

November 5, 2004

Information Quality Guidelines Staff  
U.S. EPA - Room M1200  
1300 Pennsylvania Avenue, NW  
Washington, DC 20008

**Request for Reconsideration regarding Request for Correction # 04017**

**Contact name, organization, and contact information.**

This Request for Reconsideration is filed on behalf of the members of the National Multi Housing Council and the National Apartment Association (NMHC/NAA) who own and manage apartment properties throughout the nation. Please address all communications to:

Eileen Lee, Ph.D.  
Vice President of Environment  
NMHC/NAA  
1850 M Street, NW  
Suite 540  
Washington, DC 20036

**Reason for disagreement with EPA's decision and recommendation for corrective action.**

A coalition of groups representing owners and managers of residential and commercial properties and the U.S. Chamber of Commerce submitted a Request for Correction dated March 10, 2004 regarding the Agency's statement that "... EPA believes that RUBS or other allocation billing systems ... do not encourage water conservation" (68 Fed. Reg. 74234, December 23, 2003) because we believe this statement is erroneous in light of the conclusions of the open literature on this topic.<sup>1</sup>

EPA acknowledged this Request for Correction on June 9, 2004,<sup>2</sup> stating that an answer to our request would be forthcoming within 30 days. On August 18, EPA electronically transmitted a response to us signed by Assistant Administrator Grumbles that stated "... (I)t may well have been too strong to say that RUBS "does not encourage water conservation" and went on to express the Agency's willingness to "further study this issue and seek further comment on a range of water conservation issues" and "... promptly solicit additional public comment on the specific question of the relationship of RUBS to water conservation, and make a determination as to whether the submetering policy should be further revised."<sup>3</sup>

<sup>1</sup> <http://www.epa.gov/quality/informationguidelines/documents/04017.pdf>

<sup>2</sup> <http://www.epa.gov/quality/informationguidelines/documents/04017interim.pdf>

<sup>3</sup> <http://www.epa.gov/quality/informationguidelines/documents/04017final.pdf>

November 5, 2004

Page 2

However, since we consider the Agency to have agreed with our request, we do not believe that promising some Agency action sometime in the unspecified future is sufficient to address our request for correction. In fact, our members are directly impacted by the Agency's statement because it has been relied upon by various States to regulate water billing practices on private property since December 2003. Furthermore, it is our contention that by failing to promptly correct this flawed policy memorandum, EPA is:

- 1) failing to provide clear direction to the States who are responsible for enforcement of the Safe Drinking Water Act;
- 2) unfairly burdening property owners who wish to implement water billing systems by requiring that these properties be treated as consecutive water systems if they use any system other than full capture metering; and
- 3) failing to encourage the implementation of policies that would engender the conservation of drinking water resources by establishing a linkage between a consumer's use of a resource and the associated price signal.

We look forward to working with the Agency as they continue to develop information on water conservation on multifamily properties. NMHC/NAA are currently pursuing additional research in this area to augment the studies that we have already provided to EPA as part of original comments on the memorandum.

Sincerely,



Eileen Lee Ph.D.  
Vice President of Environment  
NMHC/NAA