

## § 142.15

## 40 CFR Ch. I (7-1-07 Edition)

under the following provisions of 40 CFR part 141, subpart S and 40 CFR part 142.

(i) Section 142.16(o)(2)(v). Records of written notices of significant deficiencies.

(ii) Section 141.403(a)(5)(ii) of this chapter. Records of corrective action plans, schedule approvals, and State-specified interim measures.

(iii) Section 142.16(o)(4). Records of confirmations under §141.403(a) of this chapter that a significant deficiency has been corrected or the fecal contamination in the ground water source has been addressed.

(iv) Section 141.402(a)(5) of this chapter. Records of State determinations and records of ground water system's documentation for not conducting triggered source water monitoring.

(v) Section 141.402(d) of this chapter. Records of invalidations of fecal indicator-positive ground water source samples.

(vi) Section 141.402(a)(2)(ii) of this chapter. Records of State approvals of source water monitoring plans.

(vii) Section 142.16(o)(4)(ii). Records of notices of the minimum residual disinfection concentration (when using chemical disinfection) needed to achieve at least 4-log virus inactivation before or at the first customer.

(viii) Sections 142.16(o)(4)(iv) and 142.16(o)(4)(v) Records of notices of the State-specified monitoring and compliance requirements (when using membrane filtration or alternative treatment) needed to achieve at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log inactivation and removal) before or at the first customer.

(ix) Sections 141.403(b)(1) and 141.403(b)(2) of this chapter. Records of written notices from the ground water system that it provides at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for a ground water source.

(x) Section 142.16(o)(4)(vi). Records of written determinations that the ground water system may discontinue 4-log treatment of viruses (using inactivation, removal, or a State-approved

combination of 4-log inactivation and removal).

(e) Each State which has primary enforcement responsibility shall retain records pertaining to each variance and exemption granted by it for a period of not less than 5 years following the expiration of such variance or exemption.

(f) Public notification records under Subpart Q of Part 141 of this chapter received from public water systems (including certifications of compliance and copies of public notices) and any state determinations establishing alternative public notification requirements for the water systems must be retained for three years.

(g) Records required to be kept under this section shall be available to the Regional Administrator upon request. The records required to be kept under this section shall be maintained and made available for public inspection by the State, or, the State at its option may require suppliers of water to make available for public inspection those records maintained in accordance with §141.33.

[41 FR 2918, Jan. 20, 1976, as amended at 54 FR 27537, June 29, 1989; 55 FR 25065, June 19, 1990; 56 FR 3595, Jan. 30, 1991; 56 FR 26562, June 7, 1991; 63 FR 69475, 69519, Dec. 16, 1998; 65 FR 2014, Jan. 12, 2000; 65 FR 26048, May 4, 2000; 66 FR 31105, June 8, 2001; 67 FR 1843, Jan. 14, 2002; 69 FR 38857, June 29, 2004; 71 FR 492, Jan. 4, 2006; 71 FR 785, Jan. 5, 2006; 71 FR 65659, Nov. 8, 2006]

### § 142.15 Reports by States.

Each State which has primary enforcement responsibility shall submit to the Administrator the following information:

(a) 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, consisting of the following information:

(1) New violations by public water systems in the State during the previous quarter of State regulations adopted to incorporate the requirements of national primary drinking water regulations, including violations of the public notification requirements under Subpart Q of Part 141 of this chapter;

(2) New enforcement actions taken by the State during the previous quarter

## Environmental Protection Agency

## § 142.15

against public water systems with respect to State regulations adopted to incorporate the requirements of national primary drinking water regulations;

(3) Notification of any new variance or exemption granted during the previous quarter. The notice shall include a statement of reasons for the granting of the variance or exemption, including documentation of the need for the variance or exemption and the finding that the granting of the variance or exemption will not result in an unreasonable risk to health. The State may use a single notification statement to report two or more similar variances or exemptions.

(b) Each State which has primary enforcement responsibility shall submit annual reports to the Administrator on a schedule and in a format prescribed by the Administrator, consisting of the following information:

(1) All additions or corrections to the State's inventory of public water systems;

(2) A summary of the status of each variance and exemption currently in effect.

(c) *Special reports*—(1) *Surface Water Treatment Rule*. (i)(A) A list identifying the name, PWS identification number and date of the determination for each public water system supplied by a surface water source or a ground water source under the direct influence of surface water, which the State has determined is not required to provide filtration treatment.

