

# **National Drinking Water Advisory Council**

## **Executive Summary**

**July 21 – 23, 2010**

Hotel Palomar, 2121 P Street, NW, Washington, D.C. 20037

Prepared for: United States Environmental Protection Agency  
Office of Ground Water and Drinking Water  
1201 Constitution Avenue, NW, Washington, D.C. 20004

## **Attendees**

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### **National Drinking Water Advisory Council (NDWAC)**

Gregg Grunenfelder, Chair, Assistant Secretary, Division of Environmental Health,  
Washington State Department of Health, Olympia, WA

Jeff Cooley, Utilities Division Operations Manager, Vacaville, CA

Dennis Diemer, General Manager, East Bay Municipal Utility District, Oakland, CA

Elston Johnson, Manager, Public Drinking Water Section, Texas Commission on  
Environmental Quality, Austin, TX

Maria Elena Kennedy, Executive Director, Quail Valley Environmental Coalition, Rancho  
Cucamonga, CA

Timothy Kite, Water Superintendent, Long Creek Township Water Department,  
Decatur, IL

Olga Morales, Rural Development Specialist, Rural Community Assistance Corporation,  
Dona Ana, NM

Douglas Owen, Vice President and Chief Technology Officer, Malcolm Pirnie, Inc., White  
Plains, NY

David Saddler, Manager, Water/Wastewater and Propane Department, Tohono O'odham  
Utility Authority, Sells, AZ

Carl Stephani, Executive Director, Central Connecticut Regional Planning Authority,  
Unionville, CT

Hope Taylor, Executive Director, Clean Water for North Carolina, Durham, NC

Robert Vincent, Environmental Administrator, Bureau of Water Programs, Florida  
Department of Health, Tallahassee, FL

Jennie Ward-Robinson, Executive Director, Institute for Public Health and Water Research,  
Chicago, IL

June Weintraub, Senior Epidemiologist, San Francisco Department of Public Health, San  
Francisco, CA

### **Centers for Disease Control and Prevention (CDC) Liaison**

Dr. Max Zarate-Bermudez, Division of Emergency and Environmental Health Services,  
National Center for Environmental Health, CDC, Atlanta, GA

**U.S. Environmental Protection Agency (EPA) Attendees**

Pam Barr, Director, OGWD, Standards and Risk Management Division (SRMD), Office of Ground Water and Drinking Water (OGWDW)  
Ron Bergman, Chief, Drinking Protection Branch, Drinking Water Protection Division (DWPD), OGWDW  
Sonia Brubaker, Environmental Protection Specialist, DWPD, OGWDW  
Heather Case, Deputy Director, Office of Environmental Justice (OEJ)  
Ann Codrington, Acting Director, DWPD, OGWDW  
Elizabeth Corr, Associate Director, DWPD, OGWDW  
Cynthia Dougherty, Director, OGWDW  
Mindy Eisenberg, Associate Chief, Protection Branch, DWPD, OGWDW  
Sheila Frace, Acting Deputy Director, OGWDW  
Randy Hill, Deputy Director, Office of Wastewater Management (OWM)  
Chuck Job, Chief, Infrastructure Branch, DWPD, OGWDW  
Jeff Jollie, Hydrogeologist, Protection Branch, DWPD, OGWDW  
Denise Keehner, Director, Office of Wetlands, Oceans, and Watersheds (OWOW)  
Suzanne Kelly, Acting Branch Chief, Prevention Branch, DWPD, OGWDW  
Richard Keigwin, Director, Pesticide Re-evaluation Division, Office of Pesticide Programs (OPP)  
Ephraim King, Director, Office of Science and Technology (OST)  
Audrey Levine, National Program Director for Drinking Water Research, Office of Research and Development (ORD)  
Wynne Miller, Acting Chief, Standards and Risk Reduction Branch (SRRB), SRMD, OGWDW  
Keara Moore, Special Assistant to the Director, OGWDW  
Suzi Ruhl, OEJ  
Peter Shanaghan, Environmental Engineer, Infrastructure Branch, DWPD, OGWDW  
Pete Silva, Assistant Administrator, Office of Water (OW)  
Tom Speth, Division Director, Water Supply and Water Resources Division, ORD  
Jackie Springer, Administrative Assistant, OGWDW  
Nancy Stoner, Deputy Assistant Administrator, OW  
David Travers, Director, Water Security Division (WSD), OGWDW  
Lee Whitehurst, Geologist, Protection Branch, DWPD, OGWDW  
Jim Willis, Director, Chemical Control Division, Office of Pollution Prevention and Toxics (OPPT)  
Lauren Wisniewski, Environmental Engineer, WSD, OGWDW

