

Environmental Protection Agency

§ 142.62

(b) The Administrator in a state that does not have primary enforcement responsibility or a state with primary enforcement responsibility (primacy state) that issues variances shall require a community water system to install and/or use any treatment method identified in §142.61(a) as a condition for granting a variance unless the Administrator or the primacy state determines that such treatment method identified in §142.61(a) as a condition for granting a variance is not available and effective for fluoride control for the system. A treatment method shall not be considered to be "available and effective" for an individual system if the treatment method would not be technically appropriate and technically feasible for that system. If, upon application by a system for a variance, the Administrator or primacy state that issues variances determines that none of the treatment methods identified in §142.61(a) are available and effective for the system, that system shall be entitled to a variance under the provisions of section 1415(a)(1)(A) of the Act. The Administrator's or primacy state's determination as to the availability and effectiveness of such treatment methods shall be based upon studies by the system and other relevant information. If a system submits information to demonstrate that a treatment method is not available and effective for fluoride control for that system, the Administrator or primacy state shall make a finding whether this information supports a decision that such treatment method is not available and effective for that system before requiring installation and/or use of such treatment method.

(c) Pursuant to §142.43 (c)-(g) or corresponding state regulations, the Administrator or primacy state that issues variances shall issue a schedule of compliance that may require the system being granted the variance to examine the following treatment methods (1) to determine the probability

that any of these methods will significantly reduce the level of fluoride for that system, and (2) if such probability exists, to determine whether any of these methods are technically feasible and economically reasonable, and that the fluoride reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment methods for that system:

- (1) Modification of lime softening;
- (2) Alum coagulation;
- (3) Electrodialysis;
- (4) Anion exchange resins;
- (5) Well field management;
- (6) Alternate source;
- (7) Regionalization.

(d) If the Administrator or primary state that issues variances determines that a treatment method identified in §142.61(c) or other treatment method is technically feasible, economically reasonable, and will achieve fluoride reductions commensurate with the costs incurred with the installation and/or use of such treatment method for the system, the Administrator or primacy state shall require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of section 1415(a)(1)(A) of the Act. The Administrator's or primacy state's determination shall be based upon studies by the system and other relevant information.

[51 FR 11411, Apr. 2, 1986]

§ 142.62 Variances and exemptions from the maximum contaminant levels for organic and inorganic chemicals.

(a) The Administrator, pursuant to section 1415(a)(1)(A) of the Act hereby identifies the technologies listed in paragraphs (a)(1) through (a)(54) of this section as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for organic chemicals listed in § 141.61 (a) and (c):

Contaminant	Best available technologies		
	PTA ¹	GAC ²	OX ³
(1) Benzene	X	X	
(2) Carbon tetrachloride	X	X	
(3) 1,2-Dichloroethane	X	X	

Contaminant	Best available technologies		
	PTA ¹	GAC ²	OX ³
(4) Trichloroethylene	X	X	
(5) para-Dichlorobenzene	X	X	
(6) 1,1-Dichloroethylene	X	X	
(7) 1,1,1-Trichloroethane	X	X	
(8) Vinyl chloride	X		
(9) cis-1,2-Dichloroethylene	X	X	
(10) 1,2-Dichloropropane	X	X	
(11) Ethylbenzene	X	X	
(12) Monochlorobenzene	X	X	
(13) o-Dichlorobenzene	X	X	
(14) Styrene	X	X	
(15) Tetrachloroethylene	X	X	
(16) Toluene	X	X	
(17) trans-1,2-Dichloroethylene	X	X	
(18) Xylene (total)	X	X	
(19) Alachlor		X	
(20) Aldicarb		X	
(21) Aldicarb sulfoxide		X	
(22) Aldicarb sulfone		X	
(23) Atrazine		X	
(24) Carbofuran		X	
(25) Chlordane		X	
(26) Dibromochloropropane	X	X	
(27) 2,4-D		X	
(28) Ethylene dibromide	X	X	
(29) Heptachlor		X	
(30) Heptachlor epoxide		X	
(31) Lindane		X	
(32) Methoxychlor		X	
(33) PCBs		X	
(34) Pentachlorophenol		X	
(35) Toxaphene		X	
(36) 2,4,5-TP		X	
(37) Benzo[a]pyrene		X	
(38) Dalapon		X	
(39) Dichloromethane	X		
(40) Di(2-ethylhexyl)adipate	X	X	
(41) Di(2-ethylhexyl)phthalate		X	
(42) Dinoseb		X	
(43) Diquat		X	
(44) Endothall		X	
(45) Endrin		X	
(46) Glyphosate			X
(47) Hexachlorobenzene		X	
(48) Hexachlorocyclopentadiene	X	X	
(49) Oxamyl (Vydate)		X	
(50) Picloram		X	
(51) Simazine		X	
(52) 1,2,4-Trichlorobenzene	X	X	
(53) 1,1,2-Trichloroethane	X	X	
(54) 2,3,7,8-TCDD (Dioxin)		X	

