

SDWA Reauthorization: “Missed by *That* Much”

By Dave Leland

IN the waning moments of the 103rd Congress, the Senate and House of Representatives were unable to agree on a compromise bill reauthorizing the Safe Drinking Water Act. This came as a disappointment to those who had worked hard during the session to come to consensus on the many key issues of SDWA reform.

On a positive note, consensus was reached on most of these issues and the debate itself was highly valuable. In the end, separate bills to amend the Safe Drinking Water Act were passed by the Senate and House. Senate Bill 2019 passed last May with the strong support and involvement of Oregon Senator Hatfield and his staff. Highlights are in an article that follows this introduction. House Bill 3392 passed September 27; its highlights are in the article that follows that on the Senate bill. **Because no final bill was passed, the SDWA is unchanged.**

Members of the National Drinking Water Coalition, particularly the National Governor’s Association, have clearly expressed their intention to press forward with reauthorization in the next session of Congress. A key issue is the \$6 billion State Revolving Fund, to be appropriated if the reauthorization can be completed by August 1995. It is directed toward funding water system construction to meet standards and may also be used in part to help support state drinking water regulatory programs. Oregon communities will have the opportunity to participate in a national needs assessment survey (see adjacent article), starting mid-November 1995.

The Drinking Water Program will remain active in the reauthorization process, providing information and advice to our congressional delegation as needed.

Continued on page 2

David E. Leland, P.E., is manager of the Drinking Water Program.

EPA Surveys Systems’ Money Requirements

by Dave Phelps

SIXTY-SIX Oregon community water systems were sent questionnaires in mid-November as participants in the Environmental Protection Agency’s national survey of water system needs.

Why conduct this survey?

The 1995 SRF (State Revolving Fund) Needs Survey will help determine the capital costs our nation’s drinking water systems will face over the next 20 years to remain in compliance with the Safe Drinking Water Act. There are no exact dollar figures available to show what those costs will be and Congress wants to know before allocating moneys to SRFs.

How much money will be available?

Congress has appropriated \$700 million for SRFs in fiscal year (FY) 95, with \$1 billion annually planned for FY96 to FY2000.

Oregon’s share of the SRF moneys will be based on responses by the state’s water systems involved in the survey. Oregon’s SRF appropriation (recently estimated at \$20 million for FY95) will provide a pool of funds for lending at low interest rates to drinking water systems for specific improvements.

How will the survey be conducted?

The survey asks systems to look forward through the year 2014 and estimate how much they must invest to continue providing a safe supply of drinking water and to comply with drinking water quality standards, both current and future. This includes replacing aging infra-

Continued on page 4

Dave Phelps is Drinking Water Fund coordinator for the Drinking Water Program.

Inside this issue:

Cross connection update	3
Coliform monitoring waiver being developed	5
Training calendar	6

Highlights of Senate Bill 2019, "Safe Drinking Water Act amendments of 1994"

State revolving fund (SRF)

The bill allows governors to transfer up to half of the SDWA SRF to the Clean Water Act SRF or vice versa. Also states can defer paying their 20 percent match for FY94 and FY95 capitalization grants until 1998.

Contaminant selection

EPA must pick at least 15 new contaminants for review within three years and at least seven more every five years thereafter. Decisions on which contaminants to regulate must:

- be made in consultation with the federal Centers for Disease Control, and
- be based on the best scientific and risk-assessment information available using "sound scientific practices" considering guidance from the Nation Academy of Sciences (NAS).

Standard setting

When a new standard is proposed, EPA must seek comment on risk-reduction benefits, compliance costs, any risk increase that may be associated with the proposed standard and the health risks to vulnerable subpopulations. EPA may then establish a standard that is less stringent than technically feasible if costs are "substantially less" and

- for cancer-causing contaminants, a less-stringent standard would not result in a "significant increase" in cancer risk, and
- for noncarcinogenic contaminants, a less stringent standard would ensure a "reasonable certainty of no harm" based on guidelines to be developed by EPA after a study by and recommendations from the NAS.

