

Day 1, July 10, 2002: Clean Water Act: Permitting and Enforcement

Keynote Address: "Environmental Protection Agency (EPA) Regulatory Update"

Keynote Speaker: Ms. Alexis Strauss, EPA Region 9, Water Division Director

Ms. Strauss is the Director of the Water Division at EPA Region 9. Region 9 covers four states, including California, Arizona, Nevada, and Hawaii, as well as 146 tribes and the outer Pacific islands. Ms. Strauss joined EPA 23 years ago and worked in the Resource, Conservation, and Recovery Act (RCRA) and Superfund programs, prior to joining the Water Division.

Handout: None

Notes:

Ms. Strauss is responsible for managing a division of 150 people in Region 9 and 5 people in San Diego and the safe drinking water issues in the Pacific regions/islands. She discussed changes in the Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and the Marine Sanctuary Act, which governs offshore dredging and delegates responsibility to corporations for program implementation.

SDWA

EPA is responsible for writing and promulgating rules for the implementation of SDWA programs. Changes in the SDWA include chemical-by-chemical rules to virus and pathogen types of risk in surface and groundwater and associated treatment schemes, thereby creating a technical challenge.

CWA

Significant challenges for the CWA in last 10 years include:

1. State delegation, resources, grants, expert counsel, inspections, etc. Budgets are down, which affects staffing and the permit renewal process.
2. Total maximum daily load (TMDL) requirements are on the horizon, posing new challenges for regulators and the regulated community.

Discussion:

Ms. Strauss requested feedback from the audience regarding water program issues of interest to them. This list of topics was created from audience suggestions; Ms. Strauss addressed as many as possible, in a different order than stated.

Regarding	Response*
Arsenic removal standards	The arsenic rule under SDWA has become more stringent with the maximum contaminant level (MCL) dropping from 50 parts per billion

Regarding	Response*
standards	(ppb) to 10 ppb. These standards are contentious; two states have challenged the standard. However, the arsenic standard remains, and states are struggling to comply at the local level, especially with treatability issues. For instance, Fallon, Nevada, and the Navy are working together to identify ways to comply with the standard.
Hexavalent chrome removal	<p>California Proposition 65 requires the establishment of public health goals, equivalent to Maximum Contaminant Level Goals (MCLG), which created a controversy in Los Angeles where the public health goal for hexavalent chromium was 2.5 ppb. There has been disagreement with science at base of the Los Angeles goal.</p> <p>The hexavalent chromium standard would replace the previous standard. One important factor to note is that site geology is a larger component than previously anticipated.</p>
TMDLs and storm water Issues	Mr. David Smith will discuss TMDLs, and Mr. Eugene Bromley will cover storm water issues in more detail on Thursday.
Status of proposed rule regarding radon	The final rule for radon is expected in late 2002, and is expected to be as proposed (MCL = 300 picocuries per liter [pCi/L]). Ms. Jill Korte will discuss the radon rule in more detail on Friday.
Urban water supplies	EPA will not be involved in urban water supply issues. However, EPA may have a role in reviewing documents but not a direct approving role.
Underground injection	Oversight for underground injection was delegated to states and tribes. What has changed the most is the regulation of septic systems. Elizabeth James will discuss underground injection in more detail on Friday.
Will EPA regulate perchlorate?	EPA is considering rule promulgation due to problems in Colorado; most states have already established levels for perchlorate. EPA will most likely not regulate perchlorate. If we do, the desire would be for consistency across all states, since the process for establishing drinking water standards is long. Other regions think of perchlorate as an EPA, Region 9 problem.