**Designated Federal Officer (DFO)**

Tom Carpenter, OGWDW

**Members of the Public**

Manja Blazer, IDEXX  
Erica Brown, Association of Metropolitan Water Agencies (AMWA)  
Debra Bryant, Ferguson Group  
Alexa Bryne, Rural Community Assistance Partnership (RCAP)

Susan Carter, Environmental Working Group (EWG)  
David Clark, RCAP  
Daneen Farrow Collins, CDC  
Tom Curtis, American Water Works Association (AWWA)  
Erinna Kinney, Association of Public Health Laboratories (APHL)  
Cynthia Lane, AWWA  
Nneka Leiba, EWG  
Vanessa Leiby, The Cadmus Group, Inc.  
Erica Martinson, Inside Washington Publishers  
Olga Naidenko, EWG  
Steven Padre, RCAP  
Sean Roberts, Beveridge and Diamond, PC  
Alan Roberson, AWWA  
ChiHo Sham, The Cadmus Group, Inc.  
Burlison Smith, Policy Navigation Group, Inc.  
Wayne Sula, Hollingsworth and Vose Co.  
Jim Taft, Association of State Drinking Water Administrators (ASDWA)  
Ed Thomas, National Rural Water Association (NRWA)  
Steve Via, AWWA  
Lauren Weir, AWWA

## **Executive Summary**

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**Wednesday, July 21, 2010**

### OPENING REMARKS

Tom Carpenter, Designated Federal Officer (DFO), and Gregg Grunenfelder, Chairman, opened the meeting and provided an overview of the agenda. One council member, Lisa Sparrow, was not in attendance

### DRINKING WATER STRATEGY

*Cynthia Dougherty, Director, OGWDW*

The proposed *Strategy* will address contaminants as groups, rather than one at a time; foster the development of new drinking water treatment technologies; use the authority of multiple statutes to help protect drinking water; and partner with states to share more complete data from monitoring at public water systems. The goals for the new *Strategy* include:

- Providing more robust public health protection in an open and transparent manner;
- Assisting small communities to identify cost and energy efficient treatment technologies; and
- Building consumer confidence by providing more efficient sustainable treatment technologies to deliver safe water at a reasonable cost.

EPA would like to engage partners and stakeholders through the fall of 2010 to get their input on the proposed *Strategy*. A listening session at the American Water Works Association (AWWA) conference was held in the spring of 2010 and a facilitated web dialogue will be held in late July 2010. Ms. Dougherty encouraged the Council's participation in the web dialogue and emphasized the value of their input.

### ADDRESSING GROUPS OF CONTAMINANTS UNDER THE SAFE DRINKING WATER ACT

*Pam Barr, Director, SRMD, OGWDW and Wynne Miller, Acting Chief, SRRB, SRMD, OGWDW*

The goal of the *Drinking Water Strategy* is to identify opportunities within the Safe Drinking Water Act (SDWA) process where it would be appropriate to consider contaminants as group(s). Potential factors to consider when defining groups include:

- Similar health effect endpoint;
- Measured by common analytical method(s);
- Known or likely co-occurrence; and
- Use of common treatment or control processes.

Initial groups for further evaluation include volatile organic compounds (VOCs) or semi-volatile organic compounds (SOCs) with a Maximum Contaminant Level Goal (MCLGs) of zero, nitrosamines, and chloracetanilides.