Monitoring relief

One year after the law's enactment, EPA must (after consulting with public health experts, state and local government officials, and the general public) review up to 12 currently regulated contaminants for possible monitoring modifications.

Also, states may establish EPA-approved alternative monitoring plans for chemical contaminants based on occurrence data, making sure monitoring is no less frequent than federal requirements for detected contaminants.

Alternative programs must also ensure compliance with and enforcement of federal regulations.

Small-system variances

Compliance variances will be available for systems serving under 10,000 people if, after they install appropriate small-system technology as specified by EPA,

they can't afford to comply with chemical standards based on state-determined criteria. Additionally, any person may petition EPA to object to a variance.

Viability programs

States must adopt a program by 1998 to ensure new water systems created after Oct. 1, 1997, are capable of compliance and to secure the voluntary restructuring of noncomplying existing systems. EPA must develop viability guidance after consulting with state and local officials and conduct a survey to identify potentially nonviable systems.

Viability programs are not a condition of primacy, but states will lose a portion of the SRF grants if they fail to adopt such a program by 1998.

Radon

Water systems may comply with an alternative radon standard (to be set by EPA) that results in an indoor-air radon level equal to the national average outdoor-air level or is not less than half the average indoor-air level if the NAS recommends consideration of radon-ingestion risks.

Source protection

...a voluntary Water Quality Protection Partnership...allows local governments or water systems to petition for state help in controlling pollution of source waters with potential drinking water contaminants of public health concern.

States could receive EPA grants to help establish such programs, which would emphasize cooperation between local governments and landowners.

Operator certification

EPA in two years must develop (with state help) operator certification guidelines. States must establish such programs by 1999 but not as a condition of primacy. States that fail to adopt a program, however, will lose a portion of their SRF grants.

Public notice

Community water systems must notify all their customers by mail of any violation of a standard or treatment technique in the first billing after the violation but not more than a year later.

Disinfection by-products (DBPs)

The bill no longer exempts DBP standards from the revised standard-setting process for carcinogens, but it still orders EPA to regulate *Cryptosporidium* and sets deadlines for the information collection, DBP and enhanced surface water treatment rules.

Crypto research

An approved floor amendment from Sen. Herb Kohl, D-Wis., requires EPA to institute a broad plan to expand research on *Cryptosporidium* and other drinking water parasites and to ensure the safety of disinfectants.

Sensitive subpopulations

EPA must conduct research to identify subpopulations at greater risk from exposure to drinking water contaminants and report the results to Congress every three years.

"Senate approves changes to SDWA provisions," *Waterweek* 3, no. 11 (1994): 3

Highlights of House Bill 3392, "Safe Drinking Water Act amendments of 1994"

CITIZEN suits/penalties: The bill is...silent on citizen suits, letting stand the current law's provisions. A maximum criminal penalty of \$10,000 fine and two years in jail is applicable only to those who "knowingly and deliberately" fail to report violations for over 90 days.

Standard setting: a new risk- and cost-based process for setting standards for future contaminants is specified.

For a sulfate standard, EPA will provide a range of compliance options, including bottled water, home treatment devices and bulk-water distribution points.

For radon, EPA must proceed with setting a standard based on its current proposal and also establish an alternative standard of 1,000 pCi/L for five years pending enactment of legislation to control radon in indoor air.

The bill requires EPA to regulate *Cryptosporidium* by establishing a maximum contaminant level goal and an interim MCL for systems serving 10,000 people by Dec. 31, 1996. It requires a final standard by Dec. 31, 1998.

Standards for DBPs cannot be set using the new process, although report language will state that Congress expects that the risk-balancing approach that applies to Stage I under the negotiated rule-making will also apply to Stage II.

THE bill requires a National Academy of Sciences study of arsenic health effects and delays a final standard until the end of the decade but it now allows EPA to apply the new standard-setting process.

