



December 3, 2018

The Honorable Andrew Wheeler  
Acting Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Docket No. EPA–HQ–OW–2018–0594, *Request for Nominations for Drinking Water Contaminants for the Fifth Contaminant Candidate List*

Dear Acting Administrator Wheeler,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the Environmental Protection Agency’s (EPA) *Request for Nominations for Drinking Water Contaminants for the Fifth Contaminant Candidate List* (83 FR 50364). AMWA is an organization of the nation’s largest publicly owned drinking water utilities, and our members provide drinking water service to more than 156 million people. The Contaminant Candidate List (CCL) process is a mechanism that has been created to help the agency effectively determine which contaminants to regulate. AMWA strongly supports this scientific and data-driven process and believes Congress intended for it to help determine future drinking water regulations.

AMWA does not have contaminants to nominate for the fifth CCL at this time. However, the association welcomes the opportunity to give feedback on the CCL process at large. AMWA believes that EPA should focus the CCL in a way that will best utilize its limited resources and optimize its resource budget. As stated in earlier comments regarding previous CCLs, the association maintains the need for EPA to reduce the number of substances included in each CCL to better accomplish the agency’s goal of accurate and meaningful regulatory determinations for currently unregulated substances. AMWA offers the following comments on various aspects of the development of CCL 5 and recommendations for the CCL process in general.

First and foremost, AMWA urges EPA to establish ways in which the agency can better focus the CCL so that it may best identify contaminants of greatest public health concern and utilize the current available staff and funding resources. The Safe Drinking Water Act (SDWA) states that the Administrator shall regulate contaminants that will provide a "meaningful opportunity for health risk reduction for persons served by public water systems" (§1412 (b)(1)(A)(iii)). EPA has maintained through previous comments that the SDWA does not limit the number of contaminants that may be included in the CCL. AMWA agrees with this assessment, but counters that it remains unclear how the agency can best accomplish the

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prioritization of these contaminants when the list continues to grow exponentially. The size of the list more than doubled between CCL 2 and CCL 4, with 51 contaminants on the list for CCL 2, and 109 contaminants on CCL 4. AMWA therefore recommends that EPA reduce the number of substances on the CCL in order to keep the list at a more manageable level so that the agency can more effectively and efficiently prioritize the chemicals currently on the list and those that are deemed necessary to be added.

AMWA appreciates EPA's work in previous CCLs of including in the final notice a table that identifies data needs for contaminants. EPA has previously characterized each chemical contaminant by their data needs into three categories; health effects, occurrence, and analytical method. The data needs were then characterized into three groups: no data needs, specific data needs, or substantial data needs. AMWA encourages EPA to continue this process in the CCL 5 and future work in order to maintain increased transparency and clarity. Having this information available helps research organizations and institutions, that may also be working in these areas, better focus their own research priorities.

To further increase transparency, AMWA encourages EPA to expand upon the research needs table included in the final notices and to use the CCL as an opportunity to more thoroughly communicate the progress and results of research on CCL contaminants. The screening data that EPA releases for the development of the preliminary contaminant candidate list provides more detailed information and AMWA encourages EPA to continue to make these documents readily available on the agency's CCL webpage. Including this information online informs the public about the research that has been completed up to this point and could help guide other experts in deciding where to focus their research efforts. Furthermore, AMWA requests that EPA show documentation for the ongoing state of prioritization of contaminants that have been carried over from previous CCLs. This might be as simple as stating a contaminant is currently a "high", "low", or "medium" priority and including the agency's rationale behind the characterization. As with the previous listed documents, AMWA encourages EPA to provide this information online.

AMWA commends EPA for maintaining transparency throughout the previous CCL processes when utilizing expert recommendations from the National Academy of Sciences' National Research Council, the National Drinking Water Advisory Council and the Science Advisory Board (SAB). The association encourages the agency to continue to improve the transparency of CCL 5 and in future endeavors by clearly documenting when and how EPA experts or authorities outside of the agency were consulted and by making their assessments public. Similarly, while EPA does provide information on the data utilized to characterize each contaminant and the factors used for determining the viability of each data source, AMWA encourages the agency to clearly identify the reasoning for when data sources are evaluated but excluded from use, particularly in regard to sources submitted by the public during the agency's requests for nominations and data.

AMWA encourages EPA to continue to facilitate the combining of efforts between the Office of Groundwater and Drinking Water (OGWDW) and the Office of Research and Development (ORD). It is vital for the work included in ORD's multiyear strategic research action plan be in concert with the current CCL in order to best prioritize research needs and to utilize the agency's resources. OGWDW relies on ORD to perform the research needed to support its mission. AMWA encourages ORD to clearly

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identify how it intends to support the CCL process. Listing contaminants on the CCL should enable all offices in EPA responsible for supporting regulatory determinations with the ability to focus precious research dollars on those chemical and microbial contaminants that are a potential health risk to drinking water consumers.

A second criterion that must be considered before regulating a contaminant listed under the SDWA is whether a contaminant occurs, or is likely to occur, in drinking water at a level and frequency of public health concern. AMWA encourages EPA to improve correlation of the CCL and the Unregulated Contaminant Monitoring Rule (UCMR) wherever possible by using the UCMR to gather occurrence data for contaminants on the CCL that have a high potential to be a public health threat but have large gaps in the occurrence data. Having more thorough occurrence data will help the agency remove contaminants from the CCL that are not likely to occur in drinking water and therefore not likely to be in need of regulation.

Finally, AMWA requests that EPA clarify the process for removing a contaminant from the CCL. In a 2016 report from the SAB where the group of experts reviewed the agency's draft for the fourth CCL, the SAB requested that EPA clearly describe the "off-ramp" process for removing contaminants from the list. This process was unclear to the SAB and is equally unclear to AMWA. If no process currently exists, AMWA urges EPA to develop a clear and concise protocol, to be reviewed by the SAB, that may be used to help the agency further prioritize future CCLs. Reiterating our comments above, AMWA feels a process of this type is critical to maintaining a more concise CCL which could be used more effectively by the agency for prioritizing research, UCMR determinations and similar usages.

AMWA appreciates the opportunity to comment. If you have any questions, please contact Stephanie Hayes Schlea ([schlea@amwa.net](mailto:schlea@amwa.net)), AMWA's Manager of Regulatory and Scientific Affairs.

Sincerely,



Diane VanDe Hei  
Chief Executive Officer

cc: David Ross, Assistant Administrator for Water  
Peter Grevatt, Director, Office of Ground Water and Drinking Water