

technologies which support the regulations should be expanded. Specifically, commenters recommended that EPA review all treatment technique (TT) requirements and allow for changing or expanding these TT requirements where new information warrants such a change.

EPA Response: EPA continues to believe its approach to reviewing TT requirements is appropriate. The "EPA Protocol for the Review of Existing NPDWRs" (Protocol Document) discusses when it is appropriate for the Agency to consider revisions to TT-type regulations (see sections II.C and III.B of the Protocol documents) (USEPA, 2002d; USEPA, 2003c). The Agency discussed the review of the four chemical treatment technique NPDWRs (*i.e.*, acrylamide, copper, epichlorohydrin, and lead) in both the draft and final "Water Treatment Technology Feasibility Support Document for Chemical Contaminants; In Support of EPA Six-Year Review of National Primary Drinking Water Regulations" (Treatment Feasibility Documents) (USEPA, 2002b; USEPA, 2003g). The Agency has no specific information that provides a basis for revisions to TT requirements at this time. However, EPA believes that research data in a number of treatment-related areas may be useful in future reviews of NPDWRs. The Agency is committed to working with stakeholders to identify and prioritize treatment-related research needs, and to work with EPA's research partners to address the highest priority needs.

5. Review of Implementation-Related Issues

While several commenters felt overall that EPA's Six-Year Review protocol was reasonable and appropriate, they encouraged EPA to consider implementation-related modifications (*i.e.*, "other regulatory revisions") as a reason to revise a rule, even if there were no basis to revise the MCLG and/or MCL/TT requirements.

EPA Response: Implementation-related issues are the primary reason for the Agency's decision to revise the TCR at this time (67 FR 19030 at 19085, April 17, 2002 (USEPA, 2002g)), so it is clear that EPA considered implemented-related issues in its review. The Protocol Document (USEPA, 2002d; USEPA, 2003c) identifies the conditions under which the Agency will consider implementation-related revisions. EPA continues to believe these criteria are appropriate. During the current review, none of the identified potential implementation-related revisions pertaining to the chemical NPDWRs, in

EPA's judgment, met the stated criteria for reasons documented in EPA's final document, "Consideration of Other Regulatory Revisions for Chemical Contaminants in Support of the Six-Year Review of National Primary Drinking Water Regulations" (USEPA, 2003b).

6. Review of Occurrence and Exposure

a. Occurrence Database Concerns. A few commenters asked for information regarding next steps for the National Contaminant Occurrence Database (NCOD). Another commenter pointed out that States have been willing to assist EPA by providing occurrence data beyond what is required of them. However, the commenter raised concerns that he/she felt EPA needs to address to facilitate further data sharing.

Some commenters expressed concern about the completeness and representativeness of the 16-State data set used for the Six-Year Review. One commenter suggested that the Agency should have issued an Information Collection Request to obtain more complete data for the Six-Year Review analysis.

EPA Response: The Agency is updating the NCOD to provide sample data that have been quality checked and used in various EPA analyses. This update to NCOD includes unregulated occurrence data collected prior to 1999 as well as the latest Unregulated Contaminant Monitoring Rule data (64 FR 50556, September 17, 1999 (USEPA, 1999b)) reported by laboratories for public water systems required to report results. It also includes the data used for the Six-Year Review of regulated contaminants. EPA appreciates that some States are willing to share their full compliance monitoring records with the Agency, even though it is not required. The Agency and the States are continuing to work together to establish a protocol for data sharing, including safeguards to prevent misuse and misinterpretation of data.

The 16-State cross-section data set compiled for occurrence analyses for the Six-Year Review is the largest compliance monitoring data set for drinking water assembled by EPA to date. The design and construction of the 16-State cross-section data set was based on the fact that contaminant occurrence varies spatially (geographically) due to differing patterns of population, land use, chemical use, geology, hydrology, and climate. The detailed description of the "pollution-potential" and geographic diversity considerations, and the derived balanced cross-section of States (that was developed to be collectively indicative of national

occurrence) is included in the "Occurrence Estimation Methodology and Occurrence Findings Report for the Six-Year Review of Existing National Primary Drinking Water Regulations" (Occurrence Methodology Document) (USEPA, 2003d). EPA selected its 16-State cross-section to be as representative as possible of national contaminant occurrence. In EPA's judgment, these States provide a reasonable cross-section of agricultural and industrial pollution potential, as described in the Occurrence Methodology Document, and also provide geographic coverage of the United States. Therefore, EPA believes that the data assembled from these States is the most representative data currently available of national contaminant occurrence.

The Agency did receive occurrence data from States other than those in its 16-State cross-section. However, many State data sets contained incomplete records (*e.g.*, no water type or population records specified) or had other quality problems. Therefore, they were not included in the analyzed data set.

b. Occurrence Analysis Methodology. One commenter noted that while the occurrence estimation methodology has several strengths, it also has a number of flaws. The commenter was concerned about the large proportion of non-detected observations in the occurrence data, and the difficulty of verifying the assumptions made by the Agency. The commenter agreed that EPA's occurrence analysis may represent a "decent" estimate given the limitations of the data. The commenter also noted that the occurrence estimation methodology is premised on "subjective decisions or qualitative observations * * * rather than documented, statistically-based quantitative ones" and would like to have seen alternate approaches used to provide confirmation of the estimates. In addition, the commenter questioned why the Agency used "modeled data sets to test the model rather than a standard statistical strategy of basing the model on a portion of the data set and using the remainder to test the model."

One commenter stated that the Stage 2 analysis (Bayesian analysis) was poorly described and that this conflicts with the transparency requirements of the 1996 SDWA Amendments. In addition, the commenter asked EPA to clarify how the occurrence data from other survey efforts, which are summarized in "Occurrence Summary and Use Support Document for the Six-Year Review of Existing National Primary Drinking Water Regulations"