

# 2007 Current Fiscal Year Report: Total Coliform Rule Distribution System Advisory Committee

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<b>1. Department or Agency</b>	<b>2. Fiscal Year</b>
Environmental Protection Agency	2007
<b>3. Committee or Subcommittee</b>	<b>3b. GSA Committee No.</b>
Total Coliform Rule Distribution System Advisory Committee	31952

<b>4. Is this New Fiscal Year?</b>	<b>5. Current Charter</b>	<b>6. Expected Renewal Date</b>	<b>7. Expected Term Date</b>
Yes	07/16/2007	07/16/2009	

<b>8a. Was Terminated During Fiscal Year?</b>	<b>8b. Specific Termination Authority</b>	<b>8c. Actual Term Date</b>
No		

<b>9. Agency Recommendation for Next Fiscal Year</b>	<b>10a. Legislation Req to Terminate?</b>	<b>10b. Legislation Pending?</b>
Continue	No	

<b>11. Establishment Authority</b>	Agency Authority		
<b>12. Specific Establishment Authority</b>	<b>13. Effective Date</b>	<b>14. Committee Type</b>	<b>14c. Presidential?</b>
Approval Memo signed by EPA's Deputy Administrator	06/15/2007	Continuing	No

**15. Description of Committee** Scientific Technical Program Advisory Board

**16a. Total Number of Reports** No Reports for this Fiscal Year

**17a. Open** 2 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 2

## Meetings and Dates

Purpose	Start	End
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Attendees discussed the current TCR and its objectives, distribution systems concepts, the proposed scope, and protocols for the Total Coliform Rule/Distribution System Advisory Committee. 07/17/2007 - 07/18/2007

Topics discussed in the meeting included: the framework for the existing Total Coliform Rule (TCR); indicators used, and other related topics; summary of TCR issues; how utilities and States implement the TCR; a preview of information to be discussed in future Advisory Committee meetings; and distribution system elements that impact water quality. 09/18/2007 - 09/19/2007

**Number of Committee Meetings Listed: 2**

	<b>Current FY</b>	<b>Next FY</b>
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$2,400.00	\$9,600.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$266,400.00	\$632,480.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$30,691.00	\$126,208.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$5,828.00	\$84,000.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$300.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$3,015.00	\$12,000.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$7,692.00	\$33,600.00
<b>18c. Administrative Costs (FRNs, contractor support, In-person/hybrid/virtual meetings)</b>	\$0.00	\$0.00

<b>18d. Other (all other funds not captured by any other cost category)</b>	\$205,594.00	\$801,812.00
<b>18e. Total Costs</b>	\$521,620.00	\$1,700,000.00
<b>19. Federal Staff Support Years (FTE)</b>	2.00	6.70

**20a. How does the Committee accomplish its purpose?**

The purpose of the Advisory Committee is to support the TCR revision and consideration of distribution system issues. Under the Six Year Review provisions of the 1996 Amendments to the Safe Drinking Water Act, EPA is revising the TCR and considering distribution system issues to ensure the integrity of water quality in the distribution system. The Agency made the decision to revise the TCR in the Six-Year Review determination published in July 2003; the Agency plans to assess the effectiveness of the current TCR in reducing public health risk and to determine what technically supportable alternative/additional monitoring strategies are available to improve implementation and, where feasible, minimize burden while maintaining or improving public health protection. To date the Committee has had two meetings that have covered development of protocols, and education and discussion on: the objectives, implementation, and compliance of the Total Coliform Rule; a range of information that can be used to characterize and potentially revise the Rule; and what distribution issues potentially affect water quality. The Committee plans to have an Agreement in Principle in 2008 on how the TCR should be revised to improve implementation, while maintaining or improving public health protection, and to identify data to be collected,

research conducted, and/or risk management strategies evaluated to better inform distribution system contaminant occurrence and associated public health risks.

**20b. How does the Committee balance its membership?**

Membership in TCRDSAC will consist primarily of non-Federal Government representatives chosen to have viewpoints on issues related to distribution systems and the TCR revisions. In selecting members, EPA will consider candidates from EPA, State and local public health and regulatory agencies; Native American tribes; large and small drinking water suppliers; consumer, environmental and public health organizations; and local elected officials. Proposed candidates were identified through a process of consultation within EPA and were solicited through the Federal Register (71 FR 78203, December 28, 2006).