### *Discussion*

The Council identified the need for the development of specific outreach/communication strategies for disadvantaged communities, including bilingual materials. There is a technology gap within disadvantaged communities. Therefore, it is essential to look beyond web-based outreach approaches and engage in non-traditional forms of communication. The Council also emphasized the need for the protection of public health to be the basis for grouping contaminants and encouraged EPA to continue its stakeholder outreach efforts.

### USING EPA'S AUTHORITY UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA) TO PROTECT DRINKING WATER

*Richard Keigwin, Director, Pesticide Reevaluation Division, OPP and Pam Barr, Director, SRM D, OGWDW*

EPA reviewed relevant pesticide statutes, the registration and review process, and opportunities for collaboration. Opportunities for collaboration between SDWA and FIFRA include:

- Coordinating regulatory efforts;
- Sharing monitoring programs;
- Collaboration on risk assessment;
- Increasing understanding of existing usage data; and
- Developing analytical methods.

Mr. Keigwin invited the Council's input on these and other areas for collaboration.

### *Discussion*

The Council further identified the need for bilingual materials, as pesticide users need to be able to understand the label. The Council also discussed the need for companies to be held financially responsible for their products and have a financial stake in the review process. EPA also commented that it is important for the public to have a stake in the review process, as there is a public good that results from the investment of public funds. The Council also encouraged EPA to use the 15-year registration review process as an example of contaminants being addressed as groups (i.e., organic phosphates) and to continue efforts to train applicators regarding safe application and use of pesticides.

### USING EPA'S AUTHORITY UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA) TO PROTECT DRINKING WATER

*Jim Willis, Director, Chemical Control Division, OPPT and Pam Barr, Director, SRMD, OGWDW*

The responsibilities of OPPT under TSCA and the Pollution Prevention Act are to ensure that industrial chemicals for sale and use in the U.S. do not pose unreasonable risks to human health or to the environment. In September 2009, the Administrator announced that EPA would develop chemical action plans that would outline the potential risks and the steps the

Agency will take to address those risks. The Agency has selected the ‘low hanging fruit’ to address first and is now working with colleagues to address some of the more complex issues. Additionally, it is important to look ‘upstream’ to identify opportunities to address releases and use of chemicals at the source and prevent contamination of drinking water resources. OPPT is also supporting the Endocrine Disruptor Screening Program and working to ensure public access to TSCA-related health and safety data.

#### *Discussion*

The Council emphasized the need for promoting green chemistry, providing safer alternatives, and focusing on a cross-agency approach. EPA is currently working on green chemistry through the ‘Design for the Environment’ program and product manufacturer stewardship through the ‘Responsible Care’ program. The Council also suggested looking to other countries for examples of chemical banning programs and their effectiveness. There was discussion regarding the voluntary phase-out program and its effectiveness. EPA recognized the challenges to a voluntary phase-out program. However, voluntary programs can be developed more quickly than a regulatory program, and voluntary reductions are followed up with a regulatory cap to ensure reductions.

#### DEVELOPING DRINKING WATER TECHNOLOGY INITIATIVES

*Tom Speth, Division Director, Water Supply and Water Resources Division, ORD and Audrey Levine, National Program Director for Drinking Water Research, ORD*

ORD’s research support for the contaminant groupings includes coordinating across ORD’s National Research Programs, leveraging and providing outreach to external partners and stakeholders, and developing outcome-oriented research activities. ORD has identified research challenges in moving forward with addressing contaminants as groups. These include identifying optimal ways to group contaminants to provide information on health risks, identifying the criteria for developing and adopting new technologies, identifying protocols that are effective for validating technologies and ensuring affordable and sustainable water technologies.

The development of drinking water technologies focuses on three areas: screening and monitoring, treatment, and infrastructure. The goal is to develop protocols to evaluate and validate new technologies, conduct field demonstration projects with a focus on sustainability and affordability, and engage the private sector in the development of these technologies. To date, multi-contaminant and arsenic demonstration programs have been conducted.

