American Water Works Association

Regulatory Alert

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The Authoritative Resource on Safe Water [SM]

Regulatory Alert

TO: **AWWA Leadership**
All Utilities

FROM: **Jack W. Hoffbuhr**

DATE: **October 20, 2005**

What:	Final Stage 2 Disinfectants and Disinfection By-Products Rule (DBPR) and Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)
Action Requested:	Start Planning for Early Implementation Requirements
Deadline:	Varies by System Size

The U.S. Environmental Protection Agency (EPA) is targeting the publication of the final Stage 2 Disinfectants and Disinfection By-Products Rule (DBPR) and the final Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) for December 15th. These two rules have been delayed multiple times and more slippage is possible, but AWWA expects both rules to be published in final form in December 2005 or January 2006.

Based on available information (which could change with final rule publication), water utilities serving greater than 50,000 people will have to meet two significant compliance deadlines in the first twelve months after the final rules are published. These deadlines are for submittal of the Initial Distribution System Evaluation (IDSE) plans and the *Cryptosporidium* monitoring plans. Based on this relatively quick start, utilities need to start preparing now to meet these deadlines.

STAGE 2 DISINFECTANTS AND DISINFECTION BY-PRODUCTS RULE (DBPR)

The Stage 2 DBPR will likely contain a significant change for small systems that purchase water from a larger system, i.e., a consecutive system. For these systems, regulatory requirements (both monitoring and ultimate compliance) will be based on the population of the largest system in the combined distribution system, so that a small consecutive system will have to meet the same timeline as the larger system from which it purchases water. This represents a significant change from past regulations and will require significant coordination between wholesalers and purchasing systems. Systems serving less than 50,000 people will have slightly more time to meet these requirements, but such systems should also start the planning process for meeting

their own specific regulatory requirements.

For the Stage 2 DBPR, systems serving greater than 100,000 people (and their associated consecutive systems) will have to submit their Initial Distribution System Evaluation (IDSE) plan 6 months after the final rule is published. This plan will detail either the Standard Monitoring Plan (SMP) or a System-Specific Study (SSS), and systems need to decide soon which option they will pursue to meet this deadline. The state primacy agency and/or the regional office will have up to 12 months to review and approve this plan. Utilities will then be required to collect 12 months of monitoring data and will be given 3 months to complete the evaluation report, with this report due to the state and/or the regional office no later than 33 months after the final rule (6 months to submit the plan, up to 12 months for state approval of the plan, 12 months of monitoring data, and 3 months to submit the evaluation). Note that this 33-month period could be shorter if the state approves your plan in less than 12 months and requires actual monitoring to begin upon approval.

Systems serving 50,000-100,000 people will have to submit their IDSE plan 12 months after the final rule, with the other timeframes as described above.

Compliance deadlines will be further staggered for systems serving fewer than 50,000 people. However, all systems serving more than 500 people will have to make the decision between the SMP and the SSS and, in either case, should start planning now. Systems serving fewer than 500 people, unless they are a consecutive system as previously discussed, will get an automatic IDSE waiver unless the primacy agency decides otherwise.

The exact number of required IDSE samples for all systems will be population based, and described in the final rule. EPA is developing a web-based "IDSE Tool" that will help systems determine which IDSE option is best and guide systems through the IDSE requirements. This tool will be publicly available when the final rule is published. **AWWA also plans a number of webcasts to help utilities decipher IDSE requirements.** We will let you know as soon as possible as these are scheduled.

To prepare for the Stage 2 DBPR, systems can:

- Determine the appropriate IDSE compliance deadlines:
    - When the system is part of a network of wholesale and retail water suppliers, the appropriate schedule will be based on the largest individual system's service population in the combined system.
    - Evaluate existing data to determine if the system might obtain a waiver from the IDSE provisions (for example, if a utility serves fewer than 500 people or all individual samples from two years of routine compliance monitoring are below 40 ppb total trihalomethane (TTHM) and 30 ppb for sum of five regulated haloacetic acids (HAA5)).
- Determine whether to conduct the SMP or SSS:
    - The exact number of samples for the SMP will be in the final rule, so at this time, for budget purposes, the numbers in the proposal could be used (68 FR 49604).
    - Systems using modeling for the SSS should be prepared for the time and investment needed to build and calibrate a dynamic water quality model and consider the multiple benefits of having a water quality model.
    - Take steps to assure that necessary laboratory services are available for

required TTHM and HAA5 monitoring.

LONG-TERM 2 ENHANCED SURFACE WATER TREATMENT RULE (LT2ESWTR)

Microbial monitoring under LT2ESWTR will follow a similar schedule, with surface water systems or systems using groundwater under the direct influence of surface water and serving greater than 100,000 people given 6 months after publication of the final rule to start a required 24 months of monitoring. The microbial monitoring for systems serving between 50,000-100,000 will start 12 months after the final rule. Compliance deadlines will be further staggered for systems serving fewer than 50,000 people.

For the LT2ESWTR, systems can:

- Evaluate existing historical *Cryptosporidium* monitoring data (i.e., using EPA Method 1622 / 1623 data) for potential submittal to EPA for bin placement. See EPA guidance on using historical data at http://www.epa.gov/safewater/lt2/grand.html.
- Develop a monitoring plan and start the procurement of contract laboratory services, if needed, and ensure the potential contract laboratory has or is working on EPA approval. In addition:
    - Evaluate whether to ship filters or water to the laboratory for analysis.
    - Train personnel in proper *Cryptosporidium* sampling and sample shipping techniques.

EPA's list of laboratories pending approval for *Cryptosporidium* analysis can be found at http://www.epa.gov.safewater.lt2/aprvlabs.html.

Review and approval of both IDSE and microbial monitoring plans will likely be completed by a combination of EPA Regions and State primacy agencies. It is not completely clear at this time how this interaction will work for actions required before your state has primacy for these rules. The review and approval process will likely vary across the country. **We advise that you contact your primacy agency and determine how these early Stage 2 DBPR and LT2ESWTR requirements will be implemented in your state.**

Many more questions will come up when the final rules and the associated guidance manuals are published. AWWA and EPA are working to coordinate a series of trainings in 2006, including webcasts, for these two regulations. But be prepared to allocate time to read these regulations and associated guidance manuals thoroughly, and please consider participating in the upcoming AWWA webcasts on these rules.

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