

Reducing Noncompliance with Drinking Water Standards at Community Water Systems

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Increasing Attention to Community Water System Compliance

- To improve drinking water quality and reduce potential impacts to the public’s health, EPA and its partners in states, tribes, and territories are focusing increased attention on public water systems that serve the same people year-round, which are referred to as community water systems (CWSs).
- EPA and its co-regulators are undertaking a National Initiative to improve compliance at Safe Drinking Water Act - regulated systems, regardless of system size, through increased compliance assurance and enforcement attention.
- This advisory is designed to inform owners and operators of CWSs about this effort and to identify their role in ensuring compliance.

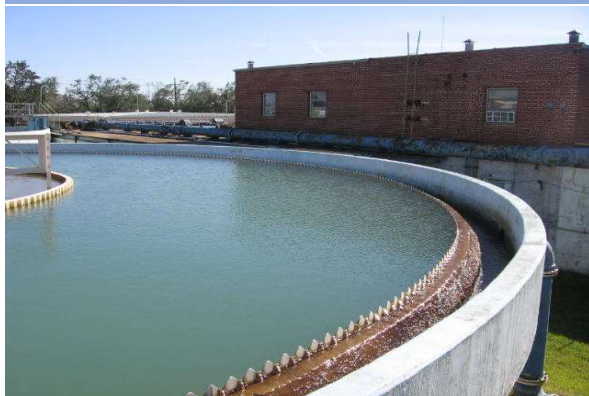


Figure 1 Sedimentation basin

About the Safe Drinking Water Act (SDWA)

States, territories, tribes, and the federal government share responsibility for protecting human health and the environment; community water systems are one aspect of this responsibility. Originally passed by Congress in 1974, the SDWA and its amendments protect public health by regulating the nation’s public drinking water supply. To protect public health, EPA has established protective drinking water standards for more than 90 contaminants.

If you own or operate a CWS you have an obligation to comply with the National Primary Drinking Water Regulations (NPDWRs) including health-based standards (e.g., maximum contaminant levels, treatment techniques), and other important requirements such as public notice, reporting, and sampling. Non-compliance may subject you to enforcement actions, including financial penalties.

What is the Purpose of this Initiative?

There are approximately 50,000 regulated CWSs currently operating within the United States. In FY 2020, approximately 17,000 of them violated at least one drinking water standard. More than 16,000 CWSs failed to submit at least one required sampling report or submitted the required information late or incomplete. Roughly 3,400 CWSs reported a health-based violation which could be the presence of contaminants in their water in excess of allowable levels or a failure to meet required treatment standards.

This initiative will evaluate half of the nation’s large CWSs (serving 10,000 or more people) and support EPA efforts to reduce the number of CWSs still out of compliance with health-based standards since the end of FY 2017 to ensure that all CWSs are complying with the SDWA and NPDWRs. CWSs, regardless of water source type, location, or size, will see an increase in efforts by EPA and its state, tribal, and territory partners to identify and address SDWA violations and related public health risks. Regulators will use compliance and technical assistance, on-site visits, off-site reviews, and enforcement actions, where appropriate.

How can I prepare?

CWS owners and operators are encouraged to assess their compliance status in one of the following ways:

- Be sure to **review your most recent sanitary survey report for any identified significant deficiencies and contact your primacy agency** (state, tribal, territory, or EPA) for compliance assistance information. Additionally, review any inspection reports or other evaluations that have been issued by EPA or its co-regulators.
- Review your operational reports, sampling analyses, etc.
- Use EPA’s Enforcement and Compliance History Online (ECHO) Tool to look up your facility (see “About ECHO” box).

If your CWS has violations, take immediate action to correct them. Under this initiative, more attention will be given to systems approaching or already in violation of one or more NPDWRs – no matter their size. Systems in violation of any health-based violations can expect increased attention.

EPA and its co-regulators/partners will work to respond to SDWA violations and public health risks in a timely and appropriate manner. It is important to remember that noncompliance may be subject to enforcement by either the primacy agency (usually a state, tribe, or territory) or EPA. Potential federal actions may be taken under SDWA, including Section 1431 (emergency powers) or Section 1414 (for regulatory noncompliance). The goal of enforcement is to return systems to compliance and protect public health. These actions may also seek penalties for past violations in order to deter future noncompliance. A prompt return to compliance is critical to reduce the risk of harm to public health and the potential for an enforcement action.

Ensuring Timely and Accurate Compliance Data

Under the SDWA, CWSs are required to report their own compliance data. EPA and its co-regulators/partners rely on timely, accurate and complete self-reporting by CWSs to evaluate compliance. Compliance data is essential to protect public health as it allows the public the opportunity to review the compliance status of their local CWS and the quality of their water and also helps to identify potential public health risks that may be hidden without accurate reporting. Failure to report compliance data in a timely and accurate way is a violation of the SDWA and the NPDWRs. EPA screens self-reported compliance data for signs of misreporting. It may refer systems for further review, including potential information requests and inspections under SDWA Section 1445. There may be criminal and civil enforcement where fraud or violations are identified.

About ECHO

ECHO (<https://echo.epa.gov/>) allows CWSs to check their compliance status. A Detailed Facility Report in ECHO indicates whether a CWS has violations.

ECHO provides a quarterly breakdown of compliance history that describes instances of noncompliance. These can include a health-based violation, a monitoring and reporting violation, or a public notice violation along with any associated enforcement actions. (Note: In some cases, there may be a data lag between the most current compliance status and the most recent available quarterly information in ECHO. For more information see: <https://echo.epa.gov/help/sdwa-faqs>)

To view a Detailed Facility Report in ECHO, select the “Facility Name/ID” tab in the “Quick Search” box and search for the facility with facility-specific information.

More Information

The resources below can help you identify and proactively correct violations and achieve sustained compliance.

Overview of this Initiative

- <https://www.epa.gov/enforcement/national-compliance-initiative-reducing-noncompliance-drinking-water-standards-community>

Technical Resources, Assistance and Training

- EPA's SDWA main webpage: <https://www.epa.gov/sdwa>
- EPA's Drinking Water training page: <https://www.epa.gov/dwreginfo/drinking-water-training>
- EPA's Quick reference guides to Drinking Water rules: <https://www.epa.gov/dwreginfo/drinking-water-rule-quick-reference-guides>
- Rural Community Assistance Partnership: Provides resources and training for small, rural drinking water and wastewater systems: <https://www.rcap.org/>
- Association of State Drinking Water Administrators webinar page: <https://www.asdwa.org/past-events-webinar-recordings/>
- The Water Environment Federation is a nonprofit association that provides technical education and training for water quality professionals: <https://www.wef.org>
- The National Rural Water Association and their State Associations: Provides training and on-site technical assistance to small and rural water and wastewater systems: <https://www.nrwa.org>
- American Water Works Association: offers trainings, webinars and other resources for water utilities: <https://www.awwa.org/>

Financial Assistance and Funding Structures

- EPA's Water Infrastructure and Resiliency Finance Center lists technical assistance partners that work with small and rural systems to increase financial capabilities: <https://www.epa.gov/waterfinancecenter/financial-technical-assistance-and-tools-water-infrastructure#partners>
- EPA's Water Finance Clearinghouse is a database of financial assistance sources available to fund water infrastructure needs: <https://www.epa.gov/waterdata/water-finance-clearinghouse>
- USDA Rural Development Water and Environment Programs: <https://www.rd.usda.gov/programs-services/all-programs/water-environmental-programs>

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