#### *Discussion*

The Council emphasized the need for additional health effects research to support technology development and contaminant grouping determinations. EPA is also able to leverage additional funds to support these efforts by coordinating across the agency. The Council also identified the need to determine how to use emerging technologies more efficiently, rather than spending resources on investing in new technologies. Sustainability of technology and the need to evaluate technology from a capacity standpoint are also important factors. EPA

recognized the fact that operations and maintenance (O&M) costs are a struggle for many small utilities.

#### DEVELOPING SHARED ACCESS TO PUBLIC WATER SYSTEMS (PWS) MONITORING DATA

*Ann Codrington, Acting Director, DPWD, OGWDW*

The *Drinking Water Strategy's* goal of improving access to monitoring data is to facilitate information and data exchange capabilities between states and EPA, strengthen the review of potential drinking water health concerns, share data analysis tools with states and implement a range of interactive communication tools. Ms. Codrington expressed the desire for input from the Council regarding three main questions:

- What information will consumers want to see to explain data?
- How should the data be displayed?
- What stakeholders should be consulted?

#### *Discussion*

The Council discussed challenges and opportunities of the current data reporting system and encouraged EPA to move to a common data platform. Currently, most states use the State Drinking Water Information System (SDWIS). However, Florida and Washington do not. The Council urged EPA to set the direction for a new data platform, but to give states time to transfer to the new system. They will need assistance. It was also suggested that EPA engage with the Centers for Disease Control and Prevention (CDC) Environmental Public Health Tracking Network, as one component of the network is water. One of the challenges is to develop text to help the public interpret data correctly. EPA responded that the program has been working with the CDC. The Council also discussed the need for a better communication strategy, as the Consumer Confidence Reports (CCRs) contain a lot of information but are not effective in getting the right information out to the public.

#### COUNCIL DISCUSSION

The Council emphasized their support for the new *Strategy* and the importance of gaining stakeholder input through the input processes identified. EPA encouraged the Council's participation in these public input sessions. EPA also emphasized the goal of identifying groups of contaminants that provide the best public health protection. The Council added that every consumer is being exposed to a different mixture of contaminant groups and encouraged EPA to consider grouping them according to what was proposed (i.e., commonalities, health effects, analytic methods, and co-occurrence). It should also be considered that when one contaminant is treated, multiple other contaminants may be removed. There is not a good understanding of these processes. Additionally, it is essential to build on past successes and not lose any progress previously gained.

The Council suggested that EPA's resources be prioritized and that geographic differences be considered when developing groups of contaminants. Nutrient management and groundwater contamination (i.e., nitrates and pesticides) could provide a focal point for interagency cooperation and enhancement. The contaminant candidate list (CCL) may be a good starting point for identifying groups of contaminants, as 40 of the 116 contaminants on

the CCL are pesticides. The six-year review and analysis provides an opportunity to group and prioritize contaminants as well.

The Council identified the cost of contaminant removal as an issue for small systems, in particular, as they do not have the technical capacity to deal with advanced treatment technologies. The focus should be on establishing systems to be successful and sustainable. There may be opportunities for collaboration with the wastewater sector, as they experience similar challenges with treatment technologies. Source water protection could also be an effective way to minimize needed treatment technologies.

The Council also identified consumer education as another focal point. There is a more informed and educated public than ever before, and it is essential that the drinking water sector communicate effectively with the public.

**Thursday, July 22, 2010**

CLEAN WATER ACT INTEGRATION

*Denise Keehner, Director, OWOW, Ephraim King, Director, OST, Randy Hill, Deputy Director, OWM*

Addressing nutrient pollution is a high priority for the Administrator as nitrogen and phosphorus (N/P) pollution is one of the top three causes of water impairments. Nutrients have impacts across the spectrum (e.g., public health, water quality, and ecological impacts). EPA is making progress with states to address some of these issues and is interested in hearing from NDWAC and the drinking water community about actions that can help advance nutrient pollution control.

