



Revised State Implementation Guidance for the Consumer Confidence Report (CCR) Rule

Appendices A - M

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Appendix A: State Primacy Revision Application Package - Example Format

This appendix describes the elements of a State's Primacy Revision Application package. A State Primacy Revision Application package should contain the following sections:

- Section I. State Primacy Revision Checklist
 - < Listing of program elements from 40 CFR 142.10 that the State may have revised in response to the new rule.
- Section II. Text of the State's Regulation
- Section III. Primacy Revision Crosswalk
 - < Identification of how State regulations correspond to each requirement prescribed of the federal CCR rule.
- Section IV. State Reporting and Recordkeeping Checklist
 - < Explanation of how State reporting and recordkeeping requirements are consistent with federal requirements.
- Section V. Attorney General's Statement of Enforceability
 - < Statement that State regulations can be enforced by the State government.

Example formats for these sections are presented on the following pages.

After a State's primacy revision application has been approved, the Regional Administrator must provide public notice and opportunity for hearing on EPA's determination. The Regional Administrator is required to publish in the Federal Register the proposed determination, along with a statement of supporting reasons, and notification that a public hearing may be requested. An example of a public notice for Notice of Determination and Public Hearing is also included in this appendix.

Review of State Primacy Revision Application for the Consumer Confidence Report (CCR) Rule

CONTENTS:

- I. § 142.10 Requirements - State Primacy Revision Checklist
- II. Text of the State's Regulation
- III. § 141 Requirements - Primacy Revision Crosswalk
- IV. § 142.16 - State Reporting and Recordkeeping Requirements
- V. Attorney General's Statement of Enforceability

State:

Date Application Submitted:

Date Review Completed:

EPA Region:

Review Staff:

Section I. State Primacy Revision Checklist - Example Format

The State Primacy Revision Checklist is a listing of program elements from 40 CFR 142.10 that the State may have revised in response to the new rule. For the CCR rule, most States will revise only §142.10(b)(6)(vii) authority to require community water systems (CWSs) to issue CCRs.

State Primacy Revision Checklist		
Required Program Elements	Revision to State Program (Yes or No)	EPA Findings/Comments
§142.10 Primary Enforcement		
§142.10(a) Regulations No Less Stringent		
§142.10(b)(1) Maintain Inventory		
§142.10(b)(2) Sanitary Survey Program		
§142.10(b)(3) Laboratory Certification Program		
§142.10(b)(4) Laboratory Capability		
§142.10(b)(5) Plan Review Program		
§142.10(b)(6)(i) Authority to Apply Regulations		
§142.10(b)(6)(ii) Authority to Sue in Courts of Competent Jurisdiction		
§142.10(b)(6)(iii) Right of Entry		
§142.10(b)(6)(iv) Authority to Require Records		
§142.10(b)(6)(v) Authority to Require Public Notification		
§142.10(b)(6)(vi) Authority to Assess Civil and Criminal Penalties		
§142.10(b)(6)(vii) Authority to Require CWSs to Provide CCRs		
§142.10(c) Maintenance of Records		
§142.10(d) Variance/Exemption Conditions		
§142.10(e) Emergency Plans		
§142.10(f) Administrative Penalty Authority		

Section II. Text of State's Regulation

The text of the State's regulation should be included in this section.

Section III. Primacy Revision Crosswalk - Example Format

The Primacy Revision Crosswalk will be used by EPA in determining, section by section, whether the State regulations are as stringent as the federal regulations.

