



Office of Advocacy

Via Electronic Mail

October 12, 2007

Mr. Alexander Cristofaro (MC-1804A)
Small Business Advocacy Chair
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Subject: SBAR Panel for National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues (TCR Rule)

Dear Mr. Cristofaro:

I have received your letter dated September 28, 2007 regarding the Environmental Protection Agency's intent to convene an SBAR Panel for National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues (TCR Rule), under § 609(b) of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

Having examined the list of suggested small entity representatives, Advocacy suggests that you considering adding the additional small entity representatives who we have listed on an attachment to this correspondence. We believe these small entity representatives provide some additional expertise.

Next Steps

We understand that the agency plans to re-evaluate whether the proposals would have a significant impact on a substantial number of small entities. If the agency finds no such impact, a Panel would not be required under SBREFA. In order to make such a finding, the agency would need to provide a factual basis for such a certification in the proposed rule, as required under § 605(b) of the RFA. If a Panel were convened, a final Panel report would be prepared.

If a Panel is warranted, we ask that EPA provide, in advance of the convening of the Panel, supporting materials and possibly a draft regulatory analysis and/or draft rule (see RFA §609(b)(4)), in order to allow sufficient review time by Panel members. We are pleased to note that the agency has already started the pre-Panel meetings in accordance with the EPA SBREFA guidance to assure that adequate and timely information and data is provided to the small entity representatives and the panel representatives. We look forward to seeing a revised pre-panel schedule and draft outreach materials in the near future.

Sincerely,

/s/

Thomas M. Sullivan
Chief Counsel for Advocacy

Enclosure

cc: The Honorable Susan Dudley,
Administrator, Office of Information and Regulatory Affairs
Office of Management and Budget

ADDITIONS:

American Water Works Association Nominees:

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15531 Woods Lodge Road
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National Rural Water Association Nominees:

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(more detail to be supplied)

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