Drinking water programs across the country have a major stake in maintaining clean ground and surface waters. Efforts to date have been focused on local pilot projects, but there is a need to move beyond pilots to statewide programs. This could be achieved through stronger partnerships at the state and local level and by linking the CWA and SDWA. EPA is looking to NDWAC to assist in developing the partnership with state and local agencies to develop accountability frameworks, to identify information that links economic costs with drinking water impacts, and to assist in leading a national dialogue on the impacts of nutrient pollution on drinking water.

*Discussion*

The Council expressed their support for numeric water quality standards. Encouraging the drinking water community to engage in the tri-annual review process may provide an avenue through which to advocate for numeric standards. Support from water utilities is also important in advocating for numeric standards.

The Council identified failing septic systems as an important issue and that there is a need to improve the public's knowledge around the issue. EPA is trying to promote management structures to help manage, repair, and replace septic systems. Operation and maintenance

(O&M) of private septic systems is a major issue. Regional planning agencies may be a good avenue through which to reach multiple communities regarding this issue.

The Council expressed their support for the Innovation Task Force and emphasized the potential role EPA can play in acting as a convener and identifying solutions. EPA added that water managers have done a good job following up on the Innovation Task Force report, while water quality folks are still trying to determine a path forward. Additionally, EPA Regions have an important role to play.

Finally, the Council identified pollution from agricultural operations as an issue. In recognition of the issue, EPA is developing two rules with the goal of getting a better inventory of the concentrated animal feeding operations (CAFOs) community and proposing a regulation to obtain information about CAFOs across the country.

#### COUNCIL DISCUSSION

Two letters of recommendation are to be drafted, one regarding the *Drinking Water Strategy*, and the other focused on nutrient management issues. These will allow the Council the opportunity to highlight their support for moving to numeric standards and to encourage increased collaboration between the CWA and SDWA.

Potential items of recommendation include:

- Support Administrator's initiative and upcoming stakeholder process to get more public input;
- Emphasis on public health focus;
- Strong support for disadvantaged/environmental justice communities;
- Treatment technologies should address multiple groupings; and
- Reevaluation.

The Council discussed the need to involve federal agencies that control funding sources, educate planning and zoning boards, take a holistic approach, and try to motivate areas outside of immediate jurisdictions. There needs to be accountability from communities and other federal agencies as well as a public educational component that focuses on the importance of protecting water sources. The problem needs to be looked at in a holistic manner.

The Council suggested that the establishment of an EPA working group focused on identifying best management practices (BMPs) for O&M of septic systems would be very useful. EPA is currently documenting BMPs that could be implemented at the local level, and they are now in the process of doing local case studies. The goal is to develop two reports, one for state governments and one for local governments. The reports are expected to be released in four to six months.

## PUBLIC PARTICIPATION

Steve Via, Regulatory Engineer, AWWA and Ed Thomas, Environmental Engineer, National Rural Water Association, made public comments on behalf of their respective organizations.

In regard to the *Strategy*, Mr. Via emphasized the need to take cost effective risk reduction into account and added that a ‘one-stop information gateway’ is a good idea, but one that needs to be developed over time and phased in. Additionally, assisting in data transfer and ensuring that utilities have the data they need is important. Mr. Via also commented on the need to build a dialogue around these issues. In the past, the dialogue has been around resource conservation. AWWA and other association members can provide a good fulcrum to address dialogue. Mr. Thomas added that the *Strategy* should consider affordability of treatment options, should be sensitive to disadvantaged communities, and the focus should be on public health benefits.

## OFFICE OF WATER – PERSPECTIVES ON DRINKING WATER PRIORITIES

*Pete Silva, Assistant Administrator, OW and Nancy Stoner, Deputy Assistant Administrator, OW*

There are new sources of pollution (e.g., pharmaceuticals and non-point sources) that are more difficult with which to engage the public, and there is more crossover between the wastewater and drinking water fields, as pollution affects both sectors. The challenge is to implement, enforce, and manage effective initiatives. From a policy perspective, it is important to breakdown the communication silos and use information technology to our advantage.