(B) A list identifying the name and PWS identification number of each public water system supplied by a surface water source or ground water source under the direct influence of surface water, which the State has determined, based on an evaluation of site-specific considerations, has no means of having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified in §141.74(a)(3) and is providing adequate disinfection in the distribution system, regardless of whether the system is in compliance with the criteria of §141.72 (a)(4)(i) or (b)(3)(i) of this chapter, as allowed by §141.72 (a)(4)(ii)

and (b)(3)(ii). The list must include the effective date of each determination.

(ii) Notification within 60 days of the end of the calendar quarter of any determination that a public water system using a surface water source or a ground water source under the direct influence of surface water is not required to provide filtration treatment. The notification must include a statement describing the system's compliance with each requirement of the State's regulations that implement §141.71 and a summary of comments, if any, received from the public on the determination. A single notification may be used to report two or more such determinations.

(2) *Total coliforms*. A list of public water systems which the State is allowing to monitor less frequently than once per month for community water systems or less frequently than once per quarter for non-community water systems as provided in §141.21(a), including the effective date of the reduced monitoring requirement for each system.

(3) [Reserved]

(4) States shall report quarterly, in a format and on a schedule prescribed by the Administrator, the following information related to each system's compliance with the treatment techniques for lead and copper under 40 CFR part 141, subpart I during the preceding calendar quarter. Specifically, States shall report as follows:

(i) For any reports provided prior to May 15, 2000, States shall report the name and PWS identification number:

(A) Each public water system which exceeded the lead and copper action levels and the date upon which the exceedance occurred;

(B) Each public water system required to complete the corrosion control evaluation specified in §141.82(c) and the date the State received the results of the evaluations from each system;

(C) Each public water system for which the State has designated optimal corrosion control treatment under §141.82(d), the date of the determination, and each system that completed installation of treatment as certified under §141.90(c)(3);

§ 142.15

40 CFR Ch. I (7-1-07 Edition)

(D) Each public water system for which the State has designated optimal water quality parameters under §141.82(f) and the date of the determination;

(E) Each public water system which the State has required to install source water treatment under §141.83(b)(2), the date of the determination, and each system that completed installation of treatment as certified under §141.90(d)(2);

(F) Each public water system for which the State has specified maximum permissible source water levels under §141.83(b)(4); and

(G) Each public water system required to begin replacing lead service lines as specified in §141.84, each public water system for which the State has established a replacement schedule under §141.84(f), and each system reporting compliance with its replacement schedule under §141.90(e)(2).

(ii) For any reports provided after May 14, 2000 and before January 14, 2002, States may report in accordance with either paragraph (c)(4)(i) or (c)(4)(iii) of this section.

(iii) For all reports submitted on or after January 14, 2002, States shall report the PWS identification number of each public water system identified in paragraphs (c)(4)(iii)(A) through (F) of this section.

(A) For each large and medium-size public water system, all 90th percentile lead levels calculated during each monitoring period specified in §141.86 of this chapter, and the first and last day of the monitoring period for which the 90th percentile lead level was calculated;

(B) For each small public water system, the 90th percentile lead level calculated during each monitoring period in which the system exceeds the lead action level, and the first and last day of each monitoring period in which an exceedance occurred;

(C) For each public water system (regardless of size), the 90th percentile copper level calculated during each monitoring period in which the system exceeds the copper action level, and the first and last day of each monitoring period in which an exceedance occurred;

(D) For each public water system for which the State has designated optimal water quality parameters under §141.82(f) of this chapter, or which the State has deemed to have optimized corrosion control under §141.81(b)(1) or (b)(3) of this chapter, the date of the determination and the paragraph(s) under which the State made its determination;

(E) For each public water system required to begin replacing lead service lines as specified in §141.84 of this chapter and the date each system must begin replacement; and

(F) For each public water system that has implemented optimal corrosion control, completed applicable source water treatment requirements pursuant to §141.83 of this chapter and/or completed lead service line replacement requirements pursuant to §141.84 of this chapter, and the date of the State's determination that these requirements have been met. The date reported shall be the latest of the following events:

(1) The date the State designates optimal water quality parameters under §141.82(f) of this chapter or deems the system to have optimized corrosion control pursuant to §141.81(b)(1) or (b)(3) of this chapter;

(2) For systems triggered into source water treatment, the date the State designates maximum permissible source water levels under §141.83(b)(4) of this chapter or determines pursuant to §141.83(b)(2) of this chapter that source water treatment is not required; or

(3) For systems triggered into lead service line replacement, the date the system completes lead service line replacement or becomes eligible to cease lead service line replacement pursuant to §141.84(f) of this chapter.

