

regarding the absence of potential risk is necessary to deregulate a contaminant. EPA does not believe it is appropriate to deregulate any currently regulated contaminant at this time because the Agency is not able to make a determination, pursuant to section 1412(b)(9) of SDWA, that there would be no lessening of public health protection if the contaminant were deregulated. The Agency disagrees that evaluation of finished water data is sufficient to consider deregulation of low or non-occurring contaminants. The apparent low or non-occurrence of these contaminants in finished water may be the result of effective treatment processes in place rather than the lack of occurrence in source water.

EPA believes that the existing waiver provisions in the SDWA regulations give States sufficient flexibility to reduce or potentially eliminate monitoring of a chemical contaminant, where appropriate. States that have primacy for the drinking water regulations are responsible for their waiver programs and can grant waivers if a particular pesticide or herbicide has not been previously used, manufactured, stored, transported, or disposed in the area, a system's source water is not susceptible to contamination from the chemical, or the State has determined the system is not vulnerable. The State can grant waivers for individual contaminants, a group of contaminants, or issue an area-wide waiver (*see* 40 CFR 141.23 (b) and (c), and 141.24 (f) and (h)). In addition, States can adopt alternative monitoring strategies as long as the approach is as stringent as the Federal requirements (USEPA, 1997b).

2. Health Effects Technical Review

a. Contaminants Undergoing Health Risk Assessments. A few commenters raised issues with respect to the 36 chemical contaminants for which health risk assessments were underway when EPA published its preliminary revise/not revise decisions in the April 17, 2002, **Federal Register**. In particular, these commenters wanted to know the process that EPA plans to follow to review each NPDWR once the risk assessment is completed, including when that review would occur and when an accelerated review would be appropriate.

EPA Response: Between April and August 2002, the Agency completed health risk assessments for 2 of the 36 contaminants: 1,1-dichloroethylene and lindane. The results of those assessments and the impact on the Agency's revise/not revise decisions are discussed in sections IV.B.7 and

IV.B.14, respectively, of today's action. NPDWRs for the remaining contaminants for which health risk assessments are in process will be reviewed as a part of the 2002–2008 review cycle. However, if in the Agency's judgment, a compelling reason exists to revisit the "not revise" decision sooner, EPA may accelerate the review cycle for that NPDWR. In reviewing these regulations, EPA expects to apply an approach consistent with the protocol used for the current review. That is, the Agency will consider the same key elements and apply the same basic decision tree for making a revise/not revise decision. The key elements of the review include health effects technical review, technology review, other regulatory revisions review, and, if appropriate, occurrence/exposure analyses and consideration of available economic information (*see* 67 FR 19030 at 19038, April 17, 2002 (USEPA, 2002g)).

b. Other Issues Related to the Health Effects Technical Review. One commenter stated that the Agency risk assessments underestimate risk because absorption of chemicals through the skin, lung, and nose is not "adequately" taken into account. Another commenter encouraged the Agency to evaluate the literature for potential reproductive and developmental effects for chemicals with zero MCLGs since risk management strategies, such as monitoring frequency or treatment requirements, may be affected by such information.

EPA Response: EPA disagrees that the Agency underestimates risk when deriving MCLGs. The Agency takes multiple routes of exposure into account by including a relative source contribution (RSC) in its calculation of an MCLG value. The RSC compares exposure from air, food, and drinking water and uses the data in allocating a portion of the total exposure to drinking water. When exposure data for the chemical are not available, EPA assumes that the RSC from drinking water is 20 percent of the total exposure. This allows 80 percent of the total exposure to come from sources other than drinking water, such as exposure from food, inhalation, or dermal contact.

EPA recognizes the possibility that some chemicals with zero MCLGs may also be of reproductive and/or developmental concern. EPA is investigating these endpoints and their potential impact on monitoring frequency or treatment requirements. However, the Agency does not believe the analysis can be completed during the current review cycle without significantly delaying the current revise/

not revise decisions. To the extent possible, EPA will consider the results of this analysis and any additional information during subsequent Six-Year Reviews.

3. Analytical Methods Feasibility Technical Review

Commenters generally supported the Agency's approach of using Performance Evaluation (PE) Water Supply (WS) data and the 10 times method detection limit (MDL) multiplier to evaluate possible changes in analytical feasibility for several of the contaminants under this Six-Year Review. A few commenters agreed that the WS data are a valuable source of information for evaluating interlaboratory performance and for developing practical quantitation levels (PQLs). However, the same commenters questioned whether the approach of using PE WS data will be possible for future reviews since the Agency's laboratory certification program that once collected this information has been externalized to private providers. These commenters questioned whether the externalized or privatized data would be sufficient for the determination and/or re-evaluation of PQLs. In addition, at least one commenter suggested that it may be appropriate (in the next Six-Year Review) to re-evaluate the policy of basing the PQL on only EPA Regional and State laboratory results, and recommended that the Agency include commercial and large utility laboratory results. According to the commenter, these laboratories (commercial and large utility) have demonstrated "significant innovation in method development and improved quantitation."

EPA Response: EPA agrees that the WS studies have been a valuable source of information for determining PQLs. At this time, the Agency has not determined whether the privatized data will be sufficient for the purposes mentioned by the commenter. In addition, the Agency has not yet determined how best to gather data to determine and/or reassess PQLs for future reviews. The Agency is in the process of evaluating acceptable options. The policy for determining the most appropriate methodology for calculating PQLs for drinking water contaminants is outside the scope of the Six-Year Review.

4. Review of Treatment Technologies and Related Issues

Commenters suggested that, while EPA's review of existing NPDWRs was generally consistent with the NDWAC recommendations to EPA (NDWAC, 2000), the Agency's review of treatment