

Safe Drinking Water Act*

42 U.S.C. §§300f-300j-26

Public water systems (PWSs)

The Administrator of EPA shall publish **maximum contaminant level goals** (MCLGs) and promulgate **national primary drinking water regulations** (NPDWRs) for certain designated contaminants in PWSs [SDWA §1412(b)(3)(A)]

Each MCLG shall be at the level at which there are no known or anticipated adverse effects on the **health of persons** and that allows an **adequate margin of safety**. [SDWA §1412(b)(4)]

Each NPDWR shall specify a **maximum contaminant level** (MCL) that is as close as **feasible** to the MCLG. [SDWA §1412(b)(4)] “Feasible” means with the use of the best technology, treatment techniques, and other means that the Administrator finds are available, taking cost into consideration. [SDWA §1412(b)(5)]

Each NPDWR shall list the technology, treatment techniques, and other means that the Administrator finds are **feasible** to meet the maximum contaminant level, but shall not require the use of any particular technology or treatment technique. [SDWA §1412(b)(6)]

The Administrator may promulgate an NPDWR that requires the use of a treatment technique in lieu of setting an MCL if the Administrator finds that it is not economically or technologically feasible to ascertain the level of the contaminant. [SDWA §1412(b)(7)(A)]

The Administrator shall promulgate NPDWRs specifying under what criteria **filtration and disinfection** are required as treatment techniques for PWSs. [SDWA §1412(b)(7), (8)]

The Administrator shall promulgate **national secondary drinking water regulations** specifying the MCLs requisite to protecting the **public welfare**. [SDWA §§1401(a), 1412(c)]

A state has **primary enforcement responsibility** for PWSs where the Administrator determines that the state has adopted drinking water regulations that are no less stringent than the NPDWRs, that the state has adequate enforcement and recordkeeping mechanisms, that any state provisions for variances and exemptions conform to the requirements of the Act, and that the state has an adequate emergency drinking water plan. [SDWA §1413(a)]

Where a state has primary enforcement responsibility, the Administrator shall enforce NPDWRs and compliance schedules against a violator if the state has not commenced an enforcement action beyond 30 days after receiving notice of the violation from the Administrator. In such a case, the Administrator shall issue a

compliance order or commence a civil suit against the violator. [SDWA §1414(a)(1)]

Where the Administrator has primary enforcement responsibility and finds that a PWS is violating an NPDWR or compliance schedule, the Administrator shall issue a **compliance order** or commence a **civil sit** against the violator. [SDWA §1414(a)(2)]

The Act authorizes courts to issue **injunctions** and assess **civil penalties** against violators. [SDWA §1414(b)]

Variances may be granted to PWSs that have implemented the best available technology or treatment techniques but cannot meet the applicable MCL requirements because of characteristics of the reasonably available raw water sources. Such a variance may not be granted if it would result in an unreasonable risk to human health. [SDWA §1415(a)(1)(A)]

A variance may also be granted from a regulation requiring implementation of a specified treatment technique where a PWS demonstrates that the technique is not necessary to protect human health because of the nature of the raw water source of the system. [SDWA §1415(a)(1)(B)]

The Act establishes the circumstances under which **exemptions** from the requirements of NPDWRs may be granted. [SDWA §1416]

Any pipe, solder, or flux used after June 19, 1986, in the installation or repair of any PWS or of any plumbing providing water for human consumption that is connected to a PWS shall be free from **lead**. [SDWA §1417(a)(1)]

Protection of underground sources of drinking water

The Administrator shall promulgate regulations for state **underground injection control** (UIC) programs. [SDWA §1421(a)(1)]

Such regulations shall contain minimum requirements for effective programs to prevent underground injection that endangers drinking water sources, including requirements for a permit system for underground injection. [SDWA §1421(b)(1)]

The Administrator shall list each state for which a state UIC program may be necessary to assure that underground injection will not endanger drinking water sources. UIC programs for listed states must be approved by the Administrator. Where a listed state does not establish a satisfactory program, the Administrator must develop a program for the state. [SDWA §1422]

If the Administrator approves a state’s UIC program,

the **state** shall have primary enforcement responsibility. [SDWA §1422(b)(3)] Where a state has **primary enforcement responsibility**, the Administrator shall enforce UIC regulations against a violator where the state has not commenced an appropriate action 30 days after receiving notice of the violation from the Administrator. In such a case, the Administrator shall issue a compliance order or commence a civil suit against the violator. [SDWA §1423(a)(1)]

Where the Administrator has primary enforcement responsibility and finds that a UIC requirement is being violated, the Administrator shall either issue a compliance order or commence a civil action against the violator. [SDWA §1423(a)(2)] The Administrator may also assess administrative penalties. [SDWA §1423(c)(1)]

The Act authorizes courts to issue **injunctions** or assess **civil penalties** against violators of UIC requirements. [SDWA §1423(b)]

State wellhead protection programs

States are to establish programs to protect **wellhead** areas (the surface and subsurface areas surrounding water wells or wellfields supplying a PWS) from contamination that may have an adverse effect on human health. The Act establishes the minimum requirements of such programs and authorizes federal assistance for their development and implementation. [SDWA §1428(a), (d), (e)]

Emergency powers

Where the Administrator receives information that a contaminant of a PWS or underground water source may present an **imminent and substantial endangerment** to human health and that appropriate state and local authorities have not acted to protect human health, the Administrator may take whatever action the Administrator deems necessary. [SDWA §1431(a)]

General provisions

Suppliers of water and others subject to the require-

ments of the Act may be required by the Administrator to maintain **records** and conduct **monitoring**, and shall be required to conduct monitoring of unregulated contaminants. [SDWA §1445(a)(1)]

The Administrator or the Administrator's representatives may under certain circumstances enter and **inspect** the facility of any person subject to the requirements of this Act. [SDWA §1445(b)(1)]

Federal, state, and local requirements and sanctions regarding safe drinking water and underground injunction shall apply to **federal agencies**, although waivers may be granted. [SDWA §1447]

The Act establishes jurisdictional and procedural requirements relating to judicial review. [SDWA §1448]

Any person may bring a **citizen suit** against alleged violators or the Administrator. [SDWA §1449]

Drinking water coolers with lead-lined tanks

The Administrator shall identify each brand and model of drinking water cooler that is **not lead-free**. [SDWA §1463(a)]

The Consumer Product Safety Commission shall issue an order requiring manufacturers and importers of coolers with lead-lined tanks to repair replace, or recall them within one year after October 31, 1988. [SDWA §1462]

No person may manufacture for, or sell in, interstate commerce any drinking water cooler that is not lead-free. The Act authorizes civil and criminal penalties for violations. [SDWA §1463(b)]

Lead contamination in school drinking water

Each state shall establish a program to assist local educational agencies in testing for an remedying lead contamination in **school drinking water**. [SDWA §1464(d)] The Administrator shall make grants to states to establish and carry out these programs. [SDWA §1465]