

Date Signed: December 28, 1977

MEMORANDUM

SUBJECT: Guidance on Implementation of the National Interim Primary Drinking Water Regulations (NIPDWR), 40 CFR 141.31, 141.32, 141.33 and 142.34

FROM: Alan Levin, Director (signed by Jim Manwaring)
State Programs Division (WH-550)

TO: Regional Water Supply Representatives

Pursuant to a memorandum from Enforcement Division, Region VII, we have carefully examined two issues regarding EPA Regional enforcement of the National Primary Drinking Water Regulations (NPDWR) in non-primacy States. This same guidance may be of interpretive value to States with primacy. The two findings are:

1. EPA requires suppliers of water to report all sample results under Section 141.31 (a) in order to determine compliance with the MCL's for coliform bacteria under Section 141.14 and 141.21. Thus, within 40 days the supplier would have to report to the agency with primacy, the result of all tests, measurements, or analysis, even where the minimum number required under State law exceeds that required under Subpart C of the National Primary Drinking Water Regulations.

*2. Pursuant to 40 CFR 141.33 (b) community water systems shall maintain "records of action taken by a system to correct violations of primary drinking water regulations." These include actions taken by the supplier to comply with the public notification requirements of Section 141.32, since this is a necessary and integral part of mitigating violations. However, the only regulatory mechanism available to the Regions to check compliance with the public notification requirements is to use delegated authority under 1445(b) of the Act. By Delegation 9-12, "Review of Records and Conducting Inspections," (WSG-14); 40 CFR 142.34 is an integral part of the Regional enforcement mechanism. It allows the Regional Office to inspect records of the suppliers to insure that public notification requirements have been met. To the extent water suppliers are willing, EPA Regions are encouraged to first request suppliers to submit information voluntarily to document the fact that they have met public notification requirements.

*NOTE: Paragraph 2 is superseded by Section 141.31(d) that requires systems to submit copies of PN to the State.