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
DEFINITIONS			
Customers	§141.151(c)		
Detected	§141.151(d)		
Maximum Contaminant Level Goal (MCLG)	§141.153(c)(1)(i)		
Maximum Contaminant Level (MCL)	§141.153(c)(1)(ii)		
Variations and Exemptions	§141.153(c)(2)		
Treatment Technique (TT)	§141.153(c)(3)(i)		
Action Level (AL)	§141.153(c)(3)(ii)		
GENERAL REQUIREMENTS - §141.152			
EFFECTIVE DATES			
CCR delivery dates:	§141.152(b)		
A CWS must deliver the CCR to customers by:			
< October 19, 1999 for the first CCR.			
< July 1, 2000 for the second CCR.			
< July 1 annually thereafter for subsequent reports.			
New CWSs must deliver their first CCR by July 1 after the first full calendar year in operation and annually thereafter.	§141.152(c)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
A CWS that sells water to another CWS must provide the buyer with information to prepare the reports by April 19, 1999 for the first CCR and by April 1 annually thereafter for subsequent reports. Data must be provided by these dates unless a different date is mutually agreed upon by the seller and buyer and specified in the contract between the two parties.	§141.152(d)		
CONTENT OF THE CCRs - §141.153; §141.154			
CWS must provide an annual report containing information from §141.153 and §141.154.	§141.153(a)		
Information on the source of the water delivered <ul style="list-style-type: none"> < Identify the type and name and location of the body or bodies of water. < If a source water assessment is completed, include the following information: <ul style="list-style-type: none"> – Notify customers of availability of the assessment and how to obtain it. – Systems are encouraged to highlight contamination in the source water area(s) if the information is available (Not Required but Recommended). < If the information is available, provide a brief summary of the system's susceptibility to 	§141.153(b) §141.153(b)(1) §141.153(b)(2)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
potential sources of contamination using language provided by the primacy agency or written by the operator.			
INFORMATION ON DETECTED CONTAMINANTS Systems must report information for the following contaminants subject to mandatory monitoring (except <i>Cryptosporidium</i>). <ul style="list-style-type: none"> < Regulated contaminants. < Unregulated contaminants. < Disinfection byproducts or microbial contaminants in finished water. 	§141.153(d)(1) §141.153(d)(1)(i) §141.153(d)(1)(ii) §141.153(d)(1)(iii)		
Data for detected contaminants must be displayed in a table or several adjacent tables. Display any additional monitoring results separately.	§141.153(d)(2)		
Systems must use data collected to comply with EPA and State monitoring and analytical requirements during the calendar year 1998 for the first report and subsequent calendar years after that. <ul style="list-style-type: none"> < Systems that monitor for regulated contaminants less than once a year, must include the date and results of the most recent sampling and a brief statement that data presented is from the most recent testing done in accordance with regulations. < Systems must include results of monitoring in compliance 	§141.153(d)(3) §141.153(d)(3)(i) §141.153(d)(3)(ii)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
with §141.142 and §141.143 for 5 years from the date of the last sample or until the detected contaminants become regulated and subject to routine monitoring requirements, whichever comes first.			
Data requirements for detected regulated contaminants in the table(s) <ul style="list-style-type: none"> < Report MCL as a number greater than or equal to one. < Report MCLG in the same units as the MCL. 	§141.153(d)(4) §141.153(d)(4)(i) §141.153(d)(4)(ii)		
<ul style="list-style-type: none"> < If there is no MCL, then report the TT or AL as applicable and the report must include definitions for TT and AL. < For contaminants subject to an MCL, except turbidity and total coliforms, report the highest detected level used to determine compliance with an NPDWR and the range of detected levels expressed in the same units as the MCL. <ul style="list-style-type: none"> – If compliance with the MCL is determined annually or less frequently, report the highest level at any sampling point and the range of detected levels. 	§141.153(d)(4)(iii) §141.153(d)(4)(iv) §141.153(d)(4)(iv)(A)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<ul style="list-style-type: none"> - If compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, report the highest average of any of the sampling points and the range of all sampling points. - If compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points, report the average and range of detection. 	<p>§141.153(d)(4)(iv)(B)</p> <p>§141.153(d)(4)(iv)(C)</p>		
<p>Turbidity Data Requirements</p> <p>when reported pursuant to:</p> <ul style="list-style-type: none"> < §141.13 - include the highest average monthly value. < §141.71 - include the highest monthly value and an explanation of the reasons for measuring turbidity. < §141.73 - include the highest single measurement and the lowest monthly percentage of samples meeting turbidity limits for the filtration technology used and an explanation of the reasons for measuring turbidity. 	<p>§141.153(d)(4)(v)</p> <p>§141.153(d)(4)(v)(A)</p> <p>§141.153(d)(4)(v)(B)</p> <p>§141.153(d)(4)(v)(C)</p>		
<p>Lead and Copper Data Requirements</p> <p>Include the 90th percentile value of the most recent round of</p>	§141.153(d)(4)(vi)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>sampling and the number of sampling sites exceeding the action level.</p>			
<p>Total Coliform Data Requirements</p> <ul style="list-style-type: none"> < For systems collecting less than 40 samples per month, report the highest monthly number of positive samples. < For systems collecting at least 40 samples per month, report the highest monthly percentage of positive samples. 	<p>§141.153(d)(4)(vii)</p> <p>§141.153(d)(4)(vii)(A)</p> <p>§141.153(d)(4)(vii)(B)</p>		
<p>Fecal Coliform Data Requirements</p> <p>Report the total number of positive samples.</p>	§141.153(d)(4)(viii)		
<p>Likely Source(s) of Detected Contaminants</p> <p>The likely source(s) of detected contaminants to the best of the operator's knowledge must be included in the report. If the CWS operator lacks specific information on the likely source of detected contaminants, applicable language from Appendix A to Subpart O must be used.</p>	§141.153(d)(4)(ix)		
<p>CWSs that distribute water from multiple hydraulically independent distribution systems fed by different raw water sources, should include in the table a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area (Not Required but Recommended).</p>	§141.153(d)(5)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>Systems must clearly identify any data that indicates violations of MCLs or TTs and explain:</p> <p>(1) the length of the violation.</p> <p>(2) potential adverse health effects, using language from Appendix A to Subpart O.</p> <p>(3) actions taken by the system to address the violation.</p>	§141.153(d)(6)		
<p>For detected unregulated contaminants for which monitoring is required (except <i>Cryptosporidium</i>), systems must report the average and range of detection. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.</p>	§141.153(d)(7)		
<p>Information on <i>Cryptosporidium</i>, Radon, and Other Contaminants</p> <p>If monitoring indicates <i>Cryptosporidium</i> may be present in the source water or finished water, include a summary of the monitoring results and an explanation of the significance of the results.</p>	<p>§141.153(e)</p> <p>§141.153(e)(1)</p>		
<p>If monitoring indicates radon may be present in finished water, include the results of monitoring and an explanation of the significance of the results.</p>	§141.153(e)(2)		
<p>If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, EPA strongly encourages systems to report any results which may indicate a health concern. For such contaminants, include monitoring results and an</p>	§141.153(e)(3)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
explanation of the significance of the results. (Not Required but Recommended)			
Compliance with NPDWR CWSs must note violations of the requirements listed below in the CCR. A brief explanation of violations, potential adverse health effects, and steps taken to address the violation must be included in the report.	§141.153(f)		
Monitoring and reporting of compliance data.	§141.153(f)(1)		
Filtration and disinfection prescribed by Subpart H of 40 CFR 141. An explanation of violations of those requirements must be included and contain mandatory language provided by EPA.	§141.153(f)(2)		
Lead and copper control requirements prescribed by Subpart I of 40 CFR 141. An explanation of violations of those requirements must be included and contain applicable language from Appendix A to Subpart O.	§141.153(f)(3)		
Treatment techniques for acrylamide and epichlorohydrin prescribed by Subpart K of 40 CFR 141. An explanation of violations of those requirements must be included and contain applicable language from Appendix A to Subpart O.	§141.153(f)(4)		
Recordkeeping of compliance data.	§141.153(f)(5)		
Special monitoring requirements prescribed by §141.40 for inorganic and organic contaminants and §141.41 for sodium.	§141.153(f)(6)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
Violation of the terms of a variance, an exemption, or an administrative or judicial order.	§141.153(f)(7)		
<p>Variations and Exemptions</p> <p>Systems operating under a variance or exemption must provide:</p> <ul style="list-style-type: none"> < An explanation of the reasons for the variance or exemption. < The date of issue. < A brief status report on the steps the system is taking to comply with the terms and schedules of the variance or exemption. < A notice of any opportunity for public input in the review, or renewal of the variance or exemption. 	<p>§141.153(g)</p> <p>§141.153(g)(1)</p> <p>§141.153(g)(2)</p> <p>§141.153(g)(3)</p> <p>§141.153(g)(4)</p>		
<p>Additional Information</p> <p>Systems must provide an explanation of the contaminants reasonably expected to be found in drinking water, including bottled water. The explanation must:</p> <ul style="list-style-type: none"> < Include information on sources of drinking water, contaminants that may be present in source water, and EPA/FDA regulations. Systems can use language provided by EPA in §141.153(h)(1)(i) through (iii). or develop their own comparable language. 	<p>§141.153(h)</p> <p>§141.153(h)(1)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>The sources of drinking water (both tap water and bottled water) include rivers, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally - occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.</p>	§141.153(h)(1)(i)		
<p>Contaminants that may be present in source water include:</p> <p><i>Microbial contaminants</i>, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.</p> <p><i>Inorganic contaminants</i>, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.</p> <p><i>Pesticides and herbicides</i>, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.</p> <p><i>Organic chemical contaminants</i>, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production and can also come from gas stations, urban stormwater runoff, and septic systems.</p>	<p>§141.153(h)(1)(ii)</p> <p>§141.153(h)(1)(ii)(A)</p> <p>§141.153(h)(1)(ii)(B)</p> <p>§141.153(h)(1)(ii)(C)</p> <p>§141.153(h)(1)(ii)(D)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<i>Radioactive contaminants</i> , which can be naturally occurring or be the result of oil and gas production and mining activities.	§141.153(h)(1)(ii)(E)		
In order to ensure that tap water is safe to drink , EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.	§141.153(h)(1)(iii)		
< Include language in §141.153(h)(1)(iv), shown below: Drinking water, including bottled water , may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).	§141.153(h)(1)(iv)		
Include the telephone number of the owner, operator, or designee of the CWS as a source of additional information on the report.	§141.153(h)(2)		
Information in the appropriate language for communities with a large proportion of non-English speaking residents The report must include information in the appropriate language(s) regarding the importance of the report <u>or</u> contain	§141.153(h)(3)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
a telephone number or address where residents can contact the system to obtain a translated copy of the report or assistance in the appropriate language.			
Information about opportunities for public participation in decisions that may affect the quality of the water.	§141.153(h)(4)		
Additional information the CWS deems necessary for public education consistent with and not detracting from the purpose of the report.	§141.153(h)(5)		
REQUIRED ADDITIONAL HEALTH INFORMATION Must display EPA language concerning increased vulnerability of segments of the population such as immuno-compromised persons to drinking water contaminants.	§141.154 §141.154(a)		
Informational statement about arsenic if a system detects arsenic levels > 25 Fg/l, but below the MCL.	§141.154(b)		
Informational statement about nitrate if a system detects nitrate levels > 5 mg/l, but below the MCL.	§141.154(c)		
Informational statement about the special impact of lead on children for systems that detect lead above the action level in more than 5% and up to and including 10% of homes sampled.	§141.154(d)		
CWSs that detect TTHMs above 0.080 mg/l, but below the MCL in Section 141.12, as an annual average, monitored and calculated under the provisions of Section 141.30, must include health effects language provided by paragraph (73) of Appendix A to Subpart O.	§141.154(e)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
REPORT DELIVERY AND RECORDKEEPING REQUIREMENTS FOR CWSs	§141.155		
Mail or direct-deliver the CCR to customers.	§141.155(a)		
Use “good faith” efforts to reach non-bill paying consumers.	§141.155(b)		
No later than the date the CWS is required to distribute the CCR to its customers, the CWS must mail a copy of the CCR to the primacy agency and within 3 months of the required CCR delivery date send certification to the primacy agency that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.	§141.155(c)		
Deliver report to any other agency identified by primacy agency no later than required date for distribution to customers.	§141.155(d)		
CWS must make CCRs available upon request.	§141.155(e)		
CWS serving 100,000 or more must post CCR on a publicly accessible Internet site.	§141.155(f)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>Mailing Waiver for Systems Serving Fewer than 10,000 Persons</p> <p>The following authorities can waive the mailing requirements for systems serving fewer than 10,000 persons:</p> <ul style="list-style-type: none"> < The Governor of a State or his/her designee. < Tribal leader if the Tribe has met the § 142.72 requirements. < The EPA Regional Administrator in consultation with the Tribal government when no Tribe is deemed eligible. 	§141.155(g)		
<p>A CWS serving fewer than 10,000 persons must:</p> <ul style="list-style-type: none"> < Publish reports in one or more local newspapers. < Inform customers that the CCR will not be mailed. < Make the CCR available to the public upon request. 	<p>§141.155(g)(1)</p> <p>§141.155(g)(1)(i)</p> <p>§141.155(g)(1)(ii)</p> <p>§141.155(g)(1)(iii)</p>		
<p>A CWS serving 500 or fewer persons can forego requirements of §141.155(g)(1)(i) and (ii) listed above if they provide notice at least once a year to their customers by mail, door-to-door delivery, or by posting in an appropriate location that the report is available upon request.</p>	§141.155(g)(2)		
<p>CWS must keep copies of CCR for at least 5 years.</p>	§141.155(h)		

Section IV. State Reporting and Recordkeeping Checklist - Example Format

States can use this form to explain how State reporting and recordkeeping requirements are consistent with federal requirements for recordkeeping, 40 CFR 142.14, and reporting 40 CFR 142.15. If the State's provisions differ from federal requirements, the State can use this form to explain how their requirements are no less stringent.

