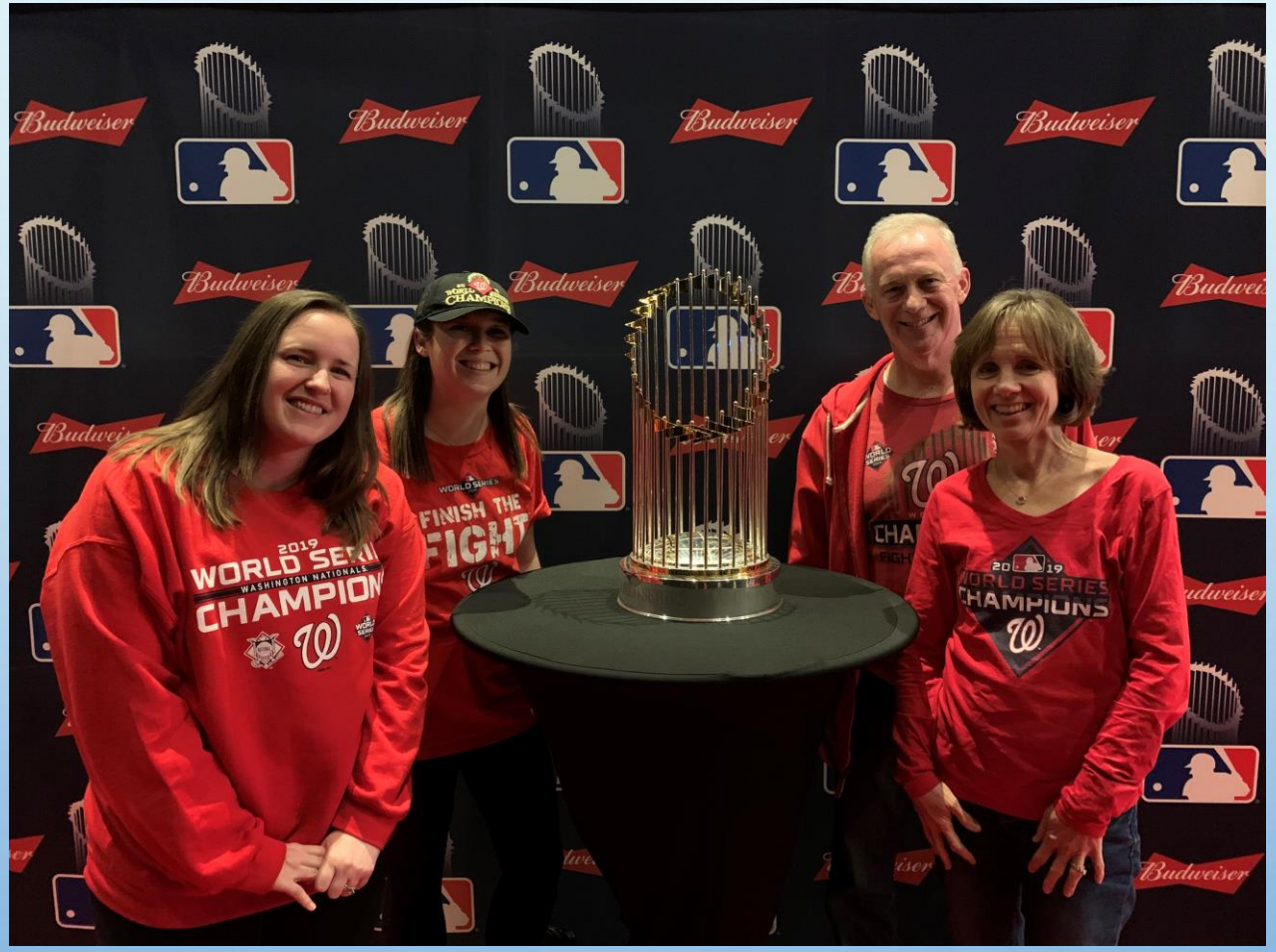
State CEC Rule Development and Management Strategies Toolkit

ASDWA
Association of State Drinking Water Administrators

GOOD TIMES…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INTRODUCTION

- Purpose of the toolkit is to help state drinking water agencies move from a strong signal of potential CEC risk to managing risk to an acceptable level, potentially including a state-specific CEC rule. Content is organized into 8 modules. 10 states participated in an August workshop to develop and refine the toolkit.
- Modules help users move through the process of developing a state-specific CEC rule but also support states that are not pursuing a CEC rule.
- Intent of the toolkit is to offer states a way to organize their thinking and gain insight from states with experience managing CEC's.
- The tool is designed with an assumption that states have enough resources and capacity to undertake the steps in each module as appropriate for their state.