¹ Packed Tower Aeration
² Granular Activated Carbon
³ Oxidation (Chlorination or Ozonation)

(b) The Administrator, pursuant to section 1415(a)(1)(A) of the Act, hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the inorganic chemicals listed in § 141.62:

BAT FOR INORGANIC COMPOUNDS LISTED IN § 141.62(B)

Chemical name	BAT(s)
Antimony	2,7
Arsenic ⁴	⁵ 1, 2, 5, 6, 7, 9, 12
Asbestos	2,3,8
Barium	5,6,7,9
Beryllium	1,2,5,6,7
Cadmium	2,5,6,7
Chromium	2,5,6 ² ,7
Cyanide	5,7,10

Environmental Protection Agency

§ 142.62

BAT FOR INORGANIC COMPOUNDS LISTED IN § 141.62(B)—Continued

Chemical name	BAT(s)
Mercury	2 ¹ ,4,6 ¹ ,7 ¹
Nickel	5,6,7
Nitrite	5,7,9
Nitrate	5,7
Selenium	1,2 ³ ,6,7,9
Thallium	1,5

¹ BAT only if influent Hg concentrations ≤10µg/l.
² BAT for Chromium III only.
³ BAT for Selenium IV only.
⁴ BATs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V.
⁵ To obtain high removals, iron to arsenic ratio must be at least 20:1.

Key to BATS in Table

- 1=Activated Alumina
- 2=Coagulation/Filtration (not BAT for systems <500 service connections)
- 3=Direct and Diatomite Filtration
- 4=Granular Activated Carbon
- 5=Ion Exchange
- 6=Lime Softening (not BAT for systems <500 service connections)
- 7=Reverse Osmosis
- 8=Corrosion Control
- 9=Electrodialysis
- 10=Chlorine
- 11=Ultraviolet
- 12=Oxidation/Filtration

(c) A State shall require community water systems and non-transient, non-community water systems to install and/or use any treatment method identified in §142.62 (a) and (b) as a condition for granting a variance except as provided in paragraph (d) of this section. If, after the system's installation of the treatment method, the system cannot meet the MCL, that system shall be eligible for a variance under the provisions of section 1415(a)(1)(A) of the Act.

(d) If a system can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment methods identified in §142.62 (a) and (b) would only achieve a *de minimis* reduction in contaminants, the State may issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance.

(e) If the State determines that a treatment method identified in paragraph (d) of this section is technically feasible, the Administrator or primacy State may require the system to in-

stall and/or use that treatment method in connection with a compliance schedule issued under the provisions of section 1415(a)(1)(A) of the Act. The State's determination shall be based upon studies by the system and other relevant information.