State revolving funds: Every state will be allotted SRF capitalization grants, but allotments to states without

primacy shall be split, with 30 percent going to help EPA run programs in such states and the rest being reallocated to primacy states. Also EPA will get a state's Public Water Supply Supervision grant should it not exercise primacy.

States are allowed to use five percent of SRF grants for primacy activities if they match it with nonfederal funds; up to four percent for wellhead-protection, source-water assessment and viability programs; and no more than one percent for source-water protection petition programs.

STATES are given more flexibility to set priorities for providing investor-owned water systems with SRF assistance and SRF money can be used to acquire land only from willing sellers.

Viability: The bill requires states with primacy to establish (within 3½ years) a program to ensure viability of public systems serving under 10,000 people based on EPA guidelines. SRF money cannot be given to systems with a history of violations unless states determine that systems have or will have compliance capability. If systems are found to be nonviable, the state can order management or restructuring changes but SRF money can only be used for physical consolidation. All new systems must be viable in order to qualify for financial assistance.

All states must begin--before the end of the first full fiscal year after enactment--a five-year effort to assess the viability of systems serving under 10,000 that may be in jeopardy of falling out of compliance, have been "significant non-compliers" or have violated standards, treatment techniques, variances, or exemptions. All other systems may be assessed at state discretion.

"House SDWA bill revises several key provisions," *Waterweek* 3, no. 20 (1994): 3

Cross connection update

The current list of approved backflow device assemblies is dated August 1994. If you need a copy, call 503 / 731-4899.

Important note for certified Backflow Device Testers and Cross Connection Inspectors: all certifications expire June 30. To be eligible to renew, Testers are required to successfully complete a

tester update and Inspectors are required to attend an inspector update or obtain 0.5 CEUs of cross connection-related training. Training must be completed between July 1, 1993 and June 30, 1995. **Any training completed during this time that was used to obtain certification through June 30, 1995 will not be accepted for the next renewal;** in other words, the same

training can't be used twice. To assist your planning, the Training Calendar in this issue contains all the tester and inspector updates scheduled between now and June 30. It's time to think about when to attend an update, especially for those outside the Portland metro area. Remember, renewal applications received after July 31, 1995, require a \$50 reinstatement fee.

Survey (Continued from page 1)

structure, expanding current facilities and merging with other systems.

EPA randomly selected 3,500 water systems nationally to be included in this survey with a start date of November 15, 1994.

Questionnaires were sent to all the nation's 700 large water systems (those serving 50,000 or more people) and to a sample of 2,200 medium-sized systems (3,301 to 50,000). An additional 550 small systems (25 to 3,300) will be visited by EPA to assure systems of all types and sizes are included.

What information will be collected?

Because the survey is a sample of the nation's water systems, the EPA will use computer models to develop nationwide projections of capital investment needs. That means the results should reveal what it will cost to comply with the Safe Drinking Water Act.

The survey will also show the costs for water system development needs such as facility replacement, growth and consolidation. This includes costs for source maintenance or creation, treatment, storage, transmission and distribution.

The results will be made public in a report to Congress in early 1996.

For More Information

Call the survey HelpLine at 1-800-95-NEEDS [1-800-956-3337].

Ken Mayo, "EPA Readies National SRF Needs Survey," *On Tap* 3 (1994): 12-13

AWWA Teleconference Scheduled

A teleconference, *The Future of Safe Drinking Water: Utilities and Public Officials at the Crossroads*, consisting of presentations on the topics below will be held March 9. After approximately 2¼ hours of presentations and questions and answers, downlink sites with local programs scheduled will be invited to adjourn to their local programs. The remaining downlink sites will be invited to stay tuned for a panel discussion and final question and answer session. Downlink sites will be provided with a guide to developing and facilitating local programs.