State Reporting and Recordkeeping Checklist	
Requirement	Are State Policies Consistent with Federal Requirements? If Not, Explain
§142.16 (f) - Records Kept By The States	
Each State that has primary enforcement responsibility must make CCRs submitted to the State in compliance with 40 CFR 155(c) available to the public upon request.	
Each State that has primary enforcement responsibility must maintain a copy of the CCRs for a period of 1 year.	
Each State that has primary enforcement responsibility must keep a copy of the certifications obtained pursuant to 40 CFR 141.155(c) for a period of 3 years. <i>[The Public Notification Rule (65FR 25982) revised this recordkeeping requirement]</i>	
Each State that has primary enforcement responsibility must report violations of 40 CFR 141, Subpart O in accordance with the requirements of §142.15(a)(1). < §142.15(a)(1): Each State which has primary enforcement responsibility shall submit quarterly reports to the Administrator on a schedule and in a format, prescribed by the Administrator that contains information on violations by PWSs during the previous quarter of State regulations adopted to incorporate the requirements of the NPDWR.	

Section V. Attorney General's Statement of Enforceability - Example Format

Model Language

I hereby certify, pursuant to my authority as _____(1)_____ and in accordance with the Safe Drinking Water Act as amended, and _____(2)_____, that in my opinion the laws of the State/Commonwealth] of _____(3)_____ [or Tribal ordinances of _____(4)_____] to carry out the program set forth in the "Program Description" submitted by the _____(5)_____ have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved.

Guidance and Model Language For States on Audit Privilege and/or Immunity Laws

In order for EPA to properly evaluate the State's request for approval, the State Attorney General or independent legal counsel should certify that the State's environmental audit immunity and/or privilege and immunity law does not affect its ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act. This certification should be reasonably consistent with the wording of the State audit laws and should demonstrate how State program approval criteria are satisfied.

EPA will apply the criteria outlined in its "Statement of Principles" memo issued on 2/14/97 in determining whether States with audit laws have retained adequate enforcement authority for any authorized federal programs. The principles articulated in the guidance are based on the requirements of federal law, specifically the enforcement and compliance and State program approval provisions of environmental statutes and their corresponding regulations. The Principles provide that if provisions of State law are ambiguous, it will be important to obtain opinions from the State Attorney General or independent legal counsel interpreting the law as meeting specific federal requirements. If the law cannot be so interpreted, changes to State laws may be necessary to obtain federal program approval. Before submitting a package for approval, States with audit privilege and/or immunity laws should initiate communications with appropriate EPA Regional Offices to identify and discuss the issues raised by the State's audit privilege and/or immunity law.

Model Language For States with No Audit Privilege and/or Immunity Laws

Furthermore, I certify that [State/Commonwealth of _____(3)_____] has not enacted any environmental audit privilege and/or immunity laws.

Model Language For States with Audit Laws that Do Not Apply to the State Agency Administering the Safe Drinking Water Act

Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State/Commonwealth of _____(3)_____] does not affect _____(3)_____ ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity law] does not apply to the program set forth in the “Program Description.” The Safe Drinking Water Act program set forth in the “Program Description” is administered by _____(5)_____; the [audit privilege and/or immunity law] does not affect programs implemented by _____(5)_____, thus the program set forth in the “Program Description” is unaffected by the provisions of [State/Commonwealth of _____(3)_____] [audit privilege and/or immunity law].

Model Language For States with Audit Privilege and/or Immunity Laws that Worked with EPA to Satisfy Requirements for Federally Authorized, Delegated or Approved Environmental Programs.

Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State / Commonwealth of _____(3)_____] does not affect _____(3)_____ ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because [State/Commonwealth of _____(3)_____] has enacted statutory revisions and/or issued a clarifying Attorney General’s statement to satisfy requirements for federally authorized, delegated or approved environmental programs.

Seal of Office

Signature

Name and Title

Date

- (1) Attorney General or attorney for the primacy agency if it has independent legal counsel
- (2) 40 CFR 142.12 (c)(1)(iii) for final requests for approval of program revisions
- (3) Name of State or Commonwealth
- (4) Name of Tribe
- (5) Name of Primacy Agency

Notice of Determination and Request for Public Hearing - Example Format

ENVIRONMENTAL PROTECTION AGENCY PUBLIC WATER SYSTEM SUPERVISION PROGRAM REVISION FOR THE STATE OF [insert name]

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

ACTION: Notice of Tentative Approval

SUMMARY: Notice is hereby given that the State of [insert name] is revising its approved Public Water System Supervision Program. The State of [insert name] has adopted drinking water regulations requiring consumer confidence reports from all community water systems. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these State program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by [insert date 30 days from date of publication in the Federal Register] to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by [insert date 30 days from date of publication in the Federal Register], a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on [insert date 30 days from date of publication in the Federal Register].

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of ___ a.m. and ___ p.m., Monday through Friday, at the following office:
[insert address]

FOR FURTHER INFORMATION CONTACT: [insert contact name and information]

(Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR Part 142 of the National Primary Drinking Water Regulations)

Dated:

Regional Administrator
EPA, Region ___

Appendix B: State/EPA Implementation Agreement

Under 40 CFR 142.12, States must adopt the requirements of the CCR rule within 2 years of the final rule's publication or by August 21, 2000. States and EPA will implement the regulation in partnership at least for the first set of reports, since most States will likely not have updated primacy for this rule by October 19, 1999 when the first reports are due. An implementation agreement such as a letter from the Region to the State or another document such as Memorandum of Understanding (MOU) is necessary to document the State and EPA Regional roles that would lead to successful implementation of the rule. Although the letter from the Region to the State is less burdensome to most States than a bilateral MOU, it cannot be used after the rule has been promulgated for 2 years. After August 21, 2000 States that have not submitted a complete and final primacy revision application must apply for an extension and jointly sign an MOU with EPA. A sample letter from a Region to a State and a sample MOU is presented on the following pages.

At a minimum, all implementation agreements should cover informing the systems, checking that all CWSs issued CCRs, and a check on the quality of some CCRs. Such a check could include all systems serving 10,000 or more, all SNCs, a random check, or some other agreed upon check. The list of items to track are suggestions. States and Regions may agree upon additional items to track based on the circumstances in each State. If the State believes it is inappropriate to agree to a check on the quality of some CCRs, before an EPA policy on compliance assistance is final, then the Region and State should agree to develop a written plan for the quality check at a later date but before CCRs are scheduled to be issued (October 1999).

All CWSs must be notified of their responsibility to comply with the CCR regulation and prepare and distribute the first CCR by October 19, 1999. A sample letter from the State notifying a CWS of the CCR requirements has also been included in this appendix.

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Sample Letter from EPA Region to State

Date

Name of State Agency
Address of State Agency

Re: Regional-State EPA Agreement on Consumer Confidence Report (CCR) Implementation

Dear (Name of State Agency Representative(s)):

On August 19, 1998, the U.S. Environmental Protection Agency (EPA) published final regulations requiring all community water systems (CWSs) to provide their customers with an annual water quality report or Consumer Confidence Report (CCR). These regulations amend the National Primary Drinking Water Regulations, 40 CFR Part 141 and the regulations for implementation of the National Primary Drinking Water Regulations, 40 CFR Part 142. This rulemaking took effect September 18, 1998 and stipulates that CWSs must issue their first CCR by October 19, 1999 and then annually by each July 1. EPA's goal, especially for the first set of reports is to aid and assist States and systems in complying with this new regulation.

In accordance with the updated 40 CFR 142.12, (Name of State) must adopt regulations pertaining to the CCR and submit a complete and final primacy revision application by August 21, 2000, unless granted an extension. Since it is likely that (Name of State) will not have their own rules in place when the first reports are due, EPA Region ___ and (Name of State Agency) have agreed to implement the rule in partnership at least for the first set of reports, until the State receives updated primacy.

On Date, representatives from the EPA Region ___ and (Name of State Agency) met to discuss the responsibilities of each party during this interim period. This letter records the negotiated agreement on implementation roles and responsibilities between (Name of State Agency) and EPA Region ___. The negotiated tasks are shown in the attached sheet.

We look forward to working with (Name of State Agency) to make these reports a useful and effective opportunity to promote the quality of public drinking water.

Sincerely,

EPA Regional Office

CCR Implementation Responsibilities

Activities to be carried out by EPA Region ____

- C Provide training to State staff and, when possible, to water system operators by April 1999.
- C Provide ongoing assistance to State with public outreach efforts to inform and educate consumers about CCR requirements, including coordinating with water associations to increase awareness of requirements.
- C Forward national guidance to the State and prepare additional guidance/training materials as needed.
- C Keep State informed of the Safe Drinking Water Information System (SDWIS) reporting requirements during development and implementation.
- C Track compliance and provide assistance where necessary.
- C Notify States of all federal enforcement actions.

Activities to be carried out by the State/ (Name of State Agency):

- C Notify systems of the requirement to produce and distribute a CCR.
- C If the State opts to use the mailing waiver for small systems, it will obtain the Governor's waiver for the small systems mailing requirement, and provide the waiver to EPA, Region ____ within 60 days of receipt.
- C Identify other State agencies that should receive copies of the CCR. Provide CWSs with the names, addresses, and phone numbers of contacts to distribute CCR to within those agencies by August 1999.
- C Train State staff and CWSs on the required content for CCRs by April 1999.
- C Devise a tracking system for CCRs and certification letters by October 1999.
- C Issue notices to systems which fail to produce and mail a CCR
- C Good faith effort to check the quality of some CCRs (specify procedures)
- C Provide copies of the CCR in response to public inquiries after the 1st CCR produced.