There are also many issues related to source water quality. There is an effort to expand the scope of the CWA to emphasize the protection of headwaters and wetlands. Legislation has been introduced on the Hill. There was a recent rulemaking to address stormwater pollution from new and re-development. This relates directly to water quality and quantity issues. There is also an effort to address CAFOs and the contaminants associated with them. EPA would like to work with the Council on engaging the public on nutrient issues.

### *Discussion*

The Council emphasized the need for focus on affordability for small systems. It is important to take a ‘common sense approach’ and allow utilities time to develop/implement a plan. EPA added that exemptions are granted to allow small systems time to come into compliance. The Council added that increased public engagement is needed, and that the fundamental driver of public education should be public health. The public needs a better understanding of the management and utility of water. EPA agreed that the drinking water community has not historically done a good job of communicating with the public regarding the value of water.

## ENVIRONMENTAL JUSTICE CONSIDERATIONS FOR DRINKING WATER INITIATIVES

*Heather Case, Deputy Director, OEJ and Suzi Ruhl, OEJ*

EPA's environmental justice (EJ) goals are to integrate EJ considerations into the decision making process and ensure that external stakeholder voices are heard; empower vulnerable communities to build healthy, sustainable communities; apply regulatory tools to protect vulnerable communities; and improve internal integration and accountability of EJ issues. Ms. Rule encouraged the Council's participation in hosting meetings and convening groups that include members of community-based organizations and conducting research and developing policy that incorporates input from EJ experts.

### *Discussion*

The Council emphasized the need to engage disadvantaged communities. Disadvantaged systems in small rural communities are of particular concern, specifically regarding the affordability of water bills once treatment is put into place. The effects of full cost pricing should be considered as many systems are trying to maintain viability. The Council also emphasized the need to engage champions in the community to increase community involvement. EPA should also be as focused as possible and address high priority public health issues as well as protection and infrastructure issues.

## UPDATE ON SMALL SYSTEMS CAPACITY DEVELOPMENT AND LEAD IN SCHOOLS

*Ron Bergman, Chief, Drinking Water Protection Branch, DWPD, OGWDW and Mindy Eisenberg, Associate Chief, DWPD, OGWDW*

In 2009, EPA consulted with NDWAC regarding this issue and has since been working to incorporate NDWAC's recommendations, including the principle that access is not based on the ability to pay, using a variety of strategies, focusing on long-term sustainability, and targeting systems most in need. EPA has been focused on the Safe Drinking Water in Schools and Child Care Facilities Initiative. The goal is to encourage compliance and housekeeping practices and lead testing as to increase confidence in the public water system.

### *Discussion*

The Council suggested EPA look for opportunities to work with the Department of Education to better understand the link between healthy environment, healthy buildings, and students' ability to learn. EPA and the Department of Education have signed a memorandum of understanding (MOU) and are working together. The Council added that the Healthy Schools Initiative is broader than water, including addressing obesity, and that schools should take the lead as there is a large educational component to these issues.

UPDATE ON CLIMATE READY WATER UTILITIES (CRWU) WORKING GROUP

*Olga Morales, NDWAC, Jeff Cooley, NDWAC, David Travers, Director, WSD, OGWDW, Lauren Wisniewski, Environmental Engineer, WSD, OGWDW*

The Working Group developed an Adaptive Response Framework, based on an Assess and Plan/Implement and Evaluate approach. The Working Group also developed 13 recommendations for EPA, which will be presented to NDWAC in a final report for comment and review. The final report will also contain sections on tools, trainings, products, incentives, and program integration.

*Discussion*

The Adaptive Response Framework strongly encourages utilities to consider a scenario-based planning approach, which requires the design of an adaptive strategy that is robust against a number of scenarios, rather than optimizing against one scenario. There tends to be an emphasis on downscaling models, which provides a false sense of reassurance and a misleading sense of precision. There is a need to embrace the uncertainty and develop strategies that can cut across a number of scenarios.

