

US EPA ARCHIVE DOCUMENT

MEMORANDUM

SUBJECT: Availability of Draft Safe Drinking Water Act
(SDWA)Variance for Implementation of Columbus, Ohio
Draft Project XL for Communities Final Project
Agreement (FPA)for Public Review and Comment

FROM: Francis X. Lyons
Regional Administrator

TO: Columbus XLC Project Stakeholders

Project XL, which stands for "**ex**cellence and **L**eadership," is a national pilot program that provides an opportunity for communities, local governments, businesses and federal facilities to develop innovative strategies to test better or more cost-effective ways of achieving environmental and public health protection. To implement XL Projects the United States Environmental Protection Agency (U.S. EPA) issues regulatory, program, policy, or procedural flexibility.

Project XLC, *eXcellence and Leadership for Communities*, was developed to place special emphasis on communities and local governmental or regional organizations that are interested in creating an XL project.

The City of Columbus operates a public water system which must comply with applicable requirements of the LCR. The City has a good history of compliance with the LCR. The City is also currently maintaining optimal corrosion control treatment for lead, as required by the LCR.

In the past, Columbus made certain changes to its water treatment process, and inadvertently caused an increase in the lead levels in the water. Columbus is concerned that it may need to make certain water treatment changes in the future to comply with other Federal or State SDWA requirements that may likewise affect lead levels.

Under the Federal and State drinking water regulations, if the City exceeds the "Action Level" (AL) of 15 µg/L of lead in more than 10 percent of drinking water tap samples (i.e., exceeds the AL as a 90th percentile value), the City must sample Lead

Service Lines (LSLs) at a rate of 7 percent of the system's total number of lines each year and replace those lead service lines that test above 15 µg/L of lead. The City has a total of approximately 29,000 LSLs.

The City does not believe that the sampling and replacement of LSLs will significantly reduce lead levels at consumers taps, and submitted a 'Project XLC' Proposal to U.S. EPA, requesting a temporary suspension of LSL sampling and replacement requirements for a period of time, up to three years, while the City makes adjustments to its water treatment processes.

The City of Columbus submitted their XLC proposal to the Agency in June of 1999. In March, 2000 EPA determined that the Columbus XLC project had merit and invited the City, along with the State of Ohio and community stakeholders, to negotiate a Final Project Agreement (FPA) which would outline project implementation in detail.

The draft Project XLC FPA was made available for public comment on July 27, 2000 (65 FR 46166). U.S. EPA has identified the Safe Drinking Water Act variance under Section 1415 (a) (3) of the Act as the appropriate legal mechanism for providing the City of Columbus the regulatory flexibility the City has requested. A variance can be granted under the Safe Drinking Water Act if it can be shown that the new approach would be at least as efficient in lowering the level of lead in the public water supply as the regulation.

Attached is a draft variance pursuant to Section 1415 (a)(3) of the Safe Drinking Water Act. I have tentatively determined that a showing has been made that the alternative treatment technique provided for in the variance would be at least as efficient in lowering the level of lead in this public water system as the requirements contained at 40 CFR §141.84 of the federal drinking water regulations.

I therefore direct that the draft variance be made available for public review and comment.

Francis X. Lyons
Regional Administrator