

Monitoring and Costs of Monitoring for Unregulated Contaminants – *Who Pays? And Who Should Pay?*

Section 1445 (a)(2) of the Safe Drinking Water Act (SDWA) gives the Administrator of the United States Environmental Protection Agency (USEPA) the responsibility to monitor unregulated contaminants that may be in drinking water.

This section, as amended in 1996, requires that once every five years, beginning in August 1999, the USEPA to issue a list of no more than 30 unregulated contaminants that are required to be monitored for a short period of time. The law states that public water supplies serving 10,000 persons or more are required to monitor and that the USEPA must require some randomly selected public water supplies serving less than 10,000 persons to monitor.

There have been three previous “rounds” of monitoring unregulated contaminants from 2001 through 2015. On December 20, 2016, the USEPA issued final regulations for the fourth “round” monitoring of

Revisions to the Unregulated Contaminant Monitoring Rule (UCMR 4) for Public Water Systems

SUMMARY

The U.S. Environmental Protection Agency (EPA) is finalizing a Safe Drinking Water Act (SDWA) rule that requires public water systems to collect occurrence data for contaminants that may be present in drinking water but are not yet subject to EPA’s drinking water standards set under the SDWA. This rule identifies eleven analytical methods to support water system monitoring for a total of 30 chemical contaminants, consisting of nine cyanotoxins and one cyanotoxin group; two metals; eight pesticides plus one pesticide manufacturing byproduct (hereinafter collectively referred to as “pesticides”); three brominated haloacetic acid disinfection byproduct groups; three alcohols; and three semivolatile organic chemicals. EPA is also announcing a public meeting and webinar to discuss the implementation of the fourth Unregulated Contaminant Monitoring Rule.



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unregulated contaminants. See the summary notice in the above sidebar. These regulations became effective January 19, 2017. This fourth “round” of monitoring is scheduled for 2018 – 2020. Each round has different contaminants to be monitored.

A small, Kansas water supply serving approximately 700 persons received a letter from the USEPA dated January 4, 2017. The letter stated that their water supply had been selected to monitor for unregulated contaminants. The letter did state that the USEPA would supply the sampling kits and instructions. The letter did state the USEPA would pay for the cost of shipping and the cost of analyses.

The letter did not state when the monitoring kits were scheduled, or how many times the water supply would be monitored. The letter did not state that the USEPA would pay for the time, mileage and costs incurred by the water supply for monitoring, that is, collecting the water samples.

The letter stated that the water supply would be responsible to notify the public, that is their customers, of the results of the monitoring. The letter did not state that the USEPA would pay for the public notification.

This water supply is concerned about the number of times that the water samples must be taken and the costs involved. KRWA estimates that the water supply will receive sampling kits probably four but maybe eight times, depending on what group of contaminants are being monitored, for the required monitoring over a 12-month period.

In the SDWA, Section 1445 (a) (1) and (a)(2) states how the USEPA is to promulgate regulations to monitor unregulated contaminants. Subparagraph (a)(1)(C) is in the nearby sidebar. This subparagraph states, among other things, that the USEPA Administrator may not require the processing of monitoring samples except where the Administrator provides the funding for such activities.

The word "processing" usually means a series of actions or steps taken in order to achieve a particular end. Here the end is the analyses of the contaminants and notifying the customers. Here the series of actions or steps are many actions or steps from the water at the faucet to the analyses of the sample. But these actions or steps surely include the time, cost, and actions of the water supplier in its part of this matter that includes taking samples, traveling, mailing samples, paperwork, public notification and other actions.

The USEPA official stated that a substitution or an addition could not be made because the "system" randomly selected water supplies.

I talked with an USEPA official about this matter. I stated that this water supply would participate as required but that they thought they should be reimbursed for their costs. This official stated that these costs would not be reimbursed.

I then offered the name of another water supply that would gladly sample,

Safe Drinking Water Act (SDWA)

<http://www.epw.senate.gov/sdwa.pdf>

Section 1445 (a)(1)(C)

(C) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require to assist the Administrator in establishing regulations under section 1412 of this title, after consultation with States and suppliers of water. The Administrator may not require under this subparagraph the installation of treatment equipment or process changes, the testing of treatment technology, or the analysis or processing of monitoring samples, except where the Administrator provides the funding for such activities. Before exercising this authority, the Administrator shall first seek to obtain the information by voluntary submission.

Note: Section 1412 contains the National Drinking Water Regulations and includes regulations on unregulated contaminants.

WHATEVER IT TAKES!

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as that water supply is very interested in participating. The USEPA official stated that a substitution or an addition could not be made because the “system” randomly selected water supplies.

Nationally, there are 1,600 small systems serving less than 10,000 persons that have been randomly selected

for this fourth “round” of sampling. There are probably several other small systems in Kansas serving fewer than 10,000 persons that may have also been “randomly selected”.

With so few systems selected, it is ironic that this water supply that was selected purchases water from a wholesale water supplier that is also required to complete the same, fourth “round” of required monitoring. Ironic in that it will be the same treated water; while there are many other water supplies not being sampled and even some that would volunteer so as to gain knowledge of their water and water supply lake.

It seems that USEPA is not willing to cover the costs incurred by water supplies in sampling for UN-REGULATED contaminants. Most water systems probably consider it to be just another un-funded mandate.

This is the listing of 30 contaminants that will be tested for in the "Unregulated Contaminants Monitoring Rule (UCMR 4) Analytes

Cyanotoxins*

- “Total microcystins
- microcystin-LA
- microcystin-LF
- microcystin-LR
- microcystin-LY
- microcystin-RR
- microcystin-YR
- nodularin
- anatoxin-a
- cylindrospermopsin

*Cyanotoxins are toxins produced by bacteria called cyanobacteria (also known as blue-green algae). Blooming cyanobacteria can produce cyanotoxins in high concentrations that they are poisonous.

Metals

- germanium
- manganese

Pesticides

- alpha-hexachlorocyclohexane
- chlorpyrifos
- dimethpin
- ethoprop
- oxyfluorfen
- profenofos
- tebuconazole
- total permethrin (cis- & trans-)
- tribufos

Brominated Haloacetic Acid Groups

- HAA5
- HAA6Br
- HAA9

Alcohols

- 1-butanol
- 2-methoxyethanol
- 2-propen-1-ol

Semivolatile Organic Chemicals

- Butylated hydroxyanisole
- o-toluidine
- quinoione



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