Audiences:

- State and local officials who have decision-making authority or other responsibilities in regard to water utilities
- Utility executives, senior managers and public affairs personnel

U.S. Environmental Protection Agency. Fact Sheet: *1995 SRF Needs Survey For Drinking Water*. Washington, D.C.: USEPA, 1994

Community Water System (CWS) Survey

The EPA is conducting two separate national surveys of drinking water systems: the 1995 SRF Needs Survey and the 1995 CWS Survey. They are occurring in nearly the same time frame, beginning mid-November 1994. While EPA hopes there will be no confusion, there is a 67 percent chance that some water systems in Oregon will be asked to complete both surveys.

Purpose: The last CWS Survey was done in 1986. Congress believes that data is too old for EPA to use for an accurate analysis of the impact of new proposed rules.

The 1995 survey will assist EPA to:

- Develop up-to-date data to evaluate the cost impact of future drinking water rules.
- Identify best available technologies to help small systems.
- Analyze water industry trends and minimize the need for additional surveys.

Timing: The CWS Survey began in mid-November with telephone contacts to 3,500 systems. If these contacts do not give results, surveys will be mailed in mid-January. EPA estimates only 45 minutes are needed to complete the survey.

Oregon: While the Oregon Drinking Water Program feels the timing of these two important surveys may be confusing for some systems, we support the need for both and encourage managers of water systems to complete them if selected as a participant.

Results--attendees will learn:

- Basic overview of the safe drinking water program
- Current and emerging issues in producing safe drinking water
- The costs associated with compliance with various regulations
- How health risks for various contaminants are calculated
- The shared responsibility for public health between public health officials and utilities
- The necessity for and methods of utility-public official-community communication and planning
- What some cities have accomplished in terms of communication and planning

Contact Judy Grycko, PNWS-AWWA, 503-246-5845 for location and time.

Coliform Rule Monitoring Waiver Under Development

AS a result of the total coliform rule promulgated by EPA, the Drinking Water Program is developing another waiver program: for reduced coliform monitoring. The rule requires that small systems (less than 4,000 population) submit a minimum of **five routine coliform samples each month**. Most systems now collect **one** sample per month or quarter. The federal rule allows the State to reduce the monitoring provided:

- a sanitary survey has been conducted within the last five years for community systems or 10 years for noncommunity systems using only disinfected groundwater, and
- the water system has no

sanitary hazards identified by the survey.

Because of the expanding workload associated with the new drinking water standards, the Division can no longer conduct sanitary surveys at the five year frequency. This rule will specify the scope of sanitary hazard inspections and minimum qualifications for inspectors. This is intended to allow water systems to obtain inspection services from their local county health agency or from qualified private firms or individuals at reasonable cost.

THIS rule will become effective July 1, 1995, for community water systems and July 1, 1999,

for noncommunity systems. It does not apply to state-regulated systems (fewer than 15 connections).

THIS rule amendment is still in the draft stage. The Drinking Water Program will present more information as it is developed. Those who would be affected by this rule are urged to attend the regulation update training seminars (Oregon Association of Water Utilities) or water system training courses (Drinking Water Program) and to read future issues of DWP's newsletter, the **PIPELINE**. There will be special training sessions throughout the state this winter and formal rule hearings in the spring.

GOP Sweep Puts Senators in Drivers' Seats

November's election put Oregon's Republican senators Mark O. Hatfield and Bob Packwood into prime positions to head influential committees in the Senate. Hatfield is in line for chairs of the Appropriations and the Energy and Natural Resources committees while Packwood is expected to head the Finance Committee.

According to the Nov. 9 *Oregonian* newspaper, "Among key national issues on which Hatfield is expected to

play a major role is renewal of the Safe Drinking Water Act which stalled this year." Packwood may lead the Finance Committee, which may decide the fate of the Oregon Health Plan.

Staff Notes

Bonnie Waybright and Michael Whiteley, Field Services unit, passed the Oregon examination for Professional Engineer. Congratulations!

Give Us a Piece of Your Mind - the Results

Last spring--you remember spring; it was warm...and dry--we ran a questionnaire asking your opinion of the **PIPELINE** and for suggestions for articles.

As the weather became wet, conversely the responses dried up. But those that arrived, whether by mail or fax, offered some story proposals that we hope to work on for coming issues.