**20c. How frequent and relevant are the Committee Meetings?**

Estimated Number of Meetings per Year - 10

Estimated Total Meetings - 20

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Total Coliform Rule/Distribution System Advisory Committee (TCRDSAC) will advise and make recommendations to the Agency on revisions to the Total Coliform Rule (TCR or Rule), and on what information about distribution systems is needed to better understand the public health impact from the degradation of drinking water quality in distribution systems. The purpose of the Advisory Committee is to support the TCR revision and consideration of distribution system issues. Under the Six Year Review provisions of

the 1996 Amendments to the Safe Drinking Water Act, EPA is revising the TCR and considering distribution system issues to ensure the integrity of water quality in the distribution system. The Agency made the decision to revise the TCR in the Six-Year Review determination published in July 2003; the Agency plans to assess the effectiveness of the current TCR in reducing public health risk and to determine what technically supportable alternative/additional monitoring strategies are available to improve implementation and, where feasible, minimize burden while maintaining or improving public health protection. Establishment of the TCRDSAC is necessary to help build a consensus among appropriate stakeholders who are evaluating the data and options together. One of the main charges of the Advisory Committee is to determine how to revise the TCR to better target public health protection. Some of the potential areas for revision include:

- Consider changing sample frequencies and locations to better target public health protection and provide consistency among States
- Consider if there is a better way to achieve the public health protection goals and definition of existing MCL violations
- Consider whether corrective actions should follow confirmed distribution system contamination to better protect public health

The TCRDSAC would help EPA better understand TCR implementation issues at various jurisdictional levels, as well as, public health implications and communication needs. In addition, the TCRDSAC, with its diverse technical and public health input, would help the Agency better understand and manage public health risks associated with distribution system issues. A consensus decision by the stakeholders on these issues can help strengthen the basis for a rule by fostering broad support by stakeholders, as well

as provide for a mechanism to determine research needs and/or collect relevant data to support the analyses. EPA seeks this advice in order to help protect drinking water reaching the consumer, and to help meet EPA's Strategic Plan Goal 2, Clean and Safe Water, Objective 2.1 Protect Human Health, Sub-objective 2.1.1, Water Safe to Drink.2. Explain why the advisory committee is essential to the conduct of Agency business and in the public interest: The Drinking Water program has primarily addressed drinking water contamination from water sources and at points of treatment. However, monitoring conducted under the TCR has been used to indicate the efficacy of treatment and the integrity of distribution systems. The primary indicators of distribution system integrity used under the TCR, total coliforms, are broad indicators. These organisms can indicate the presence of other, disease-causing organisms that can enter the distribution system through a number of mechanisms. The TCR is the rule with the most systems in violation of the MCL or monitoring requirements. It is important for the rule to clearly address public health protection, so States can work with systems to improve compliance. This advisory committee will provide recommendations for revisions to the TCR to improve rule implementation and strengthen public health protection. The criteria within the TCR are broadly defined and therefore allow for a wide range of interpretations on how the Rule is implemented by the Primacy Agencies. Criteria on the TCR that can be broadly interpreted include where and when samples are collected, and how system can respond to detection of total coliforms in the distribution system. The TCRDSAC will help EPA understand what revisions to the TCR may be appropriate to achieve consistent protection and risk communication across States. In addition

to the TCR revision, the degradation of finished water quality in distribution systems is of significant national interest because distribution system problems were responsible for 28% of reported waterborne disease outbreaks from drinking water from 1991-2002, and this percentage appears to be increasing. The extent of the public health risks associated with distribution system contamination is uncertain because of multiple opportunities for contaminant introduction, a wide range of contaminants that can occur and difficulties in characterizing such exposure. The TCRDSAC is essential to EPA and in the public interest because it will consider key distribution system contamination issues, ways to address the issues, and how to best understand the associated public health risks. A comprehensive understanding of these issues may be informed by additional research and/or data collection effort.<sup>3</sup> Explain why the functions of the advisory committee cannot be successfully performed by EPA staff, another existing EPA advisory committee, or other means such as a public hearing: EPA considered using National Drinking Water Advisory Council (NDWAC) and discussed the possibility with NDWAC. There are three primary reasons for not using NDWAC. First, in order to carry out this work, EPA needs a diverse array of experts. NDWAC has some of the appropriate experts and individuals from some of the appropriate organizations but not the full array. While the Agency might be able to form a NDWAC subgroup that would represent the range of interests, the subgroup's recommendation would have to go through the full council and the recommendation could be subsequently changed. Secondly, under NDWAC, members may be affiliated with an organization, but represent themselves as well as individuals with their

personal experience. As a result, it is not appropriate for NDWAC members to sign an agreement for their affiliated organizations. For the TCRDSAC, EPA is using a FACA approach where members are able to sign an agreement for the organization they represent. Finally, EPA would be a member of the TCRDSAC, while EPA is not a member of NDWAC.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

There are no plans for closed meetings.

