

ENVIRONMENTAL PROTECTION AGENCY

[No. W-98-14; FRL-6137-5]

Availability of Water Conservation Plan Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: Section 1455 of the Safe Drinking Water Act (SDWA) as amended in 1996 requires the Agency to publish guidelines for water conservation plans for public water systems, taking into consideration such factors as system size, water availability and climate by August 6, 1998. States may require water systems to submit a water conservation plan consistent with EPA's guidelines as a condition of receiving a loan from a State Drinking Water Loan Fund. Today, EPA is making available a document entitled "Water Conservation Plan Guidelines."

DATES: The Guidelines are effective on August 6, 1998. After August 6, 1999, States may require water systems to submit a water conservation plan consistent with these guidelines as a condition of receiving a loan from a State Drinking Water Loan Fund.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for electronic access, and telephone and facsimile requests. Paper copies of the Guidelines may be obtained by writing to Office of Water Resource Center (Mail Code RC4100), U. S. EPA, 401 M Street, S.W., Washington D. C. 20460. Further information on the Guidelines may be obtained by writing to John E. Flowers (Mail Code 4204), U. S. EPA, 401 M Street, S.W., Washington D. C. 20460.

Docket: The administrative record for this notice (docket number W-98-14) is located in the Water Docket, East Tower Basement, U. S. EPA, 401 M Street, S.W., Washington, D. C. 20460.

FOR FURTHER INFORMATION CONTACT: John E. Flowers, (202) 260-7288 or flowers.john@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

1. Development of the Guidelines

EPA developed the Guidelines through a broad-based, open and participatory process. A public workshop was held in Denver, CO in September 1997. EPA also established a Subcommittee under the auspices of the Local Government Advisory Committee (LGAC). The Subcommittee met four times and held one conference call. Membership included State agencies, water utilities, local governments, environmental groups, and various

industry and public interest groups. EPA announced a 30-day public comment period for the draft Guidelines in the **Federal Register** on April 21, 1998. We have made changes to the Guidelines to respond to comments.

2. Description of the Guidelines

The Water Conservation Plan Guidelines document is organized into six parts. The first part introduces the Guidelines and provides information to the States about their nature and possible use. The second part, written for water systems, is an overview of the organization, content and use of the Guidelines. The next three parts of the document contain the water conservation plan guidelines—Basic, Intermediate, and Advanced—which correspond generally to water system size. The Basic Guidelines contain five simplified planning steps. The Intermediate and Advanced Guidelines follow nine planning steps: Specify Conservation Planning Goals, Develop Water System Profile, Prepare Demand Forecast, Describe Planned Facilities, Identify Conservation Measures, Analyze Benefits and Costs, Select Measures, Integrate Resources and Modify Forecasts, and Present Implementation and Evaluation Strategy. The Guidelines provide instructions and worksheets that can be used by a public water system in developing a water conservation plan. The last part of the document contains six appendixes of supporting information: detailed descriptions of conservation measures, conservation benchmarks, acronyms and a glossary, information resources, funding sources, and state contacts. The Guidelines do not contain any federal requirements; however, States and Indian Tribes may use the Guidelines to implement water conservation under their own laws.

3. Response to Public Comments

Twenty-six sets of public comments on the draft Guidelines were received, as well as comments from the LGAC. Responses to the most frequently expressed, substantive comments are provided below.

Comment: Implementation of the Guidelines should be at a State's discretion; the Guidelines should never become mandatory.

Response: SDWA stipulates that the Guidelines are for the voluntary use by States and the document reiterates this.

Comment: Only one water conservation plan should be required of a water system; the Guidelines should be consistent with those of the U. S. Bureau of Reclamation.

Response: This is an implementation issue that States decide. The Guidelines do not preclude a State from developing a multi-purpose plan requirement that is consistent with the Bureau of Reclamation's guidelines.

Comment: The draft Guidelines do not recognize that in many States the primacy agency, State Revolving Fund (SRF) agency and water conservation agency are separate entities.

Response: The Guidelines recognize in Part 1, Information to States, the need for States to coordinate among various agencies and suggest a formal delineation of responsibilities.

Comment: More emphasis is needed on the environmental benefits of water conservation, especially that of protecting water resources.

Response: The Guidelines now discuss more fully the environmental benefits of water conservation which include protection of both surface and ground water supplies, maintenance of in-stream flows, and protection of aquatic habitats.

Comment: The Basic Guidelines are too complex for systems which serve less than 10,000 people. A cost-benefit analysis should not be included.

Response: The Basic Guidelines have been significantly simplified. The number of sections has been reduced from nine to five; and the cost-benefit analysis has been deleted.

Comment: The Modified Basic Approach should be clarified.

Response: The Modified Basic Approach, renamed the Capacity-Development Approach, is explained more fully in Section 5 of Part 1. The Capacity-Development Approach can be implemented in conjunction with a State's capacity development strategy required by section 1420(c) of SDWA. It is a way for a State to directly address a small system's lack of conservation planning and implementation capacity through technical and financial assistance in lieu of any SRF water conservation planning requirement.

Comment: All systems should consider the full range of conservation measures; the three level system in the Guidelines is too prescriptive and limited.

Response: Text and graphics have been revised to encourage water systems to consider the broadest range of measures applicable to their situation. An explanation is also provided that the list of measures is not intended to be comprehensive and that measures may improve or expand in the future as new technologies and techniques are developed.

Comment: Not enough discussion is provided about possible obstacles to

conservation, including water rights limitations, public utility commission restrictions, and short-term financial impacts.

Response: The Guidelines now has a section in Part 1 devoted to State policy considerations, particularly the possible disincentives to conservation related to water rights and investor-owned utility regulation. The Guidelines also contain a Revenue Effects section that elaborates more on that issue.

Comment: Tying water conservation planning to the Drinking Water State Revolving Fund (DWSRF) program is not reasonable or warranted; public health should be the priority.

Response: States can link water conservation to their DWSRF program at their option. Water conservation can enhance the achievement of public health goals by reducing capital and operating costs of infrastructure, thereby stretching limited loan funds.

Comment: Include criteria that States could use to exempt systems from a planning requirement.

Response: The Guidelines do not preclude exemptions, States are in the best position to determine the circumstances under which an exemption should be granted. Use of the Capacity-Development Approach should greatly reduce the need for exemptions.

4. Outreach to States

EPA is making plans to assist States in the implementation of water conservation programs through workshops, models, success stories and other outreach. In addition, EPA plans to prepare comparable guidelines for the Clean Water SRF program. We also envision updating the Guidelines within five years.

5. Distribution of the Guidelines

During August, EPA will mail the Guidelines to approximately 500 state officials, municipalities, organizations and individuals. The Guidelines may also be viewed and down-loaded from EPA's homepage, <http://www.epa.gov/OWM/genwave.htm>. Both HTML and

PDF versions are available. Paper copies may also be obtained by contacting the Office of Water Resource Center: telephone (202) 260-7786 (24 hour voice mail), fax at (202) 260-0386, or electronic mail to waterpubs@epamail.epa.gov.

6. Docket

The administrative record for this notice has been established under docket number W-98-14, and includes supporting documentation as well as printed, paper versions of electronic comments. The record is available for inspection from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays at the Water Docket, East Tower Basement, U.S. EPA, 401 M Street, Washington, D.C. For access to docket materials, please call (202) 260-3027 to schedule an appointment.

Dated: August 2, 1998.

J. Charles Fox,

Acting Assistant Administrator for Water.

[FR Doc. 98-21034 Filed 8-5-98; 8:45 am]

BILLING CODE 6560-50-U