- C Notify any new CWSs of the requirements to produce and distribute a CCR by July 1 after the first full year of operation.
- C Report CCR violation and enforcement information to SDWIS as required after the first report is due.

Sample Memorandum of Understanding

Name of State Agency
U.S. Environmental Protection Agency Region ____
Memorandum of Understanding
for the
Consumer Confidence Report (CCR) Regulation

On August 19, 1998, the U.S. Environmental Protection Agency (EPA) published final regulations requiring Consumer Confidence Reports (CCRs) from community public water suppliers. These regulations amend the National Primary Drinking Water Regulations, Part 141 and the regulations for implementation of the National Primary Drinking Water Regulations, Part 142. This rulemaking took effect September 18, 1998 and community water systems (CWSs) have 13 months in which to publish their first report, or by October 19, 1999.

EPA recognizes that most States will not have their own rules in place until after the first or second CCR is required to be published by each CWS. The April 28, 1998 revisions to the Primacy rule extend the time allowed for States to adopt new federal regulations from 18 months to 2 years. Therefore, the State must adopt regulations pertaining to CCRs and submit complete and final primacy revision applications by August 21, 2000. In addition, States may request an extension of up to 2 years to adopt new or revised regulations.

This document records the terms of a Primacy Memorandum of Understanding between the (**Name of State Agency**) (the State) and the EPA, Region ____ for the CCR rule, and shall remain effective from the date this MOU is signed until either August 21, 2000 or the date the State's primacy application is submitted under 40 C.F.R. §142.12, whichever comes first. To retain primacy the State must transmit a final and approvable Primacy Revision Application incorporating the provisions of FR, August 19, 1998 to EPA, Region ____ by August 21, 2000 or no later than August 21, 2002 if the State has been granted an extension.

Until the State Primacy Revision Application has been submitted, the State and EPA, Region ____ will share responsibility for implementing the primary program elements as indicated below. For the sake of convenience, the implementation milestones that the State and EPA, Region ____ have agreed to are listed in the attached checklist.

This Memorandum of Understanding, signed by both agencies, outlines the responsibilities of (**Name of State Agency**) and EPA, Region ____ and encourages all parties to become partners in this effort, working toward two very specific goals. The first goal is to achieve a high level of compliance with the regulation. The second goal is to facilitate successful implementation of the regulation during the transition period before the State has interim primacy for the rule. In order to accomplish these goals, education and training will need to be provided to water suppliers on their responsibilities to produce CCRs that educate and inform the public.

Activities to be carried out by the State:

- C Notify CWSs within 60 days of signing this MOU of the requirement to produce and distribute a CCR.
- C If the State opts to use the mailing waiver for small systems, it will obtain the Governor's waiver for the small systems mailing requirement, and provide the waiver to EPA, Region ____ within 60 days of receipt.
- C Identify other State agencies that should receive copies of the CCR. Provide CWSs with the names, addresses, and phone numbers of contacts within those agencies. CCRs must be distributed to those agencies within 60 days of signing this MOU.
- C Train State staff and CWSs on the required content for CCRs.
- C Devise a tracking system for CCRs and certification letters.
- C Issue notices to systems which fail to produce and mail a CCR or fail to provide a certification letter.
- C Provide copies of the CCR in response to public inquiries.
- C Notify any new systems of the requirements to produce and distribute a CCR by July 1 after the first full year of operation
- C Report CCR violation and enforcement information to SDWIS as required.

Activities to be carried out by EPA Region ____

- C Provide training to State staff and, when possible, to water system operators.
- C Coordinate with water associations to increase awareness of requirements.
- C Assist with public outreach efforts to inform and educate consumers of this upcoming report.
- C Prepare guidance as needed, or forward national guidance to the States.
- C Keep States informed of SDWIS reporting requirements during development and implementation.
- C Compliance assistance.
- C Notify States of all federal enforcement actions.

This Memorandum of Understanding will take effect upon the date of the last signature.

Dated this _____ day of _____, 1999

State Representative, Title

Name of State Agency

Dated this _____ day of _____, 1999

EPA Representative, Title

* Signatures could be at the level of the Safe Drinking Water Branch Chief for EPA and the corresponding level at the State. Signatures should have the legal authority to bind EPA or the State to the duties described herein.

An alternate format for documenting EPA and State CCR implementation responsibilities described in the MOU is provided below. This example format could be attached to the MOU.

Implementation Milestone Checklist			
Program Element	Implementation Milestone	State	EPA
Notify Community Water Systems (CWSs) of CCR requirements.	Within 60 days of signing this MOU but no later than _____.		
Give CWSs names, addresses, phone numbers, and contact names for other State agencies that must receive CCR.	Within 60 days of signing this MOU.		
Assist with public outreach efforts to inform and educate consumers. Coordinate with water associations to increase awareness of requirements.	Ongoing		
Prepare guidance as needed or forward national guidance to the States.	Ongoing		
Provide training to State staff and when possible water system operators.	Ongoing		
Obtain Governor's waiver for small systems mailing requirement(if State uses mailing waiver for small systems).	As soon as practicable after regulation becomes effective.		
Provide a copy of Governor's mailing waiver to EPA, Region _____.	Within 60 days of obtaining waiver.		
Keep States informed of SDWIS reporting requirements during development and implementation.	Ongoing		
Report CCR violation and enforcement to SDWIS as required.	Begin after first report due date.		
Track compliance with report completion. Report information to USEPA by February 15, 2000.	Ongoing		
Issue notices to CWSs that fail to produce and mail a CCR or provide a certification letter.	Second annual reporting period (beginning 01/2000).		
Good faith effort to check the quality of some CCRs (specify procedures).	Begin after the first report due date.		
Provide copies of the CCR in response to public inquiries.	After 1 st CCR produced.		
Provide compliance assistance.	Ongoing		
Notify States of all federal enforcement violations.	Ongoing		
Notify any new CWSs of the CCR requirements.	As systems become known.		

Sample CCR Notification Letter from the State to Community Water Systems

Dear Community Water System (CWS) Owner/Operator,

I am writing to ask you to prepare a Consumer Confidence Report (CCR) and deliver it to your customers. Consumer awareness/right-to-know was a theme of the 1996 Safe Drinking Water Act (SDWA) Amendments. These amendments confirmed the importance of educating the consumer and added new responsibilities for water systems in this area. The CCR rule is the first new regulation from EPA in several years and the first to address the public right-to-know provisions of the 1996 SDWA Amendments.

The CCR rule requires all CWSs to provide drinking water quality reports to their customers, with the first report due by October 19, 1999 and subsequent reports annually thereafter by July 1. These reports or CCRs are intended to be short documents written for a non-technical audience and must contain information on:

- C Source(s) of local water, and availability of source water assessment data.
- C Levels of detected contaminants, corresponding Maximum Contaminant Levels (MCLs) and Maximum Contaminant Level Goals (MCLGs), and typical sources.
- C Potential health effects of contaminants detected in violation of an MCL/Treatment Technique (TT), or exceeding an Action Level (AL).
- C Opportunities for public participation in drinking water related decisions.

Water systems are free to enhance the reports in any useful way, but must follow the required minimum content and format criteria. Attachment 1 provides an overview of the CCR requirements and a list of resources to assist you in preparing CCRs.

The CCR provides an excellent opportunity to showcase the good work your system does to provide customers with the highest quality drinking water. We recommend that CWSs begin preparing their first CCR well before the October deadline. In order to help systems meet the regulatory deadlines, EPA has developed a CCR implementation guidance document, a “how to” manual for CWSs on preparing CCRs, and is developing a computerized “fill-in-the blank” template to create a CCR. Final versions of these materials are scheduled for release beginning in summer 1999.

In the interim, the Name of State’s Drinking Water Program will be conducting CCR training workshops and preparing educational/outreach materials for systems. We encourage you to take full advantage of the opportunity the CCR provides to tell the public about the quality of their drinking water because informed and involved consumers can be strong allies of water systems, large and small.