(f) The State may require a public water system to use bottled water, point-of-use devices, point-of-entry devices or other means as a condition of granting a variance or an exemption from the requirements of §§141.61 (a) and (c) and 141.62, to avoid an unreasonable risk to health. The State may require a public water system to use bottled water and point-of-use devices or other means, *but not point-of-entry devices*, as a condition for granting an exemption from corrosion control treatment requirements for lead and copper in §§141.81 and 141.82 to avoid an unreasonable risk to health. The State may require a public water system to use point-of-entry devices as a condition for granting an exemption from the source water and lead service line replacement requirements for lead and copper under §§141.83 or 141.84 to avoid an unreasonable risk to health.

(g) Public water systems that use bottled water as a condition for receiving a variance or an exemption from the requirements of §§141.61 (a) and (c) and 141.62, or an exemption from the requirements of §§141.81–141.84 must meet the requirements specified in either paragraph (g)(1) or (g)(2) and paragraph (g)(3) of this section:

(1) The Administrator or primacy State must require and approve a monitoring program for bottled water. The public water system must develop and put in place a monitoring program that provides reasonable assurances that the bottled water meets all MCLs. The public water system must monitor a representative sample of the bottled water for all contaminants regulated under §§141.61 (a) and (c) and 141.62 during the first three-month period that it supplies the bottled water to the public, and annually thereafter. Results of the monitoring program shall be provided to the State annually.

(2) The public water system must receive a certification from the bottled water company that the bottled water

supplied has been taken from an “approved source” as defined in 21 CFR 129.3(a); the bottled water company has conducted monitoring in accordance with 21 CFR 129.80(g) (1) through (3); and the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 165.110, part 110, and part 129. The public water system shall provide the certification to the State the first quarter after it supplies bottled water and annually thereafter. At the State’s option a public water system may satisfy the requirements of this subsection if an approved monitoring program is already in place in another State.

(3) The public water system is fully responsible for the provision of sufficient quantities of bottled water to every person supplied by the public water system via door-to-door bottled water delivery.

(h) Public water systems that use point-of-use or point-of-entry devices as a condition for obtaining a variance or an exemption from NPDWRs must meet the following requirements:

(1) It is the responsibility of the public water system to operate and maintain the point-of-use and/or point-of-entry treatment system.

(2) Before point-of-use or point-of-entry devices are installed, the public water system must obtain the approval of a monitoring plan which ensures that the devices provide health protection equivalent to that provided by central water treatment.

(3) The public water system must apply effective technology under a State-approved plan. The microbiological safety of the water must be maintained at all times.

(4) The State must require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-use and/or point-of-entry devices.

(5) The design and application of the point-of-use and/or point-of-entry devices must consider the potential for increasing concentrations of heterotrophic bacteria in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contactor disinfection, and Heterotrophic Plate Count monitoring

to ensure that the microbiological safety of the water is not compromised.

(6) The State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected.

(7) In requiring the use of a point-of-entry device as a condition for granting an exemption from the treatment requirements for lead and copper under §§141.83 or 141.84, the State must be assured that use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

[56 FR 3596, Jan. 30, 1991, as amended at 56 FR 26563, June 7, 1991; 57 FR 31848, July 17, 1992; 59 FR 33864, June 30, 1994; 59 FR 34325, July 1, 1994; 66FR 7066, Jan. 22, 2001; 69 FR 38857, June 29, 2004]

§ 142.63 Variances and exemptions from the maximum contaminant level for total coliforms.

(a) No variances or exemptions from the maximum contaminant level in §141.63 of this chapter are permitted.

(b) EPA has stayed the effective date of this section relating to the total coliform MCL of §141.63(a) of this chapter for systems that demonstrate to the State that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system.

[54 FR 27568, June 29, 1989, as amended at 56 FR 1557, Jan. 15, 1991]

§ 142.64 Variances and exemptions from the requirements of part 141, subpart H—Filtration and Disinfection.

(a) No variances from the requirements in part 141, subpart H are permitted.

(b) No exemptions from the requirements in §141.72 (a)(3) and (b)(2) to provide disinfection are permitted.

[54 FR 27540, June 29, 1989]