

Date Signed: December 1, 1989

MEMORANDUM

SUBJECT: Region V's Approach on Unregulated Contaminant Public Notification Requirements

FROM: Michael B. Cook, Director (signed by Michael B. Cook)
Office of Drinking Water

TO: Joseph F. Harrison, Chief
Safe Drinking Water Branch

In response to your October 4 memorandum concerning the Region's interpretation of the public notice requirements for unregulated contaminants (40 CFR 141.35(d)), the approach you have developed is consistent with the intent of the regulation. There is one issue, however, that I would like to clarify.

I have no problem with the approach as it relates to systems that have not detected any unregulated contaminants. If a State chooses to incorporate this interpretation in its regulations, however, the regulations must require that a Statewide press release only be used when no unregulated contaminants are detected. Furthermore, the Statewide press release must include the provision that monitoring data be open to public review.

In your memo you stated that you "fully support a public notification requirement when an unregulated contaminant is detected." You did not specifically mention that your States will follow the required public notice requirement if any unregulated contaminant is detected. Any system that detects an unregulated contaminant must be required by regulation to provide individual notice to persons served by the system. Please call me if you have any questions.

cc. Regional Water Branch Chiefs, Regions I - X
S. Lepow, Associate General Counsel for Water
Regional Counsels, Regions I - X

***Note: This guidance may need to be updated after revisions to 40 CFR 141.35 are complete in August 1999.**