

(3) Compliance based on an LRAA will remove the opportunity for systems to average out samples from high and low quality water sources. Some systems are able to comply with an RAA MCL even if they have a plant with a poor quality water source (that thus produces high concentrations of DBPs) because they have another plant that has a better quality water source (and thus lower concentrations of DBPs). Individuals served by the plant with the poor quality source will usually have higher DBP exposure than individuals served by the other plant.

d. *Basis for phasing LRAA compliance.* EPA believes that a phased approach for LRAA implementation will facilitate transition to the new compliance requirements. Stage 2A of this proposed rule does not require systems to conduct any additional monitoring. They will continue to monitor at Stage 1 DBPR locations. Because the LRAA calculation is the same as the RAA calculation if there is only one site, Stage 2A compliance only applies to systems that monitor at more than one site and will only affect medium and large surface water systems (serving at least 10,000 people) or systems with multiple plants. Thus, the majority of ground water systems, small surface water systems, and some consecutive systems are not affected by the proposed Stage 2A requirements.

e. *TTHM and HAA5 as Indicators.* In part, both the TTHM and HAA5 classes are regulated because they occur at high levels and represent chlorination byproducts that are produced from source waters with a wide range of water quality. The combination of TTHM and HAA5 represent a wide variety of compounds resulting from bromine substitution and chlorine substitution reactions (*i.e.*, bromoform has 3 bromines, TCAA has 3 chlorines, BDCM has one bromine and two chlorines, etc). EPA believes that the TTHM and HAA5 classes serve as an indicator for unidentified and unregulated DBPs. EPA believes that controlling the occurrence levels of TTHM and HAA5 will control the levels of all chlorination DBPs to some extent.

3. Request for Comment

EPA requests comment on the alternative MCL strategies that were considered by the Advisory Committee and the determination to propose the Preferred Alternative in combination with the IDSE as the preferred regulatory strategy. EPA also requests comment on whether the proposed approach will reduce peak DBP levels.

EPA requests comment on the phased MCL strategy and whether or not it will

facilitate compliance with the LRAA. EPA also requests comment on the Stage 2A MCLs of 0.120 mg/L TTHM and 0.100 mg/L HAA5 as LRAAs and on the long-term MCLs of 0.080 mg/L TTHM and 0.060 mg/L HAA5 as LRAAs.

E. Requirements for Peak TTHM and HAA5 Levels

1. What Is EPA Proposing Today?

Today, EPA is proposing that, concurrent with Stage 2B, systems must specifically document occurrences of peak DBP levels, termed significant excursions. In support of this provision, EPA is proposing that States, as a special primacy condition, develop criteria for determining whether a system has a significant excursion. EPA has developed draft guidance for systems and States on how systems may determine whether they have significant excursions. EPA is also proposing that a system that has a significant excursion must: (1) Evaluate distribution system operational practices to identify opportunities to reduce DBP levels (such as tank management to reduce residence time and flushing programs to reduce disinfectant demand), (2) prepare a written report of the evaluation, and (3) no later than the next sanitary survey, review the evaluation with their State. This review will take place under the sanitary survey components calling for the State to review monitoring, reporting, and data verification and system management and operation.

2. How Was This Proposal Developed?

Because individual measurements from a location are averaged over a four-quarter period to determine compliance, there may be occurrence levels that exceed the MCL even when a system is in compliance with an LRAA MCL. EPA and the Advisory Committee were concerned about these exposures to peak levels of DBPs and the possible risk they might pose. This concern was clearly reflected in the Agreement in Principle, which states,

"Recognizing that significant excursions of DBP levels will sometimes occur, even when systems are in full compliance with the enforceable MCL, public water systems that have significant excursions during peak periods are to refer to EPA guidance on how to conduct peak excursion evaluations, and how to reduce such peaks. Such excursions will be reviewed as part of the sanitary survey process. EPA guidance on DBP level excursions will be issued prior to promulgation of the final rule and will be developed in consultation with stakeholders."

In evaluating this recommendation, EPA believes that the Advisory Committee's intent was clear with regard to the need for guidance on how to evaluate and reduce significant excursions. However, the Agreement is less clear on how, and where, to define what constitutes a significant excursion, and how to define the scope of the evaluation. EPA draft guidance recommends several approaches for determining whether significant excursions have occurred. While today's proposal requires an evaluation only of distribution system operational practices, EPA believes that many systems would benefit from a broader evaluation that includes treatment plant and other system operations.

EPA recognizes that different stakeholders have different points of view on whether specific criteria that initiate the evaluation of significant excursions should be included in the rule or in guidance. EPA also recognizes that different stakeholders may have different perspectives on how to identify a significant excursion. For this proposal, EPA has prepared draft guidance for systems and States on how to (1) determine whether a significant excursion has occurred, using several different options, (2) conduct significant excursion evaluations, and (3) reduce significant excursion occurrence.

3. Request for Comment

EPA requests comment on the proposed approach for addressing significant excursions and on the draft guidance. Is a special primacy condition the appropriate means for allowing flexibility in identifying significant excursions while ensuring that such evaluations occur? Is the sanitary survey the appropriate mechanism for reviewing significant excursion data with the State? Should a system be required to take corrective action when significant excursions occur? Should the required scope of the evaluation be expanded beyond distribution system operations?

EPA also requests comment on whether specific criteria that initiate the evaluation of significant excursions should be included in the rule or in guidance. EPA requests comment on how to identify significant excursions (regardless of whether the criteria are in the rule or in guidance). For example, should the significant excursion be based on an individual measurement, *e.g.*, any measurement being 25 or 50% over either the TTHM or HAA5 MCLs? Alternatively, should the determination of a significant excursion be based on a certain level of variability among multiple measurements? For example,