

557-0704 Stephani De Scisciolo

2-27-86 (DER)

REGULATORY AND LEGAL DEVELOPMENTS

(No. 39) A-3

First, he said, the agency will issue a notice to the utility operator that it is about to file a suit. If this does not result in compliance within 30 days, the agency will issue a public notice of the violation and its intention to take action, the EPA attorney said. Finally, according to Winder, if the violation persists another 60 days EPA will file a suit in federal district court.

The complexity of this procedure has dissuaded EPA from taking enforcement actions in large numbers in the past, Winder explained. However, he said, the success of the agency's 1984 municipal enforcement policy for bringing about compliance by city sewerage agencies with the Clean Water Act through filing court suits has made federal enforcement officials realize a similar approach could work with water utilities.

The approach will be particularly useful in cases where utilities must construct facilities to comply with a growing number of standards for contaminants in drinking water, according to agency officials.

Thomas Tiner, director of the division of water hygiene for the Texas Department of Health, told the officials at the conference that in Texas, the majority of violations involve the failure of small drinking water system operators to sample their water regularly for bacteria.

Despite the state's best efforts, he said, there were 3,471 violations of drinking water regulations during the fourth quarter of 1985, almost all involving failure to sample for bacteria.

When the water system is large, Tiner said, the state can ask a certification board to revoke the operator's license. However, operators of small systems are not required to obtain a license from the board and are responsible for the overwhelming number of violations, he said. Small systems are those serving fewer than 200 people.

Michael Burke, director of the Bureau of Public Water Supply Protection for New York State, said that in his state, day-to-day administration of the drinking water law is taken care of by county and local health officials. However, he said, the state is developing a "watch list" for drinking water utilities that may require state enforcement action.

He said the state also is getting ready to issue a regulation providing an administrative enforcement procedure that would entail immediate action whenever there is an imminent health hazard. The upcoming rule will be codified in spring, he said.

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ENVIRONMENT: EPA TO OFFER INFORMATION TO HELP OWNERS DECIDE ON HOME RADON CONTROLS, OFFICIAL SAYS

PHILADELPHIA—(By a BNA Staff Correspondent)—Homeowners will be responsible for deciding whether to undertake remedial efforts to control radon exposure in their dwellings under a non-regulatory, advisory approach being developed by the Environmental Protection Agency, according to an official in the agency's Office of Air and Radiation.

Citizen's Guide to
Radon & Homeowners
Guide to Mitigation

ordered
4/11/86
will be
out in
June

Richard Guimond, director of the criteria and standards division in the Office of Radiation Programs, told BNA Feb. 25 at a radon control conference here that EPA has nearly completed a guidance pamphlet to advise homeowners on how to make decisions based on potential health risks.

He told the conference, sponsored by the Air Pollution Control Association, that EPA plans to play an information-gathering and consulting role on radon, leaving state and local agencies to develop and carry out radon control programs when deemed necessary.

Guimond said the agency is starting a radon measurement proficiency program that will provide free accuracy testing for companies that voluntarily submit radon detection devices. In addition, EPA plans to conduct a nationwide survey of home radon levels to determine the extent of the problem, he said.

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EPA is establishing a training program for radon measuring techniques and remedial action procedures and is continuing a remedial action demonstration project as well, according to the agency radiation official.

Radon, a naturally occurring radioactive gas, has become an important issue at EPA since dangerously high levels of the element were found to be leaking into homes in a large geographical area called the Reading Prong, extending across parts of New Jersey, New York, and Pennsylvania.

Stephanie DeSciscuolo, also of EPA's Radiation Office, said at the conference that the agency is late coming out with the homeowners' guidance because of difficulties in expressing the health risks that can be expected from exposure to various radon levels.

EPA wants "to generate concern without generating panic" among homeowners, who often have trouble understanding what health risk levels mean, DeSciscuolo said. Some estimates suggest radon exposure may be responsible for up to 20,000 lung cancer deaths per year in the United States, she added.

The agency's health risk guidance probably will explain risk comparatively, for example, by equating lung cancer risk from a certain radon exposure level to smoking a specified number of cigarettes daily or to having a specified number X-rays taken in a given year, according to DeSciscuolo.

The guidance also will contain advice on how to get a home measured for radon, as well as recommended time frames for initiating remedial actions depending on the radon levels detected, she said.

A brief discussion of remedial techniques will be included, but the guidance will refer to another detailed document on the mitigation techniques, which is being prepared by EPA's Office of Research and Development, DeSciscuolo added. Release of both guidance documents is expected within two months, she said.

Guilmond commented that interest in the radon problem is increasing among states by a domino effect that started in Pennsylvania, where radon contamination in homes on the Reading Prong first caused concern. About 15 states are starting radon level surveys or have initiated or plan to initiate radon control programs, he said.

Pennsylvania would like to see a "strong federal effort" in terms of guidance and funding support to help bring the radon problem under control, according to Thomas Gerusky, director of the state's Bureau of Radiation Protection.

Gerusky told BNA Feb. 25 that Pennsylvania is pleased with the advisory approach EPA is taking toward controlling radon contamination and agreed that remediation decisions must be left up to well-informed homeowners.

The state is providing free radon level testing for homes in the Reading Prong area and also has made available low-interest loans for homeowners who want to undertake remedial efforts, according to the Pennsylvania official. However, the program has been delayed because of concerns about liability (Report No. 20, A-1).

He suggested formation of a state-supported or federally supported program to provide funds or alternate housing for residents of homes with extremely high radon levels, where remedial efforts may be prohibitively expensive.

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GAO TELLS CONGRESS THAT 40 PERCENT OF THRIFT INDUSTRY IS IN BAD SHAPE

The General Accounting Office has reported to Congress that about 40 percent of the savings and loan industry was either insolvent or suffered low net worth in mid-1985, based on generally accepted accounting principles.