



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 26, 2006

OFFICE OF  
WATER

Mr. Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington D. C. 20460

Dear Administrator Johnson:

On June 20-22, 2006, the National Drinking Water Advisory Council (hereafter NDWAC or Council) held its annual spring meeting in Washington, D.C. Of the 10 major items on the Agenda, three (3) were discussed in depth and recommendations were agreed upon. The topics of these recommendations are: affordability methodology for small public water systems; public education requirements for the Lead and Copper Rule; and, performance measures for the drinking water program. On behalf of the Council, I am sending these recommendations to you.

With respect to the affordability methodology, the NDWAC members were concerned that the Agency's March 2006 **Federal Register** notice on a number of options for revising the methodology was a significant departure from the recommendations the Council sent to the Agency in 2003. The discussion on this issue continued beyond the time allotted for it and was also addressed during the public participation session on June 21, 2006. The Council developed a recommendation to the Agency, which is as follows:

The NDWAC reaffirms *The Recommendations of the NDWAC to U.S. EPA on Its National Small Systems Affordability Criteria* sent to EPA's Administrator in 2003 and rejects the notion of dual levels of public health protection. The NDWAC recognized that the cost of compliance for small systems is a real concern and offered appropriate alternatives that are protective of public health.

The Council also completed its examination and analyses of the public health requirements for the Lead and Copper Rule and its report, *Recommendations on the Public Education Requirements for the Lead and Copper Rule*, is enclosed. This report is the culmination of a one-year effort by a NDWAC Working Group comprised of three (3) Council members and 13 stakeholders who examined the current public education requirements for the Lead and Copper Rule (LCR). Even though this report was not in final form until June, the working group presented their major proposals to the Council on March 10, 2006, through a 2 ½ hour conference call. These proposals were approved by the NDWAC at the end of the call and, consequently, the Council's recommended revisions to the Public Education Requirements

were reflected in the Agency's revisions to the LCR sent to the Office of Management and Budget in late March 2006 and the proposed LCR revisions were published in the **Federal Register** on July 18, 2006. The ten (10) recommendations are highlighted in the Executive Summary of the report and fully explained in specific sections of it. The Council believes its recommendations are practical, effective approaches that will provide helpful information to the public about lead in drinking water and strengthen activities of public water systems dealing with lead in drinking water.

Performance measures/indicators for the drinking water program have been an area of interest to the NDWAC since late 2004. At its Spring 2005 meeting, the Council established a Subgroup of nine (9) members and the liaisons from the Science Advisory Board and the Centers of Disease Control and Prevention (CDC) and charged them with revising the current measures for the national drinking water program and developing new measures that would be more directly connected to public health protection through safe drinking water. The Subgroup reported initial recommendations on revised measures/indicators to the Council at its fall 2005 meeting. Based on the measures proposed by the Office of Water for 2007-2011, the NDWAC decided to send another recommendation, which states:

The National Drinking Water Advisory Council (NDWAC) reaffirms its recommendation that EPA modify subobjective 2.1.1 in the current Strategic Plan to better reflect the public health benefits of national efforts to reduce exposures to contaminants in public drinking water. Specifically, NDWAC recommends the following language for the revised measure be included in the 2007-2011 Strategic Plan:

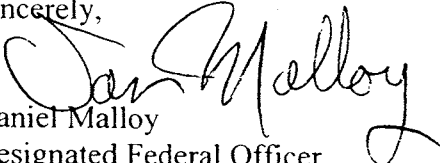
"Percent of population served by community water systems continuously achieving at least the required reduction in the risk of disease and other effects of contamination in drinking water."

It is the Council's understanding that this language was rejected due to a belief it overstates the actions taken by water systems to reduce risk. In other words, the language was rejected due to an incorrect belief that just because a system is in compliance with the drinking water standards does not mean the system has done anything to reduce risk. On the contrary, the language recommended by NDWAC more accurately incorporates all of the actions taken by EPA, states and water systems to achieve compliance with drinking water standards and reduce public health risks. This language recognizes that achieving at least the required reduction in risk requires proper location and protection of the source of drinking water, proper design and construction of treatment and distribution facilities, proper operation and maintenance of those facilities by trained and competent individuals, and a commitment by the water system to long term sustainability.

The NDWAC also reconfirmed it will continue efforts to refine and improve ways to measure public health outcomes from safe drinking water over the next year and the Subgroup's charge was extended to June 2007.

If you have any questions or need additional information on the Council's recommendations or any other matter about the NDWAC, please contact me on 564-1724.

Sincerely,

  
Daniel Malloy  
Designated Federal Officer  
National Drinking Water Advisory Council

Enclosure

cc: Brian Ramaley, Chair, National Drinking Water Advisory Council  
Benjamin H. Grumbles, Assistant Administrator for Water  
Cynthia C. Dougherty, Director, Office of Ground Water and Drinking Water