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A Look-Ahead at Regulations for 2013
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In addition to planning to propose four significant regulations in 2013, the Environmental Protection Agency (EPA) has already finalized two important regulatory actions in December 2012 and January 2013.

Revised Total Coliform Rule (RTCR)
In late December 2012, the EPA Administrator signed the final Revised Total Coliform Rule (RTCR). This was the culmination of almost a decade of effort going back to 2003 with the First Six-Year Review and the development of series of white papers. The RTCR should be published in the Federal Register very soon, and the effective data for system compliance with the RTCR is April 1, 2016. The RTCR impacts all water systems, and represents a major shift in the regulatory framework from lots of public notification to “find and fix” based on total coliform triggers. Systems will need to learn how to appropriately conduct the triggered Level 1 and Level 2 assessments in order to comply with these new regulatory provisions.

Electronic Delivery of Consumer Confidence Reports (CCRs)
On January 3, 2013, EPA released an “interpretative memorandum” for different delivery options (including electronic delivery) of Consumer Confidence Reports (CCRs). This memo is based on an interpretation of the Safe Drinking Water Act (SDWA) language that systems “mail or directly deliver” CCRs to their customers. “Directly deliver” now means that a URL can be sent on a postcard or on the customer’s bill that sends the customer directly to the CCR on the system’s website (not the landing page on that website). Systems should consider these alternative delivery options for their 2012 CCRs that have to be delivered later in 2013.

Looking Ahead at 2013
The Environmental Protection Agency is planning to propose four significant regulatory actions in 2013 that will ultimately impact many utilities. The relative impact to utilities from these actions will vary from utility to utility, but some proposals, like the Long-Term Lead and Copper Rule (LT-LCR) revisions will likely impact most systems. Others such as perchlorate will only impact utilities that have source water issues with that specific contaminant.

Third Regulatory Determinations
In mid-2013, EPA is planning to publish its draft third regulatory determinations from the Third Contaminant Candidate List (CCL3). Based on requirements in the Safe Drinking Water Act (SDWA) for the regulatory development process for regulating new contaminants, EPA is required to make regulatory determinations on at least five contaminants every five years. Since the second regulatory determinations were finalized in July 2008, EPA is already behind schedule on its five-year cycle since it will take 12-18 months to finalize the third regulatory determinations after the draft is published in mid-2013.
In the draft third round of regulatory determinations, EPA will likely propose positive determinations for nitrosamines, strontium, and chlorate, as well as some negative determinations for other CCL3 contaminants. Regulating nitrosamines will likely be controversial due to the small amount of risk that can be reduced through a nitrosamines drinking water regulation as opposed to the levels found in food and what is produced inside the body. The timing of a final nitrosamines regulation would be at least 4-5 years out, as EPA would have to first finalize the third regulatory determinations, then propose a nitrosamines regulation and then finalize that regulation.

**Long-Term Lead and Copper Rule (LT-LCR)**

Later in the fall of 2013, EPA is scheduled to propose the [Long-Term Lead and Copper Rule (LT-LCR) revisions](#). These revisions could potentially address a wide range of sampling and compliance issues that could potentially impact a large number of utilities. These issues include:

- Sample site collection criteria – many utilities could end up needing to revise their sampling sites;
- Lead sampling protocol – utilities with lead service lines may need to get homeowners to collect water from the lead service line as opposed to the first flush sample;
- Public education for copper to address issues with new plumbing fixtures;
- How Optimized Corrosion Control Treatment (OCCT) is defined and how compliance with OCCT regulatory requirements will be determined;
- Lead Service Line Replacement (LSLR) and the definition of control; and
- Implementation of the Reduction of Lead in Drinking Water Act of 2011 ([PL 111-380](#)).

**Carcinogenic Volatile Organic Compounds (cVOCs)**

Also in the fall of 2013, EPA is scheduled to propose the [carcinogenic Volatile Organic Compound (cVOC) Rule](#). This would be the first proposal for a group of contaminants resulting from EPA’s [2010 Drinking Water Strategy](#). Regulating contaminants as a group is a concept that initially sounds good but has turned out to be more challenging now that EPA has begun to drill down into the details in its regulatory development process. For example, it is likely that more than one analytical method would be needed for the cVOC Rule. Additionally, for some VOCs, air stripping works fine for removal but for others, Granular Activated Carbon (GAC) treatment is required. So the commonalities that initially thought would work for grouping are turning out to be challenging to incorporate into a proposed cVOC Rule.

**Perchlorate**

By the end of 2013, EPA is scheduled to propose the perchlorate regulation. This proposal has been delayed due to depth and breadth of the scientific and technical issues being debated by EPA’s [Perchlorate Panel of the Science Advisory Board (SAB)](#). The SAB panel has struggled with linking the “life-stage” approach, i.e., infants and children issues, with a causal effect that supports the development of the perchlorate Maximum Contaminant Level Goal (MCLG). Perchlorate has some comparable issues to nitrosamines due to the small amount of risk that could be reduced through a perchlorate drinking water regulation for several scientific and technical reasons.

**Fourth Contaminant Candidate List? (CCL4?)**

Additionally, EPA is likely to propose the [Fourth Candidate Contaminant List (CCL4)](#) in late 2013 in order to publish the final CCL4 by October 2014 (five years after the final CCL3). EPA will be challenged to get all of the above regulatory actions completed in 2013 given the ongoing discussions in Congress about cutting government spending.