

State Primacy Revision Applications

Primacy Requirements

- **§1413 of SDWA**
 - **Regulations No Less Stringent Than NPDWRs**
 - **Adequate Enforcement Procedures of State Regulations**
 - **Maintenance of Records and Reports**
 - **Conditions for Variances and Exemptions No Less Stringent Than Federal Conditions**
 - **Plan for Provision of Water in Emergency Circumstances**
 - **Administrative Penalty Authority**
- **40 CFR Part 142**

New Primacy Requirements and Provisions

- **Primacy Rule (April 28, 1998)**
 - **Administrative Penalty Authority**
 - **Interim Primacy**
 - **Time Increase to Adopt Federal Rules**
 - **From 18 Months to 2 Years**
 - **Examples of Emergencies**
 - **Earthquakes, Floods, Hurricanes**
 - **Other Natural Disasters**
 - **Expand PWS Definition**
 - **“Other Constructed Conveyance” Systems**

Administrative Penalty Authority

- **States Must Have the Authority to Impose Administrative Penalties for Violations of Their Approved Program (Unless Prohibited by State Constitution)**
- **Penalty Amount Must Be**
 - **For Systems Serving a Population > 10,000 Individuals**
 - **Maximum Penalty *Per Day Per Violation* \$1,000 or Greater**
 - **For Systems Serving a Population ≤ 10,000 Individuals**
 - **Adequate to Ensure Compliance**

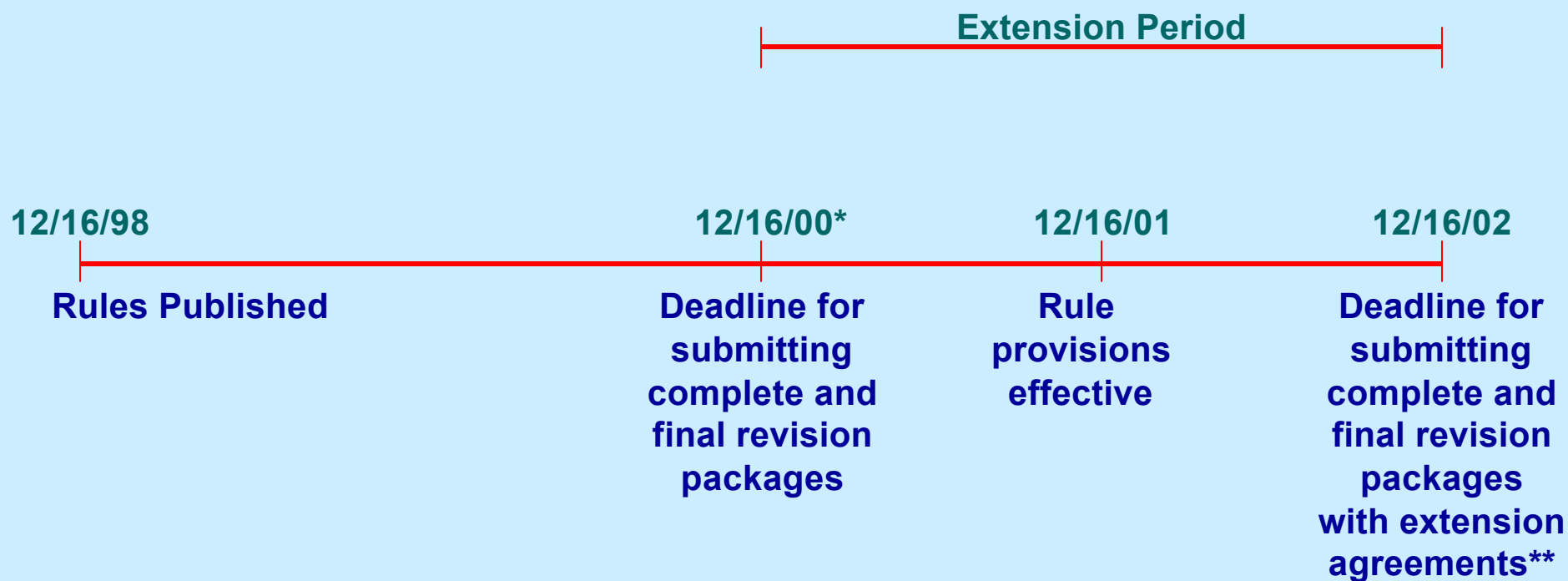
Interim Primacy

- **Grants Interim Primary Enforcement Authority to States While Their Applications to Modify Existing Primacy Programs Are Under Review**
- **Begins on the Date of the Primacy Application Submission or the Effective Date of the State Regulation, Whichever Is Later**
- **Ends When a Final Determination Is Made Under 40 CFR 142.12(d)(3)**

Primacy Revision Application

- **State Primacy Revision Checklist**
- **Text of State Regulation**
- **Primacy Revision Crosswalk**
- **State Reporting and Recordkeeping Checklists**
- **Special Primacy Requirements**
- **Attorney General's Statement of Enforceability**

Primacy Program Revision Timetable



* EPA Is Requesting That Final Packages Be Submitted by 9/30/00 to Assure Interim Primacy by 12/16/00.

** While States May Find It Easier to Combine the Amendments to the IESWTR and Stage 1 DBPR With the Original IESWTR and Stage 1 DBPR, the Amendments Must Be Adopted Within 2 Years Their Publication or by January 16, 2003.

EPA Review Process

- For Complete and Final Revision Packages—90 Days
- Split Time Equally Between Regions and HQ—45 Days Each
 - Regional Review (Program and Regional Counsel)
 - HQ Review (OGWDW, OECA, OGC)
 - OGC Has Delegated Review and Approval to ORC
 - OGWDW and OECA
 - ◆ Review First Package From Each Region
 - ◆ Waive Concurrence for Remaining States
 - ◆ Retain Option to Review Additional States With Cause

Extensions

- **May Be Granted for up to 2 Years**
- **Request Should Be Submitted Within the Original 2-Year Deadline**
- **For an Extension Request to Be Granted State Must:**
 - **Propose a Schedule for Submission of Primacy Revision Application**
 - **Implement Federal Requirements Within the Scope of Its Current Authority and Capabilities**
 - **Sign Extension Agreement**