(5) *Sanitary surveys.* A list of subpart H systems that have had a sanitary survey completed during the previous year and an annual evaluation of the State's program for conducting sanitary surveys under §142.16(b)(3) of this chapter.

(6) *Subpart W.* (i) The bin classification after the initial and after the second round of source water monitoring for each filtered system, as described in §141.710 of this chapter.

(ii) Any change in treatment requirements for these systems due to watershed assessment during sanitary surveys, as described in §141.711(d) of this chapter.

(iii) The determination of whether the mean *Cryptosporidium* level is greater than 0.01 oocysts/L both after the initial and after the second round of source water monitoring for each unfiltered system, as described in §141.712(a) of this chapter.

(7) *Ground water rule.* (i) *Sanitary surveys.* The month and year in which the most recent sanitary survey was completed or, for a State that uses a phased review process, the date the last element of the applicable eight elements was evaluated under §142.16(o)(2) for each ground water system.

(ii) *Corrective action requirements.* For any corrective action under §141.403(a) of this chapter, the date the ground water system completed corrective action.

(iii) *Compliance monitoring.* All ground water systems providing at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for any ground water source(s).

(d) The reports submitted pursuant to this section shall be made available by the State to the public for inspection at one or more locations within the State.

[41 FR 2918, Jan. 20, 1976, as amended at 43 FR 5373, Feb. 8, 1978; 54 FR 27539, June 29, 1989; 55 FR 52140, Dec. 20, 1989; 55 FR 25065, June 19, 1990; 56 FR 3595, Jan. 30, 1991; 56 FR 26562, June 7, 1991; 63 FR 69520, Dec. 16, 1998; 64 FR 50620, Sept. 17, 1999; 65 FR 2014, Jan. 12, 2000; 65 FR 20313, Apr. 14, 2000; 65 FR 26048, May 4, 2000; 66 FR 3780, Jan. 16, 2001; 71 FR 786, Jan. 5, 2006; 71 FR 65659, Nov. 8, 2006]

#### § 142.16 Special primacy requirements.

(a) *State public notification requirements.*

(1) Each State that has primary enforcement authority under this part must submit complete and final requests for approval of program revisions to adopt the requirements of Subpart Q of Part 141 of this chapter, using the procedures in §142.12(b) through (d). At its option, a State may, by rule, and after notice and comment, establish alternative public notification require-

ments with respect to the form and content of the public notice required under Subpart Q of Part 141 of this chapter. The alternative requirements must provide the same type and amount of information required under Subpart Q and must meet the primacy requirements under §142.10.

(2) As part of the revised primacy program, a State must also establish enforceable requirements and procedures when the State adds to or changes the requirements under:

(i) *Table 1 to 40 CFR 141.201(a)(Item (3)(v))*—To require public water systems to give a public notice for violations or situations other than those listed in Appendix A of Subpart Q of Part 141 of this chapter;

(ii) *40 CFR 141.201(c)(2)*—To allow public water systems, under the specific circumstances listed in §141.201(c)(2), to limit the distribution of the public notice to persons served by the portion of the distribution system that is out of compliance;

(iii) *Table 1 of 40 CFR 141.202(a) (Items (5), (6), and (9))*—To require public water systems to give a Tier 1 public notice (rather than a Tier 2 or Tier 3 notice) for violations or situations listed in Appendix A of Subpart Q of Part 141 of this chapter;

(iv) *40 CFR 141.202(b)(3)*—To require public water systems to comply with additional Tier 1 public notification requirements set by the State subsequent to the initial 24-hour Tier 1 notice, as a result of their consultation with the State required under §§141.202(b)(2);

(v) *40 CFR 141.202(c), 141.203(c) and 141.204(c)*—To require a different form and manner of delivery for Tier 1, 2 and 3 public notices.

(vi) *Table 1 to 40 CFR 141.203(a) (Item (2))*—To require the public water systems to provide a Tier 2 public notice (rather than Tier (3)) for monitoring or testing procedure violations specified by the State;

(vii) *40 CFR 141.203(b)(1)*—To grant public water systems an extension up to three months for distributing the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule);

(viii) *40 CFR 141.203(b)(2)*—To grant a different repeat notice frequency for the Tier 2 public notice in appropriate