Sincerely,

State Drinking Water Program
Attachment

Attachment 1

CCR Minimum Report Content Requirements
<p>1. Water System Information</p> <ul style="list-style-type: none">< System contact number for additional information.< For communities with a large proportion of non-English speaking residents (as determined by State) information in appropriate language about importance of CCR.< Dates and times of public meetings.
<p>2. Source(s) of Drinking Water</p> <ul style="list-style-type: none">< Type of water; commonly-used names; and location of water source(s).< Information on source water assessments, if available: notice of availability, obtaining a copy of the assessment, and susceptibility information.
<p>3. Definitions for MCL, MCLG, and If Applicable TT, AL, Variances and Exemptions</p>
<p>4. Levels of Any Contaminants Detected</p> <ul style="list-style-type: none">< For comparison must include the corresponding MCL, MCLG, TT, or AL.< Likely source(s) of detected contaminants.< Clear indication of any contaminant detected in violation of EPA standard as well as an explanation of the violation including the length, potential health effects, and actions take to remedy violation.
<p>5. Information on <i>Cryptosporidium</i>, Radon, and Other Contaminants Which May Indicate a Health Concern</p>
<p>6. Additional Health Information</p> <ul style="list-style-type: none">< Explanation of contaminants in drinking water, including bottled water.< Explanation of the vulnerability of immuno-compromised populations (i.e. cancer patients, people with HIV/Aids or other immune system disorders) to drinking water contaminants.< Educational statements for arsenic, nitrate, and lead when these contaminants are detected under conditions specified in the rule.< Health effects language for TTHMs when detected above 80 ppb but below 100 ppb.
<p>7. Information on National Primary Drinking Water Regulation (NPDWR) Violations</p> <ul style="list-style-type: none">< Explanation of violation, any potential health effects, and steps the system has taken to correct the violation.
<p>8. Information If System Is Operating under a Variance or Exemption</p> <ul style="list-style-type: none">< Explanation of variance or exemption; reasons for and dates of issue; and notice of public opportunity for public input in the review.

Attachment 1 (cont.)

Report Delivery and Recordkeeping Requirements for CWSs	
1. CCR Delivery to Customers	< Each CWS must mail or otherwise directly deliver one copy of the CCR to each customer, unless granted a mailing waiver. (See number 7 below)
2. “Good Faith” Effort for Delivery to Non-Bill Paying Consumers	< CWS must make a “good faith” effort to reach those consumers who they serve but who do not get water bills, such as renters. “Good faith” efforts mean using a mix of several methods recommended by the State.
3. Delivery of CCR and Certification to Primacy Agency	< CWS must mail to the State: (1) a copy of the CCR no later than the date the CWS is required to deliver the report to its customers; and (2) within 3 months of the required delivery date, mail certification to the State indicating that the CCR was distributed to customers with information that is correct and consistent with compliance monitoring data previously submitted.
4. CCR Delivery to Other Agencies	< CWS must deliver the CCR to any other agency identified by the State no later than the required date to send the CCR to its customers.
5. CCR Availability to the Public	< CWS must make CCRs available to the public upon request.
6. CCR Availability on the Internet	< CWS serving 100,000 or more persons must post CCR on a publicly accessible Internet site.
7. Mailing Waiver for CWSs Serving Fewer than 10,000 Persons	< The Governor of a State may waive the mailing requirement for CWSs serving fewer than 10,000 persons.
8. CWS Keeping CCR Copies on File	< CWS must keep copies of their CCR on file for at least 3 years. <i>[The Public Notification Rule (65 FR 25982) revised this recordkeeping requirement]</i>

Additional Resources/Contact Information:

State Drinking Water Program

EPA Safe Drinking Water Hotline

EPA website

American Water Works Association/local affiliate

phone number/email address
(800-426-4791)

<http://www.epa.gov/safewater>

phone number/website/email address

Appendix C: CCR Certification - Example Formats

Under Section 141.155(c) of the CCR rule, within 3 months from the date the system is required to distribute the CCR to its customers, the CWS must send a letter of certification to the primacy agency certifying that the system has:

- C Distributed the CCR to its customers, and
- C Used in the report information that is correct and consistent with compliance monitoring data previously submitted to the primacy agency.

A system has the option of sending the certification at the same time the CCR is delivered to the primacy agency. This appendix provides an example format for a certification with the two required elements.

EPA recommends that States and EPA view the certification letters as another opportunity to explain how the system is informing customers about the quality of their drinking water and the steps the system has taken to protect the source of water. Therefore, States are encouraged to have systems provide additional information on how the CCR was distributed, especially “good faith” efforts to reach non-bill paying consumers. This appendix provides example formats for certifications with additional information on CCR distribution.

CCR Certification - Basic Example Format

CWS Name: _____

CWS I.D. #: _____

I confirm that the Consumer Confidence Report has been distributed to customers (and appropriate notices of availability have been given) in accordance with 40 CFR §141.155. Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.

Certified by: Name _____

Title _____

Phone # _____ Date _____

CCR Certification - Example Format for Systems without Mailing Waivers

CWS Name: _____

CWS I.D. #: _____

I confirm that the Consumer Confidence Report has been distributed to customers (and appropriate notices of availability have been given). Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.

System-specific details on CCR distribution to customers are outlined below: (check all that apply)

_____ CCR was distributed by mail or other direct delivery. Specify other direct delivery methods:

_____ "Good faith" efforts were used to reach non-bill paying consumers. Those efforts included the following methods as recommended by the primacy agency:

_____ Posting the CCR on the Internet at: _____

_____ Mailing the CCR to postal patrons within the service area. (attach zip codes used).

_____ Advertising availability of the CCR in news media (attach copy of announcement).

_____ Publication of CCR in local newspaper (attach copy).

_____ Posting the CCR in public places (attach a list of locations).

_____ Delivery of multiple copies to single bill addresses serving several persons such as: apartments, businesses, and large private employers.

_____ Delivery to community organizations (attach a list)

_____ Posted CCR on a publicly accessible Internet site for systems serving 100,000 or more persons. List Internet site address: _____

_____ Delivered CCR to other agencies as specified by the primacy agency (attach a list).

_____ Other (if additional methods used, attach description)

Certified by: Name _____

Title _____

Phone # _____ Date _____

CCR Certification - Example Format for Systems with Mailing Waivers

CWS Name: _____

CWS I.D. #: _____

I confirm that the Consumer Confidence Report has been distributed to customers (or appropriate notices of availability have been given) and that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.

System-specific details on distribution of the CCR to customers are outlined below. CCR or notice of availability was provided as specified for:

Systems Serving Fewer than 10,000 Persons

_____ Published the CCR in the local newspaper(s). Attach a copy of the notice. List newspaper and dates below:

_____ Informed customers the CCR will not be mailed. List methods of notification below:

_____ Developed procedures to make reports available upon request. Specify below:

Systems Serving Fewer than or Equal to 500 Persons

_____ List methods used to inform customers the CCR will not be mailed:

_____ Developed procedures to make reports available upon request. Specify below:

Certified by: Name _____

Title _____

Phone # _____ Date _____

Appendix D: Governor's Mailing Waiver - Example Formats

Under section 141.155 (g) of the CCR rule, the requirement that CWSs mail the CCR to its customers can be waived. The following authorities can waive the mailing requirements for systems serving fewer than 10,000 persons:

- C The Governor of a State or his/her designee.
- C A Tribal leader if the Tribe has met the requirements under §142.72 for Tribal eligibility.
- C The EPA Regional Administrator on some Indian lands where no Tribe has been deemed eligible.

Systems that have been granted a mailing waiver are still required to follow other CCR rule requirements including delivery of the report to the primacy agency and any other agency the primacy agency designates. Refer to Section I, Report Delivery and Recordkeeping Requirements, of the CCR implementation guidance for information on mailing waivers.

The following pages contain two example formats for mailing waivers for systems serving fewer than 10,000 persons with a special clause for systems serving fewer than 500 persons. States, in accordance with their laws, can also establish criteria for obtaining and renewing the waivers. For example, a State can choose whether the waiver should apply to all systems in a given category or be system-specific. The first example format is a blanket waiver for systems in a given category and the second a system-specific mailing waiver.

Governor's Mailing Waiver - State-Wide Example Format

Authority provided in Section 1414(c)(4)(C) of the Safe Drinking Water Act allows the Governor of the State of _____ (insert Tribal agency if applicable) to allow community water systems serving fewer than 10,000 persons not to mail or otherwise provide direct delivery of the Consumer Confidence Reports (CCRs) to each customer.

The community water systems listed in Attachment A serve fewer than 10,000 persons [and otherwise meet all direct delivery waiver requirements - optional], a waiver is hereby granted [for the period beginning January 1 of the calendar year _____, and ending _____ - optional]. Each water system must:

- (1) Inform customers it will not be providing copies of the CCR by mail or other direct delivery method.
- (2) Publish the report annually in one or more local newspapers serving areas in which the system's customers are located.
- (3) Make copies of the CCR available to the public upon request.

Authority provided in Section 1414(c)(4)(D) of the Safe Drinking Water Act allows the Governor of the State of _____ (insert Tribal agency if applicable) to determine not to apply requirements 1 and 2 (listed above) to community water systems which serve 500 persons or fewer, if the system provides notice to its customers once a year that the CCR is available upon request.

The community water systems listed in Attachment B serve 500 persons or fewer [and otherwise meet all direct delivery waiver requirements - optional], a waiver is hereby granted [for the period beginning January 1 of the calendar year _____, and ending _____ - optional]. Each water system must provide notice to customers of the availability of the report, at least once per year, by mail, door-to-door delivery, or posting. Any other methods authorized by the primacy agency should be listed.

