

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WSG 51A

Date Signed: October 4, 1989

MEMORANDUM

SUBJECT: Unregulated Contaminant Public Notification Requirements

FROM: Joseph F. Harrison, Chief (signed by JFH)
Safe Drinking Water Branch (5WD-TUB-9)

TO: Michael B. Cook, Director
Office of Drinking Water (WH-550E)

We in Region V would like to express our concern regarding the requirement for public notification of the availability of unregulated contaminant results, as promulgated under 40 CFR 141.35(d). This regulation requests public water supply owners/operators to notify consumers of the availability of the results of the unregulated contaminant monitoring, even if the analyses show no detectable levels of the unregulated contaminants. It is our belief that such requirements set an inappropriate precedent in terms of publicizing analyses which demonstrate no contamination. We fully and completely support a public notification requirement when an unregulated contaminant is detected, but believe it is imprudent to institute such requirements when there is no contamination. The net effect is a resource burden on utilities which can ill afford the unnecessary time or cost of the initial public notice, as well as any requisite follow up to a confused public which believes the public notification indicates some problem. In addition, the regulation will serve to de-sensitize consumers to those public notices which do relay a potential health concern.

In Region V we have negotiated a compromise with some States, which allows the State to provide the required public notice (in the form of a Statewide press release) after the first round of sampling has been completed. In some cases this public notice will state that unregulated contaminant monitoring data, like all drinking water analyses, are available for public inspection at the State primacy agency offices. We believe this offers a fair solution to the State concerns regarding public notice resource burdens, while meeting the intent of the regulation. For the future, we urge that public notification requirements be confined to alerting the public to drinking water problems, of which there are plenty.

Should you wish to discuss this further, please contact Dan Wilson at FTS 886-6206 or me at FTS 353-2151. Thanks.

***Note: This guidance may need to be updated after revisions to 40 CFR 141.35 are complete in August 1999.**