For example: an article on "Meeting testing requirements and how to develop long range

plans," was requested by Steve Swaren, Dammasch Hospital.

Nick Verardo, Water Treatment 1 operator for Pacific Power asked for a piece on "Large reservoir-seasonal algae and temperature effects on turbidity." Verardo said he runs systems at Tokatee Village and Clearwater Village. "Tokatee Village's source is Tokatee Lake and the water stratifies at certain temperatures. Those strata seem to turn over at certain times of the year, stirring up algae. I'd

like someone to do an article on that," he said.

And a respondent anonymously asked for articles on "Problems that testers would run into--trouble shooting backflow devices, hints on repairing, trouble spots on different valves, etc."

The overwhelming majority said they thought the **PIPELINE** offered valuable information, they pass their copy on to others and then file it for future reference. Our thanks to all who took time to respond.



Drinking Water Program, Oregon Health Division
 Department of Human Resources
 P.O. Box 14450
 Portland OR 97214-0450

SECOND CLASS
 POSTAGE
PAID
 PORTLAND OR

David E. Leland, Manager • 503 / 731-4010

Training Calendar

Cross connection / backflow courses

Clackamas Community College (C) 503 / 657-6958 x 2364

Backflow Management Inc. (B) 800 / 824-4385

Oregon Cross Connection Inspectors Regional Subcommittee (O)

Backflow device

Tester courses

Dec. 5-8 B Portland
 Dec. 12-15 C Oregon City
 Jan. 23-26 C Oregon City
 Mar. 13-16 C Newport
 Mar. 13-16 B Portland
 May 15-18 B Portland
 June 5-8 C Oregon City
 June 12-15 C Oregon City
 June 26-29 B Eugene

Tester updates

Dec. 1-2 C Oregon City
 Dec. 9 C Oregon City
 Dec. 9 B Portland
 Jan. 28 B Portland
 Feb. 2-3 C Oregon City
 Mar. 10 O Medford-Alan Boschee
 503 / 770-4519
 Mar. 17 C Newport
 Mar. 17 B Portland
 Apr. 8 B Portland
 May 5 O Coos Bay-Chuck
 Commiskey 503 / 267-3128

May 19 B Portland
 June 1-2 C Oregon City
 June 2 B Portland
 June 9 C Oregon City
 June 16 C Oregon City
 June 30 B Eugene

Cross connection

Inspector course

Dec. 5-8 C Oregon City
 Apr. 3-6 B Portland
 Apr. 17-20 C Oregon City

Inspector update

Feb. 10 B Sunriver
 Apr. 7 B Portland
 Apr. 21 C Oregon City

Backflow assembly repair

Feb. 24 B Portland
 June 1 B Portland

Confined space entry for testers

Feb. 23 B Portland
 Apr. 11 B Bend

AWWA teleconference: see page 4

Operator certification examinations were given to 111 applicants in October:

	Pass	Fail	Pass	Fail
WD1	33	1	WT1	27
WD2	18	2	WT2	9
WD3	8		WT3	1
WT4	3		WT4	2

Results were mailed in early November except to those who have not submitted documentation of their education. They

will be sent their results when the required documentation is received.

PIPELINE is published quarterly free of charge by the staff of the Oregon Health Division, Drinking Water Section, 800 NE Oregon St., Portland OR 97232. Second Class postage paid at Portland OR. POSTMASTER: Send address changes to PIPELINE, P.O. Box 14450, Portland OR 97214-0450.

PIPELINE is intended to provide useful information on technology, training, and regulatory and policy issues to those involved with the state's public water systems to improve the quality of drinking water in Oregon. **PIPELINE** may be copied or reproduced without permission provided credit is given.

Please send requests for article topics or manuscripts of your articles to John Gram, editor (503 / 731-4010).

This issue's contributors include Joe Bogart, Chris Hughes, Dave Leland, Dave Phelps and Bonnie Waybright of Oregon Health Division. (28-95/195355)