All systems with mailing waivers are still required to:

- C Complete a CCR in accordance with all content requirements.
- C Provide a copy of the CCR to the primacy agency and any other agency specified by the primacy agency.
- C Make copies of the CCR available to the public upon request.

Governor's or His/Her Designee's Signature

Date

Governor's Mailing Waiver - System-Specific Example Format

Authority provided in Section 1414(c)(4)(C) of the Safe Drinking Water Act allows the Governor of the State of _____ (insert Tribal agency if applicable) to allow community water systems serving fewer than 10,000 persons not to mail or otherwise provide direct delivery of the CCRs to each customer.

The community water system, _____, serves fewer than 10,000 persons [and otherwise meets all direct delivery waiver requirements - optional], a waiver is hereby granted [for the period commencing January 1 of the calendar year _____, and ending _____ - optional]. The water system must:

- (1) Inform customers it will not be providing copies of the CCR by mail or other direct delivery method.
- (2) Publish the report annually in one or more local newspapers serving areas in which the system's customers are located.
- (3) Make copies of the CCR available to the public upon request.

Authority provided in Section 1414(c)(4)(D) of the Safe Drinking Water Act allows the Governor of the State of _____ (insert Tribal agency if applicable) to determine not to apply requirements 1 and 2 (listed above) to community water systems which serve 500 persons or fewer, if the system provides notice to its customers once a year that the CCR is available upon request.

The community water system, _____, serves 500 persons or fewer [and otherwise meets all direct delivery waiver requirements established by the State - optional], a waiver is hereby granted [for the period commencing January 1 of the calendar year _____, and ending _____ - optional]. The water system must provide notice to customers of the availability of the report, at least once per year, by mail, door-to-door delivery, posting or any other means authorized by the primacy agency

All systems with mailing waivers are still required to:

- C Complete a CCR in accordance with all content requirements.
- C Provide a copy of the CCR to the primacy agency and any other agency specified by the primacy agency.
- C Make copies of the CCR available to the public upon request

Governor's or His/Her Designee's Signature

Date

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Appendix E: Safe Drinking Water Information System (SDWIS) Reporting

This appendix provides detailed information on violation and compliance achieved definitions, and reporting requirements for each CCR violation type. In addition, this appendix contains examples on what to report, including how to report utilizing the appropriate Safe Drinking Water Information System/Federal version (SDWIS/FED) Data Transfer File Format (DTF).

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Background

This document contains the requirements for State reporting to EPA and the definitions of violations and returned to compliance under the Consumer Confidence Report (CCR) rule.

Section I. Federal Reporting Requirements

This section discusses the Federal reporting requirements under 40 CFR Section 142.16(f)(4) and reporting to the Safe Drinking Water Information System/Federal version (SDWIS/FED) of violations, follow-up and enforcement actions, and when compliance is achieved. Specific guidance is provided for entry of these data into SDWIS/FED. In addition, examples are provided for each reporting requirement. These reporting requirements apply only to community water systems (CWSs).

A. Violations

This section of the guidance provides violation and compliance achieved definitions, and reporting requirements for each violation type. Further, examples on what to report, including how to report utilizing the appropriate SDWIS/FED Data Transfer File (DTF) format, are provided after the discussion of each violation type.

Violation reporting will be based on the definitions in Section II, A: Violation Determination, of the CCR Implementation Guidance.

C **CCR Report Violation - (*major*)**

occurs when the CWS fails to produce and deliver the report to the public and provide a copy to the State by the annual due date as specified in the rule or, State determines the report was grossly inadequate and must be regenerated and re-delivered, with a copy provided to the State.

C **CCR Adequacy/Availability/Content Violation - (*minor*)**

occurs when the State Primacy Agency determines the report is deficient in language, content, and/or meeting availability requirements as specified in the rule, or when the system fails to provide the certification to the State within 3 months of the due date of the CCR.

The requirements of the drinking water regulations result in violation conditions being reported to SDWIS/FED. The most common characteristics for violations are:

- < A unique PWS-ID (DTF element C101).
- < A unique violation ID (DTF element C1101).

- < A code identifying the contaminant or rule for which the violation applies (DTF element C1103).
- < A code describing the type of violation (DTF element C1105).
- < Date range associated with the compliance period (DTF elements C1107 and C1109).
- < Number of months in the compliance (or monitoring) period (DTF element C1111).
- < Analytical result for contaminant (DTF element C1123).
- < Severity (major) violation indicator (DTF element C1131 primarily used for monitoring violations).

All CCR rule violations will have the same contaminant/rule code, 7000. As a result, SDWIS/FED will provide (default) the value of 7000 for data element C1103 (to allow for simple queries). Some States may choose to include a DTF transaction with this value to maintain consistency with their reporting of other violations from other rules. That will be acceptable as long as the value reported for C1103 is 7000 for violations of this rule. Otherwise the entire violation will be rejected.

Each violation is defined by a violation type code (DTF element C1105). Currently for this rule, there are 2 types of violations:

- C 71 - CCR Report Violation (major)
- C 72 - CCR Adequacy/Availability/Content Violation (minor)

Normally, violations must identify the time frame for which the PWS is in violation (i.e., out of compliance). In SDWIS/FED, this is characterized by the range of dates in which a specific action or set of actions was to have taken place (e.g., 10 samples were to be taken during a specific time period), treatment is to be monitored and results must be within certain levels for a specific period of time, etc.), and is defined, in SDWIS/FED, by these 3 data elements:

- C Compliance period begin date (C1107)
- C Compliance period end date (C1109)
- C Compliance period in months (C1111)

For this rule, the requirement is to produce a report by a specific date. If that date is missed, a violation exists and the time frame will be represented by a **single date** rather than a date range and is reported as the compliance period begin date (DTF element C1107). The value to be reported is the due date of the report for violation type 71 (10/19/1999 for the first report, 07/01/2000 for the second, etc.) Failure to submit the certification to the State is reported as the due date of the report PLUS the 3 months allowed for the system to submit the certification. The compliance period end date (C1109) and compliance period in months (C1111) should not be reported.

The severity of the violation is embedded in the violation type code, therefore the major violation indicator (DTF element C1131) is not reported for CCR rule violations.

The following exhibits present the violation record data and the violation types for reporting CCR rule violations.

Exhibit 1 - SDWIS/FED DTF C1100 — Violation Record Data Elements	
Number	Description
C101	PWS-ID
C1101	Violation ID
C1103 *	Contaminant/Rule Code
C1105	Violation Type Code
C1107	Compliance Period Begin Date = the report due date for violation type 71(major) = the date State determines a violation exists for violation type 72 (minor) = the date State determines a violation exists for violation type 72 (minor) adequacy/availability/content deficiencies

* C1103 will be defaulted by SDWIS/FED with 7000 for all violation types.

Exhibit 2 - SDWIS/FED CCR Rule Violation Type Codes	
Violation Type	Violation Code
CCR Report	71
CCR Adequacy/Availability/Content	72

A.1. CCR Report Violation

A CCR Report Violation is defined as failure of the CWS to produce the CCR, deliver it to the public, and provide a copy of the report to the State by the appropriate deadline. The first CCR is due by October 19, 1999. It must contain data collected during, or prior to, calendar year 1998, which was used to determine compliance in calendar year 1998. The second CCR is due by July 1, 2000 and subsequent reports by July 1, annually thereafter. The system is to provide a copy of the first CCR to the State by October 19, 1999, the second by July 1, 2000, the third by July 1, 2001, etc. A violation must be reported to SDWIS/FED if the report is not produced and delivered by the appropriate deadline within 45 days after the quarter in which the violation occurred. If and when the CCR is

subsequently delivered to the State, the State would report that the system has returned to compliance. Examples on how to report the violation and returned to compliance data are provided on the following pages.

Violation Code 71 — CCR Report Violation Examples

Example 1-

A system (AA1234567) does not produce and deliver a copy of the first CCR by October 19, 1999 to the State. By February 15, 2000, the State would report the following CCR Report Violation to SDWIS/FED.