**21. Remarks**

**Designated Federal Officer**

Jini Mohanty DFO

<b>Committee Members</b>	<b>Start</b>	<b>End</b>	<b>Occupation</b>	<b>Member Designation</b>
Baird, David	07/10/2007	07/10/2009	Assistant City Manager, Milford, DE	Representative Member
Crawford, Tom	07/10/2007	07/10/2009	President, Native American Water Association, Minden, NV	Representative Member
Dougherty, Cynthia	07/10/2007	07/10/2009	Director, Office of Ground Water and Drinking Water, US EPA, Washington, DC	Regular Government Employee (RGE) Member
Fauver, Patti	07/10/2007	07/10/2009	Environmental Scientist, Utah Department of Environmental Quality, West Jordan, UT	Representative Member
Hoover, Christine	07/10/2007	07/10/2009	Senior Assistant Consumer Advocate, Office of the Attorney General, Harrisburg, PA	Representative Member

King, David	07/10/2007	07/10/2009	Commissioner, New Mexico Public Regulation Commission, Santa Fe, NM	Representative Member
LeChevallier, Mark	07/10/2007	07/10/2009	Director, Innovation and Environmental Stewardship, American Water, Vorhees, NJ	Representative Member
Lewis, Carrie	07/10/2007	07/10/2009	Superintendent, Milwaukee Water Works, Milwaukee, WI	Representative Member
Minnigh, Harvey	07/10/2007	07/10/2009	Water Resource Specialist, RCAP Solutions, Puerto Rico	Representative Member
Neuberger, John	07/10/2007	07/10/2009	Professor, University of Kansas School of Public Health, Kansas City, KS	Representative Member
Smith, Gerald	07/10/2007	07/10/2009	Public Health Engineer, Minnesota Department of Health, St. Paul, MN	Representative Member
Thorp, Lynn	07/10/2007	07/10/2009	National Programs Coordinator, Clean Water Action, Washington, DC	Representative Member
Tobey, Bruce	07/10/2007	07/10/2009	City Councilman, Gloucester, MA	Representative Member
Vincent, Robert	07/10/2007	07/10/2009	Environmental Administrator, Florida Department of Health, Bureau of Water Programs, Tallahassee, FL	Representative Member
Visintainer, David	07/10/2007	07/10/2009	St. Louis Water Division, St. Louis, MO	Representative Member
Wu, Mae	07/10/2007	07/10/2009	Staff Attorney, Natural Resources Defense Council, Washington, DC	Representative Member

**Number of Committee Members Listed: 16**

**Narrative Description**

The Committee has just begun its activities, has had only two meetings, and does not have any outcomes at this time. The work of the Committee meets Goal 2 of EPA's Strategic Plan: Clean and Safe Water; and Objective 2.1: Protection of Human Health.

**What are the most significant program outcomes associated with this committee?**

	Checked if Applies
Improvements to health or safety	<input checked="" type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input checked="" type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

**Outcome Comments**

These are areas of outcomes that we anticipate when the Committee finishes its work. With regard to health, the revisions recommended on the Total Coliform Rule are intended to either maintain or improve public health protection, as required by the Safe Drinking Water Act. Please note that we cannot determine whether there will be major policy changes until the Committee develops its recommendations, which is expected to occur in FY 2008.

**What are the cost savings associated with this committee?**

	Checked if Applies
None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>

\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

**Cost Savings Comments**

We cannot determine cost savings associated with the Committee since it has just begun its work this fiscal year.

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

0

**Number of Recommendations Comments**

The Committee has just begun its activities, had only two meetings, and does not have any recommendations at this time. The Committee expects to have recommendations in FY 2008.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

**% of Recommendations Fully Implemented Comments**

The Committee has just begun its activities, has had only two meetings, and does not have any recommendations at this time. The Committee expects to have recommendations in FY 2008.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

The Committee has just begun its activities, has had only two meetings, and does not have any recommendations at this time. The Committee expects to have recommendations in FY 2008.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes  No  Not Applicable

### Agency Feedback Comments

The Committee has just begun its activities, has had only two meetings, and does not have any recommendations at this time. The Committee expects to have recommendations in FY 2008.

### What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- |                                   |                          |
|-----------------------------------|--------------------------|
| Reorganized Priorities            | <input type="checkbox"/> |
| Reallocated resources             | <input type="checkbox"/> |
| Issued new regulation             | <input type="checkbox"/> |
| Proposed legislation              | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other                             | <input type="checkbox"/> |

### Action Comments

The Committee has just begun its activities, has had only two meetings, and does not have any recommendations at this time. The Committee expects to have recommendations in FY 2008.

### Is the Committee engaged in the review of applications for grants?

No

### Grant Review Comments

### How is access provided to the information for the Committee's documentation?

Checked if Applies

- |                           |                                     |
|---------------------------|-------------------------------------|
| Contact DFO               | <input checked="" type="checkbox"/> |
| Online Agency Web Site    | <input checked="" type="checkbox"/> |
| Online Committee Web Site | <input type="checkbox"/>            |
| Online GSA FACA Web Site  | <input type="checkbox"/>            |
| Publications              | <input type="checkbox"/>            |
| Other                     | <input type="checkbox"/>            |

**Access Comments**

All Committee documentation is available upon request from the DFO.