



EPA Seeks Delay on TMDL Rule

EPA is proposing an 18-month postponement in action on planned changes in the TMDL and related programs. It would use the time, the agency said, "to review and revise the rule to achieve a program that is workable and meets the goal of clean water."

A request for a delay was contained in an agency filing with the U.S. Circuit Court of Appeals for the District of Columbia that hears most litigation involving challenges to federal regulations. Specifically, EPA asked that tribunal to defer action on lawsuits that have been filed by some two dozen parties since the original rule was announced by the Clinton administration in July, 2000.

The rule would tighten substantially requirements that states identify polluted waters and restrict the amount of pollutants—Total Maximum Daily Loads—that may go into them.

EPA Administrator Christine Whitman said in calling for a postponement of the original rule that eliminating pollution required "an effective national program that involves the active participation and support of all levels of government and local communities....Unfortunately, many have said the rule designed to implement the TMDL program falls short of achieving the goals."

The EPA proposal also cited results of a recent study by the National Academy of Sciences that challenged the scientific basis of some of the conclusions leading to the rule.

"I am asking for this additional time to listen carefully to all parties with a stake in restoring America's waters—states, cities, small towns and rural communities, plus industry, the environmental community and farmers—to find a better way to finish the important job of cleaning our great rivers, lakes and streams," Whitman said.

House Endorses Current Arsenic Rule

The controversy over the standard for arsenic in drinking water continues unabated at the top levels of government.

In the latest round, the House of Representatives voted narrowly to prevent the Bush administration from delaying a new standard proposed in the closing days of the Clinton presidency.

That standard would reduce the permissible level of arsenic in drinking water from 50 to 10 parts per billion (ppb). It was widely criticized by Republican members of Congress on the ground that, in setting the new level, the Environmental Protection Agency had used faulty scientific and economic assumptions.

Shortly after President Bush took over, new EPA chief Christine Whitman announced plans for further review of the basis for the choice of 10 ppb as the new standard. She said that, while the agency would eventually propose a level of less than 50 ppb, the exact level it will recommend is to be determined. The review will cover 3 to 20 ppb as possible standards.

When the EPA's budget came before the House, Rep. David Bonior, D.-Mich., introduced an amendment that would effectively allow the 10 ppb standard to be implemented on schedule. "We cannot continue to allow arsenic to poison America's drinking water," he told the House. Referring to Whitman's call for further review, Bonior, who is the House Minority Whip, declared, "We have had 25 years of research on this...We need to move forward."

But Rep. James T. Walsh, R-N.Y., chairman of the House Appropriations Committee's subcommittee whose jurisdiction includes the EPA budget, said that the Clinton administration proposal set a compliance date of 2006 for the new standard and that would still be the case with any new level proposed by EPA. He noted that the agency's goal is "to ensure that the standard is based on sound science, accurate cost estimates and is achievable for small communities." Walsh said that 97 percent of the 3,700 water systems that would be affected by the new rule serve fewer than 10,000 people.

Bonior challenged Walsh's and Whitman's position that no time would be lost by further review because the Clinton administration rule allowed until 2006 for compliance. The new standard would have taken effect immediately, Bonior said, but did allow eight water systems up until 2006 to install the necessary treatment facilities.

The decision on whether to move ahead on the rule or defer action pending Whitman's review is now before the Senate.

Jeffords Chairs Senate Environment Panel

As generally expected, Sen. Jim Jeffords of Vermont has become chairman of the Senate Committee on the Environment and Public Works. He replaced Sen. Harry Reid, D-Nev., who took over the top post temporarily in the shift of majority control from Republicans to Democrats.

The shift occurred when Jeffords left the Republican party and became an independent who voted with Democrats on organizing the Senate that had been divided 50-50 and controlled by the GOP with the help of Vice President Cheney's tie-breaking vote.

In declaring his priorities as head of the committee, Jeffords said that in the area of water policy, he planned to focus on "improving the water structure of our nation. We plan to write and consider legislation to help rebuild and meet drinking water and wastewater treatment needs."

Congress Considering EPA Cabinet Status

Legislation to elevate EPA to a cabinet department is again under consideration in Congress, with prospects for passage considered better than at any previous point.

The measure has bipartisan support and President Bush has said he would sign it if Congress sends it to him. If enacted, the

bill would give the top EPA official, who now has the title of administrator, the position of secretary of the department of environmental protection on an equal basis with the secretaries of the other departments of government such as Defense, Justice, Transportation and Education.

At a hearing conducted by the Senate Committee on Government Affairs, Sen. Joseph Lieberman, D-Conn., chairman of the panel, said, "The time is ripe for our nation to say that we hold protection of the environment on par with the state of our armed forces and the quality of our educational system."

Rep. Sherwood Boehlert, R-N.Y., sponsor of the House bill to make EPA a department, said the change would give the agency the authority it deserves and needs to carry out its mission.

Earlier measures to effect the change failed because of disputes over specifics of the new department's jurisdiction and concerns of some members of Congress over government growth, but those factors do not appear to be major elements of the current debate.

New Web Sites Launched

Two new web sites of interest to the water community are now available.

The U.S. Geological Survey has launched its National Water Information System site, which contains more than 100 years of water data that the agency has collected. Robert Hirsch, the USGS associate director for water, said the system integrates the stream-flow data the survey has been providing with other types

of information that includes historical water quality data from rivers and aquifers, historical groundwater level data and real-time water quality, precipitation and groundwater levels.

The address of the USGS site is <http://water.usgs.gov/nwis>.

The other new site, <http://www.tmdls.net>, is a joint effort by The Association of State and Interstate Water Pollution Control Administrators and America's Clean Water Foundation. EPA has provided support to some portions of the site.

The sponsors said their goal is to enhance the state and local capacity to develop and implement TMDL watershed-based approaches to improving water quality.

Whitman Issues Six-Month Report

EPA Administrator Whitman observed the six-month anniversary of the Bush administration with a report noting that "In keeping with the President's philosophy of government, the EPA is promoting market-based solutions to environmental challenges focusing on environmental results over bureaucratic process and building partnerships with the American people."

Actions she cited in connection with water policy included the decision to seek changes in the Total Maximum Daily Load (TMDL) rule so her agency can address "numerous legal challenges that have effectively halted any further progress in cleaning up America's lakes, rivers and streams." She also cited the planned review of the arsenic standard as an achievement, but its status is uncertain because of the pending Senate action. ■