C101	AA1234567	PWS-ID
C1101	0000001	Violation ID
C1103*	7000	Contaminant Code (Rule Code)
C1105	71	Violation Type Code
C1107	10/19/1999	Compliance Period Begin Date
<p>*Note: C1103 will be defaulted by SDWIS/FED to 7000 and thus, need not be entered by the State. C1109, C1111 and C1131 are not reported for this violation type.</p>		

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	AA1234567	0000001		IC1105	71
D1	AA1234567	0000001		IC1107	10191999

The same system delivers the CCR to the State on December 15, 1999. The State would report that the system had returned to compliance as of the date the CCR was received. By February 15, 2000 (within 45 days after the quarter in which the system returned to compliance), the State would report the following information to SDWIS/FED via the DTF C1200-Enforcement Action Record:

C101	AA1234567	PWS-ID
C1201	0000003	Enforcement ID
C1203	12/15/1999	Enf-Action-Date
C1205	SOX	Enf-Action-Code
Y5000	0000001	Enf-Link to Violation

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
E1	AA1234567	0000003		IC1203	12151999
E1	AA1234567	0000003		IC1205	SOX
E1	AA1234567	0000003		IY5000	00000001

Example 2 - (Major Adequacy Deficiencies)

A CWS (MM8877665) delivered its CCR to the State by the October 19, 1999 due date. On December 13, 1999, the State determined the CCR was so deficient that it required the system to correct and re-deliver the report. By February 15, 2000, the State would report a CCR Report Violation (not a CCR Adequacy/Availability/Content Violation). The system would revise and redistribute the CCR providing a copy to the State on May 10, 2000. By August 15, 2000 (45 days after the quarter in which the returned to compliance enforcement action occurred), the State would report the returned to compliance information. The following examples display the violation and return to compliance reporting:

C101	MM8877665	PWS-ID
C1101	0000005	Violation ID
C1103*	7000	Contaminant Code (Rule Code)
C1105	71	Violation Type Code
C1107	10/19/1999	Compliance Period Begin Date
<p>*Note: C1103 will be defaulted by SDWIS/FED to 7000 and thus, need not be entered by the State.</p>		

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	MM8877665	0000005		IC1105	71
D1	MM8877665	0000005		IC1107	10191999

Returned to Compliance Reporting:

C101	MM8877665	PWS-ID
C1201	0000105	Enforcement ID
C1203	05/10/2000	Enf-Action-Date
C1205	SOX	Enf-Action-Code
Y5000	0000005	Enf-Link to Violation

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
E1	MM8877665	0000105		IC1203	05102000
E1	MM8877665	0000105		IC1205	SOX
E1	MM8877665	0000105		IY5000	00000005

A.2. CCR Adequacy/Availability/Content Violation

The regulation specifies required language, content, and requirements to make reports available to the public for the CCR. The regulation also requires a CWS to provide a certification to the State within 3 months of the CCR due date that the report was distributed to customers and contained information that was correct and consistent with compliance monitoring data previously submitted to the State. (Refer to Section I, Report Delivery and Recordkeeping Requirements of the CCR Implementation Guidance for further information on the CCR certification). The State will determine compliance with these requirements and when found to be in violation (inadequate for any area or failure to provide the certification) the State must report a CCR Adequacy/Availability/Content Violation. This violation type is considered a minor violation and is defined as: meeting some, but not all, of the requirements. Within 45 days after the quarter in which the report is due or the State determines that a violation exists, the State would report the violation to SDWIS/FED. Because the focus will be on whether a system has prepared a CCR or not during the initial implementation of this rule, reporting of this violation is optional during the first 2 years (1999 and 2000). In 2001, reporting of this violation is required.

Corrective actions for minor deficiencies will be at the State's discretion. If corrective actions are required and taken by the system, the State may wish to report the return to compliance data. Return to compliance reporting is recommended for minor violations but not required. Examples on how to report the violation and returned to compliance data are provided:

Violation Code 72 — CCR Adequacy/Availability/Content Violation Examples

Example 1 - (Minor Deficiencies)

A system produces and delivers a copy of the third CCR by July 1, 2001. On September 8, 2001, upon review of the report, the State determines that the system failed to include the required source information. By November 15, 2001 (within 45 days after the end of the quarter in which the State determined a violation existed), the State would report the following CCR Adequacy/Availability/Content Violation information:

C101	XX1123456	PWS-ID
C1101	02G0013	Violation ID
C1103*	7000	Contaminant Code (Rule Code)
C1105	72	Violation Type Code
C1107	09/08/2001	Compliance Period Begin Date
<p>*Note: C1103 will be defaulted by SDWIS/FED to 7000 and thus, need not be entered by the State.</p>		

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	BB1123456	02G0013		IC1105	72
D1	BB1123456	02G0013		IC1107	09082001

Because the CWS failed to produce an “adequate” report for the third year in a row, the State issued an Administrative Order against the system on October 10, 2001. Because the State does not maintain the violation-id or enforcement-id records in its data base it used the generation-id facility within SDWIS/FED. (See the SDWIS/FED Data Entry Instructions for more information on using SDWIS/FED generated-ids.) The State reports the enforcement action to SDWIS/FED under the Z5000 link method by providing the violation type (72), the contaminant code (7000), and the begin date (09/08/2001) as illustrated below. An example of reporting the generated-id for violations is displayed in the example above and below for enforcements:

C101	XX1123456	PWS-ID
C1201	02G00001	Enforcement ID
C1203	10/10/2001	Enf-Action-Date
C1205	SFL	Enf-Action-Code
Z5000	72700009082001	Enf-Link to Violation

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
E1	XX1123456	02G0001		IC1203	10102001
E1	XX1123456	02G0001		IC1205	SFL
E1	XX1123456	02G0001		IZ5000	72700009082001

The State may require the system to revise and re-submit the CCR or to take some other action to address the deficiency. The State should review the following year's CCR to insure that similar deficiencies are not repeated. The State is encouraged to report the return to compliance information as in the examples presented in Section A.1 but is not required to do so.

Example 2 -(Certification Violation)

A system (MM9988777) produces and delivers a copy of the first CCR to the State on September 12, 1999 (deadline is October 19, 1999). The State reviews and determines it is adequate in content. However, the system does not submit the required certification within 3 months of the CCR's required delivery date(due by January 19, 2000). By May 15, 2000 (within 45 days after the end of the quarter), the State must report the following CCR certification violation information:

C101	MM9988777	PWS-ID
C1101	0000013	Violation ID
C1103*	7000	Contaminant Code (Rule Code)
C1105	72	Violation Type Code
C1107	01/19/2000	Compliance Period Begin Date
<p>*Note: C1103 will be defaulted by SDWIS/FED to 7000 and thus, need not be entered by the State.</p>		

The DTF transactions for this record are:

Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	MM9988777	0000013		IC1105	72
D1	MM9988777	0000013		IC1107	01192000

If and when the system submits the certification, the State may wish to report the returned to compliance information as in previous examples.

Section II. Returned to Compliance and Enforcement Action Reporting

Reporting that a system has returned to compliance is required for CCR Report Violations (C1105 vio_type = 71). In addition, all formal enforcement actions taken against violations of this rule are required to be reported to SDWIS/FED. Both “returned to compliance” and formal enforcements must be linked to the specific violation(s) they address. While reporting returned to compliance information is not required for the **minor** CCR Adequacy/Availability/Content Violations (C1105 vio_type = 72), it is recommended. The following describes the two appropriate ways in which enforcement and follow-up actions, formal and informal (including returned to compliance), may be linked to CCR rule violations:

Associated Violation IDs (Y5000) - FY & VIOLATION ID NUMBER.

Entering the specific violation ID(s) to which the enforcement action is related will establish a link between the enforcement record and each violation record matching the specific violation ID. If no links are established (reported violation IDs not found/matched on the data base) the enforcement record will be posted to the database as an Orphan Enforcement.

Associated Violation Contaminant Groups (Z5000) - TYPE, CONTAMINANT, COMPLIANCE PERIOD BEGIN DATE (MO, DAY & YR)

Entering the violation type code(s) (71 or 72), the contaminant code (7000) and the begin date of the compliance period begin date will establish a link between the enforcement action and all CCR violations which exactly match the enforcement link data. If no matches are found, the enforcement record will be posted to the database as an Orphan Enforcement.

If the X5000 or J5000 links are used to qualify the CCR violations, the links between the enforcement action and the CCR violations will not be made. In the case of J5000 the enforcement will not be posted. However the enforcement will be posted for the X5000.

Only the Y5000 and Z5000 enforcement/violation linking methods are appropriate for the CCR rule violations. The use of the J5000 link methods will result in the enforcement/follow-up action being rejected. Examples of how to report these violation/enforcement link methods are provided in the violation section above. Exhibit 3 defines returned to compliance by violation type:

Exhibit 3 - Definition of Returned to Compliance by Violation Type	
CCR Report Violation Vio_type 71	<p>System subsequently produces and delivers the report to the public as required under §§141.153, 141.154, and §§141.155, and delivers a copy of the report to the State as required by §§ 141.155(c). An annual report must be produced for each year beginning with 1998.</p> <p>The State may allow 2 years data be combined in one report when the violation has existed for more than 6 months to reduce delivery expenses, however the combined report must identify data specific to each year.</p>
CCR Adequacy/ Availability/ Content Violation Vio_type 72	<p>System provides additional/required delivery of the report as required under §§141.155, or System revises the report for adequacy of content as required under §§141.153 and 141.154 and provides delivery, etc.</p>
<p>Note: The action(s) needed to achieve compliance are not meant to replace other activities that are required to be conducted under the rule for that time frame nor are they meant to indicate that a violation did not occur for the system. Instead, they indicate that this violation no longer continues. Should the system again fail to meet subsequent requirements of the rule, another violation must be reported.</p>	