The Council added that climate change influences water supply, and communities may be forced to look at alternative supplies. It will be important to consider how the regulatory structure can deal with these changes while ensuring public health protection throughout. It is also important to stress the planning and development processes and effective maintenance practices. Consumer education is also important.

**Friday, July 23, 2010**

UPDATE ON REGULATORY MATTERS

*Pam Barr, Director, SRMD, OGWDW*

Ms. Barr provided an overview of the SDWA regulatory process. On the CCL3 (published in 1996), over 7,000 potential contaminants are listed (104 chemicals, 12 microbes). EPA will work to evaluate these contaminants in groups, as well as individually, to make Regulatory Determinations for those with the greatest public health risk. The Unregulated Contaminant Monitoring Rule (UCMR) lists 25 contaminants that require monitoring. SRMD has also been working in partnership with 21 states to help water systems optimize existing treatment and is working with the Water Research Foundation (WRF) to develop a priorities document on research and data collection needs.

*Discussion*

Ms. Barr provided the Council a number of updates regarding the Arsenic Rule, the Lead and Copper Rule, the PCE/TCE notice and microbes. The Council should anticipate reviewing the Lead and Copper Rule next.

## ENERGY AND WATER

*Suzanne Kelly, Acting Branch Chief, Prevention Branch, DWPD, OGWDW, Lee Whitehurst, Geologist, Protection Branch, DWPD, OGWDW, Jeff Jollie, Hydrogeologist, Protection Branch, DWPD, OGWDW*

Ms. Kelly provided an overview of EPA's activities around water and energy, focusing on Geological Sequestration (GS) Rulemaking and hydraulic fracturing.

### *Discussion*

The Council discussed a variety of factors regarding GS and identified the need for safeguards and water quality monitoring. EPA responded that there is a site characterization process and multiple monitoring requirements. There is also ongoing evaluation through the permitting process.

Regarding hydraulic fracturing, the Council expressed concern regarding the chemicals used in the fracturing process and the fact that many of them are proprietary. EPA added that states have the authority to require disclosure of chemicals used. EPA is conducting a number of public meetings and case studies. People at the meetings are raising concerns regarding private water supplies. The value of case studies is to look at places where hydraulic fracturing has not yet occurred as well as places that are having problems and to look at the lifecycle of water use throughout the process.

## UPDATE ON AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

*Peter Shanahan, Environmental Engineer, Infrastructure Branch, DWPD, OGWDW*

Drinking Water SRF programs received \$2 billion, which was distributed based proportionally on a state's share of national need. Tribes received 1.5% of funding. The Green Project Reserve required states to use at least 20% of funds for water efficiency, energy efficiency, environmental innovations, or green infrastructure.

### *Discussion*

The Council commented that this program was very successful, but it added challenges and stresses for states (e.g., new requirements, tight timeline, high level of expectation and scrutiny). However, it was so highly successful that it demonstrated the strength of the partnership between EPA and states. EPA's leadership demonstrated that they were able to anticipate the needs of the states and to provide the needed guidance. The Council also stressed that ARRA funds did not address the long term funding gap of drinking water infrastructure, and that the funding that was available didn't come close to meeting all needs.

## COUNCIL DISCUSSION

The Council reviewed the outlines of the letters of recommendation to the Administrator regarding the *Drinking Water Strategy* and nutrient management issues. Draft letters will be distributed to the Council after the meeting adjourns.

The Council identified potential items for the fall 2010 NDWAC meeting:

- Update on the *Drinking Water Strategy* and the proposed framework for grouping contaminants;
- Compliance and Enforcement Assistance Office and discussion of corrective action;
- Update on ARRA and SRF from Mr. Shanaghan;
- CRWU Report;
- Update on EPA's budget and priorities for the next fiscal year;
- Septic systems and small onsite wastewater systems and EPA's decentralized wastewater program;
- CDC projects and public health alerts;
- Colorado Salmonella outbreak;
- Update on the Chemical Security Act (HR2868); and
- Testing methods:
  - o Research support and strategy for ensuring improved methods, and
  - o Implications for enforcement and regulation.