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TOOLKIT MODULES

- **Module 0:** Conduct a self-assessment of regulatory context and capacity and undertake measures as needed
- **Module 1:** Characterize health effects
- **Module 2:** Characterize occurrence
- **Module 3:** Analytical methods
- **Module 4:** Treatment and compliance options characterization
- **Module 5:** Benefits, costs, and economic considerations
- **Module 6:** Intermediate management strategies
- **Module 7:** CEC rule development (MCL and treatment technique)

MODULE 0: CONDUCT A SELF-ASSESSMENT OF REGULATORY CONTEXT AND CAPACITY AND UNDERTAKE MEASURES AS NEEDED

Goal: Understand your state's regulatory environment related to managing CEC's and your internal capacity to undertake this work; implement emergency, near-term measures to manage CEC risk as needed.

Assess state's regulatory context

Assess state's internal capacity

Undertake emergency measures as needed

MODULE 1: CHARACTERIZE HEALTH EFFECTS

Goal: Develop a health-based level for CEC in drinking water that is protective of human health.

Ensure adequate capacity for toxicology and health risk assessment

Review literature on toxicology to understand health effects

Share information and coordinate with other agencies

Develop a health based level as appropriate

MODULE 2: CHARACTERIZE OCCURRENCE

Goal: Understand where CEC's are occurring in the drinking water supply and through what pathways; establish sufficient understanding to support MCL Rule development and design.

Identify and assess current UCMR and utility data to begin to understand occurrence

Establish cross-departmental collaboration for collecting and sharing data

Conduct exploratory targeted sampling

Leverage other agencies and sampling efforts to gather additional data

Design and implement statewide sampling plan

MODULE 3: ANALYTICAL METHODS

Goal: Assess and ensure ability to detect the CEC at adequate levels .

Determine if analytical methods for detecting the CEC in drinking water already exist

Determine approach if existing analytical methods are inadequate

Determine guidelines for sampling and analysis to ensure accuracy and credibility

Review and assess access to state-accredited lab capacity

MODULE 4: TREATMENT AND COMPLIANCE OPTIONS CHARACTERIZATION

Goal: Demonstrate ability to treat drinking water to reduce CEC's to acceptable risk level.

Identify and assess a suite of treatment and compliance options

Characterize unexpected consequences of treatment and compliance options

Explore state requirements for treatment and disposal of residuals

MODULE 5: BENEFITS, COSTS, AND ECONOMIC CONSIDERATIONS

Goal: Articulate costs, benefits to inform MCL or related potential rulemakings; and to assess regulatory economic impacts including affordability and economic feasibility.

Determine method/ approach to cost-benefit analysis

Ensure adequate capacity to conduct a cost-benefit analysis

Characterize costs

Characterize benefits

Identify and address uncertainties of costs/benefits

Explore affordability and barriers for small systems

MODULE 6: INTERMEDIATE MANAGEMENT STRATEGIES

Goal: Manage the CEC in drinking water to an acceptable level of risk in the absence of – or while in the process of developing– a state-specific CEC drinking water rule.

Partner with local government including local health agency, state agencies, EPA, etc.

Identify appropriate intermediate management options

Understand and use State's authority to undertake intermediate management strategies

Explore various mechanisms and media beyond drinking water

MODULE 7: CEC RULE DEVELOPMENT

Goal: Establish a state-specific drinking water rule (either MCL or Treatment Technique) to manage CEC in drinking water to an acceptable level of risk.

Outline the general approach to the rule

Determine a maximum contaminant level (as appropriate)

Develop legal and regulatory language for CEC rule

Conduct a regulatory impact analysis of the rule

Develop a justification for the rule based on the information available

Undertake steps required by administrative procedure, including public notice

QUESTIONS?

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