Section III. SDWIS/FED Reporting Time-Lines

Exhibit 4 - SDWIS/FED Reporting Time-lines			
Category	First CCR	Second CCR	Subsequent CCRs
Violations			
CCR due to State by	10/19/1999	07/01/2000	07/01/200X
CCR Report Violation State must report violation within 45 days after the end of the quarter in which the violation occurs	02/15/2000	11/15/2000	11/15/200X
CCR Adequacy/Availability/Content Violation State must report violation within 45 days after the end of the quarter in which the violation is determined	02/15/2000	11/15/2000	11/15/200X
Failure to send certification on time	05/15/2000	02/15/2001	02/15/200X
<p>Note: Certification to the State is required within 3 months after the due date of the CCR. Compliance determinations with the certification requirement can not be made until the 20th day January 2000 month which falls into the next compliance (SDWIS/FED) reporting period. Most States allow a 5-10 day grace period to cover mail time. Violations are to be reported within 45 days after the end of the compliance period in which they were determined. Therefore, reporting of certification violations will take place in the 2nd reporting period after the due date of the report.</p>			

Section IV. SDWIS/FED Technical Specifications

The following SDWIS/FED processing decision points and edit criteria is being provided to assist States and EPA Regional Offices in programming their software to support the reporting requirements under the CCR rule and to better understand how SDWIS/FED processes that data. A brief description or definition for the major edit criteria and processing decision points is presented below. Error Messages and Error Codes related to the definitions which are specific to CCR data (new in SDWIS/FED) are also listed where appropriate. Existing or “generic” Error Messages or Error Codes may be found in the PAAA.QUAL.ERRCODES mainframe file, and in the SDWIS/FED On-line Data Dictionary (ODD) and Error Code Data Base (ECDB) applications. Additional error codes may be created in the future as conditions warrant.

Any errors encountered while validating or processing the CCR data will be handled in a manner consistent with the current SDWIS/FED errors process. CCR Violation and Enforcement transactions that do not pass the validations will be written to the Rejected Records File. The Rejected Records File consists of the invalid records in the DTF file format (in positions 1 through 80). An error code is added in positions 72 through 74 of the Rejected Records File and is associated with an error message which is a 42-character description of the error. New error messages have been assigned unique error codes and have been added to the PAAA.QUAL.ERRCODES mainframe file. This report will include a line for each rejected transaction, consisting of the DTF transaction, the error code, and the short (42-character maximum) description of the error. Users may resubmit corrected error transactions by fixing the problem in the Rejected Records File and re-transmitting the corrected error transactions to Production Control. This file will be treated as a SDWIS/FED data file.

For additional information, contact your EPA Regional SDWIS/FED Data Management Coordinator, Production Control at 703-292-6212, or Fran Haertel at 214-665-8090.

Processing Decision Points and Edit Criteria

Violations

- SDWIS/FED shall allow the deletion of an entire CCR violation.
- Contaminant Code (C1103) shall be optional.
- If Contaminant Code is provided it shall be valued at “7000,” or the entire violation shall be rejected.

Error Message: UVO CONTAM CODE & VIO TYPE COMBINATION INVALID

- Contaminant Code (C1103) shall not be modified. An attempt to modify the code will be rejected at the transaction item level.

Error Message: E92 CANNOT MODIFY CONTAMINANT CODE

- Violation type (C1105) shall not be modified. An attempt to modify the code will be rejected at the transaction item level.

Error Message: NTR C1105 MAY NOT BE MODIFIED

- For Violation type (C1105) “71,” the Compliance Period Begin Date (C1107) shall not be modified. An attempt to modify the date will be rejected at the transaction item level.

Error Message: E91 CANNOT MODIFY BEGIN DATE

- For Violation type (C1105) “71,” violations, the entire violation shall be rejected if the Compliance Period Begin Date (C1107) is not equal to “10/19/1999,” or “07/01/2yyy” for years greater than 1999 (i.e., 07/01/1999 is not valid; but 07/01/2000 is valid) beginning with 2000.

Error Message: EZ1 BEGIN DATE MUST BE 10/19/1999 OR 07/01/2XXX

- For Violation type (C1105) “72,” violations, Compliance Period Begin Date (C1107) must be greater than “10/19/1999,”

Error Message: EZ2 BEGIN DATE MUST BE GREATER THAN 10/19/1999

- Compliance Period End Date (C1109) shall not be allowed as a DTF Transaction. An attempt to modify the date will be rejected at the transaction item level.

Error Message: EZ3 C1109 AND C1111 ARE INVALID FOR CCR

- When posted to the database, Compliance Period End Date (C1109) shall default to “12/31/2015.”

- Duration (C1111) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item level.

Error Message: EZ3 C1109 AND C1111 ARE INVALID FOR CCR

- Awareness Date (C1115) shall be optional.
- If provided, Awareness Date (C1115) shall be greater than or equal to Compliance Period Begin Date (C1107) and less than or equal to the current date.

Error Message: E9P OR E9R SEE "PAAA.QUAL.ERRCODES"

- Analysis Method (C1121) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively.*
- Analysis Result (C1123) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively. *
- MCL Violated (C1125) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively. *
- Samples Required (C1127) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively. *
- Samples taken (C1129) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively. *
- Major Violation Flag (C1131) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively.*
- SE-ID (C1143) shall not be allowed. An attempt to insert or modify the value will be rejected at the transaction item and form level, respectively.*

* All conditions above which are followed by an "*" have the following Error Code and Message or the generic error message that "Cnnnn is not allowed":

EXO Cnnnn NOT ALLOWED FOR CCR VIOLATIONS

- SDWIS/FED shall default major Violation Flag (C1131) to "N" when Violation Type Code equals "72,".

- SDWIS/FED shall default Major Violation Flag (C1131) to “Y” when Violation Type Code equals “71,”.

Enforcement Actions

The following requirements apply to Enforcement Actions which are submitted against CCR Violations. Unless otherwise specified, all existing Enforcement Action edits shall apply to these transactions.

- Only “Y5000,” and “Z5000,” link types shall cause creation of a link (insertion of a VEA row) to a CCR Violation (with a Type Code of “71,” or “72,”).
- If a “J5000,” and/or an “X5000,” identifies a CCR Violation in their matching criteria, no VEA row shall be created to link the Enforcement to the CCR Violation.

Error Message: EX9 J5000 NOT ALLOWED FOR CCR VIOLATIONS

- Because “Orphan Enforcements” are not allowed to be created using a “J5000,” link, the Enforcement Action shall be rejected at the form level if the only Violation qualified by a J5000 link is a CCR Violation and there are no other valid Y5000 or Z5000 link types for that Enforcement Action.

Error Message: EX9 J5000 NOT ALLOWED FOR CCR VIOLATIONS, and/or
J5B ORPHAN ENF NOT ALLOWED WHEN ENF REJECTS

- The Contaminant Code of “7000,” the Violation Types of “71,” and “72,,” and the Rule Code of “CCR” are invalid on “J5000,” transactions. (The reason there is a J5000 message but not an X5000 message is that the edit program can tell that the J5000 is invalid by looking at the Rule or Violation Type. It cannot tell if the X5000 is pointing to a CCR Violation or not, so it doesn’t reject the Enforcement (like the J5000), it just doesn’t make the link to any CCR Violations.)

Error Message: EX9 J5000 NOT ALLOWED FOR CCR VIOLATIONS

- Upon a successful link of a Returned to Compliance (RTC) Enforcement Action (C1205 equal to “EOX” or “SOX”) to a CCR Violation, SDWIS/FED shall set the CCR Violation Compliance Period End Date (C1109) to the Enforcement Action Date (C1203) of the linking Enforcement and set the Violation Addressed Indicator to “y”.

- A CCR Violation is only addressed when a successfully linked to a Return to Compliance Enforcement Action (equal to “EOX” or “SOX”).
- If more than one RTC is linked to a CCR Violation, the Compliance Period End Date (C1109) of the Violation shall be set to the earliest of the Enforcement Action Dates.
- If the only RTC linked to a CCR Violation is deleted, SDWIS/FED shall set the Violation Compliance Period End Date (C1009) to the default value (“12/31/2015,”).
- If multiple RTCs are linked to a CCR Violation and the RTC with the earliest Enforcement Action Date is deleted, SDWIS/FED shall set the Violation Compliance Period End Date (C1109) to the earliest Enforcement Action Date of the remaining linked RTC enforcements.
- If an RTC already is linked to a CCR Violation and additional RTCs are linked to that Violation, SDWIS/FED shall set the value of the earliest Enforcement Action Date from among the existing and new RTCs to the Violation Compliance Period End Date (C1109).

NOTE: An effort is under way to reduce the number of error messages in SDWIS/FED. Where possible, a consolidation of rule specific error messages into existing generic error messages is being considered. If and when the decision is made to consolidate and/or change the error messages, the user community will be notified prior to implementation.

Section V. Sources for Additional Information

Additional technical information on SDWIS/FED reporting information can be obtained by contacting Fran Haertel of the Infrastructure Branch, Drinking Water Protection Division, Office of Ground Water and Drinking Water at (214)-665-8090.