FACA process in accurately and quantitatively representing the public health benefit of the current TCR or alternative rule constructs. Moreover, it will be important and may be difficult to distinguish available data from data that is actually helpful and relevant to the FACA.

As always, please get in touch with your AWWA Washington Office if you have questions or comments.