

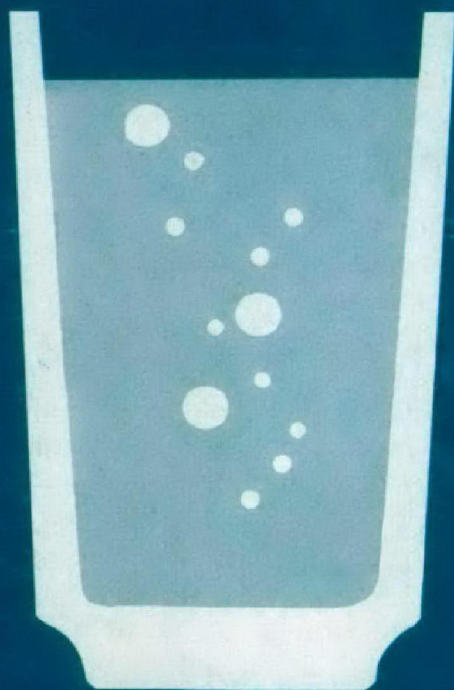
United States
Environmental Protection Agency

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An Environmental Law

Highlights of The Safe Drinking Water Act of 1974



The drinking water coming into most American homes today is generally considered safe, largely because of the high standards set by public water supply systems in the United States.

However, careless use of chemical compounds and the heedless disposal of toxic wastes are new threats to the public water supply that require increased vigilance.

The Safe Drinking Water Act of 1974 provides for the safety of drinking water supplies throughout the United States by establishing and enforcing national drinking water quality standards. Congress authorized EPA to support State and local community drinking water programs by providing financial and technical assistance to undertake research and study efforts. The new law provides the means for expanding the scope and level of water utility service and for improving the quality and dependability of drinking water for future generations of Americans.

The New Legislation

Under the Safe Drinking Water Act, the Federal government—EPA—has the primary responsibility of establishing the national standards, the States are responsible for enforcing the standards and otherwise supervising public water supply systems and sources of drinking water.

A public water system is one that provides piped water for human consumption and that has at least 15 service connections or regularly serves at least 25 people.

Major Provisions

The Safe Drinking Water Act provides for

- Establishment of primary regulations for the protection of the public health,
- Establishment of secondary regulations relating to the taste, odor, and appearance of drinking water,
- Measures to protect underground drinking water sources,
- Research and studies regarding health, economic, and technological problems of drinking water supplies. Specifically required are studies of viruses in drinking water and contamination by cancer-causing chemicals,
- A survey of the quality and availability of rural water supplies,
- Aid to the States to improve drinking water programs through technical assistance, training of personnel, and grant support,

• Citizen suits against any party believed to be in violation of the Act;

- Record-keeping, inspections, issuance of regulations, and judicial review,
- A 15-member National Drinking Water Advisory Council to advise the EPA Administrator on scientific and other responsibilities under the Act,
- A requirement that the Secretary of Health, Education, and Welfare ensure that standards for bottled drinking water conform to the primary regulations established under the Act—or to publish reasons for not doing so,
- Authorization of appropriations totaling \$156 million for fiscal years 1975, 1976, and 1977.

Scope and Timetable for Regulations

The primary standards are designed to provide maximum feasible protection of the public health, utilizing the best treatment methods generally available, with cost as a consideration. The standards will ultimately include maximum contaminant levels, treatment techniques, and general criteria for operation, maintenance, siting, and intake of public water supply systems.

Interim primary regulations established by EPA were promulgated on December 24, 1975 and will become effective June 1977. These primary regulations will later be revised based on findings of a two-year contaminant health effects study by the National Academy of Sciences that is due to be completed in December 1976. The revised primary regulations will become effective within 18 months of the Academy's findings.

Secondary standards will also be prescribed relating to the taste, odor, and appearance of drinking water as well as the sodium and total dissolved solids in the water. Secondary standards will be enforced only if the individual States want to enforce them.

The Role of The States Under The Act

A State can continue to enforce its own laws and regulations governing drinking water supplies until the national interim primary regulations go into effect in June 1977, 18 months after promulgation of the standards.

A State can qualify for primary enforcement responsibility if it meets these conditions:

- It adopts regulations that are at least equal to the Federal regulations in protecting public health,

- It adopts and implements adequate surveillance and enforcement procedures;
- It provides variances and exemptions (if it chooses to provide these) that meet Federal requirements,
- It provides an adequate plan for supplying safe drinking water under emergency circumstances,
- It keeps records and provides reports keeping EPA fully informed of its activities.

Whenever a public water system in a State with primary enforcement authority does not comply with a primary regulation or a schedule imposed with a variance or exemption, EPA is directed by the Act to notify the State and to provide advice or technical assistance in an effort to bring about compliance. If noncompliance continues beyond a 60-day grace period, Federal action may be taken. EPA also may begin enforcement at the request of a Governor or a responsible State agency. In a State without primary enforcement authority, EPA may take direct civil action. The designated authority, whether State or EPA, may impose a maximum penalty of \$5,000 a day for willful violation.

EPA may hold public hearings upon petition of the State, the public water system, or a person served by the system, in order to assist the State in carrying out the primary enforcement role.

On the community level, a public water supply must give notice to its consumers if it

- 1 Fails to meet a primary drinking water regulation,
- 2 Fails to perform required monitoring,
- 3 Has a variance or exemption,
- 4 Fails to comply with a schedule imposed with a variance or exemption.

The notice must be given at least every three months in newspapers of general circulation, and must be included in customers' water bills. Other communications media must also be notified.

Variances and Exemptions

The law provides that variances and exemptions from a required contaminant level may be granted under certain conditions. A variance could be granted because of the water system's inability to comply, because of the nature of the water source, or because the raw water is of such good quality that a required treatment is not necessary. The period that variances would be



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in effect would depend on the conditions of the raw water source and available technology.

Exemptions from contaminant levels or required treatment techniques—extending up to seven years or up to nine years for a regional system—may be granted by a State for compelling reasons, including economic factors.

Emergency Action

If a water supply condition poses an imminent hazard to health, and State and local authorities have not acted, EPA may take direct action to prevent or abate a contamination of drinking water.

Also, in the event of a shortage of chlorine or other chemicals necessary to treat drinking water, the Act authorizes a case-by-case allocation of needed supplies.

Protection of Underground Sources

In hearings prior to enacting the Safe Drinking Water Act, Congress found that numerous public and private agencies had become concerned about the hazards associated with deep well injection of contaminants. A number of States already had been rejecting or discouraging applications for injection systems, and the U.S. Geological Survey and the Bureau of Mines had expressed worry about the indiscriminate "sweeping of our wastes underground."

Both industry and government had been using this method of waste disposal. Cities were engaging in underground injection of sewage, sludge, and other wastes. Industries were injecting chemicals and by-products. Even Government agencies, including the military, were disposing of wastes in this manner.

Congress therefore provided in the Act for the protection of underground sources of drinking water, including aquifers, by means of a regulatory program similar to that governing public water systems.

The Act requires that the Administrator must promulgate regulations that establish minimum requirements for State underground injection control programs. The Administrator is required to name those States for which an underground injection control program may be necessary to assure that underground sources of drinking water will not be endangered.

Designated States must submit a proposed program to the Administrator within 270 days. If

the proposed State Program meets the requirements of the Act and EPA regulations, the State assumes primary responsibility for implementing the underground injection control program.

If the proposed State program does not meet the requirements of the Act or EPA regulations, or if no State program is submitted, the Administrator must prescribe a program within 90 days. EPA will then assume primary enforcement responsibility in that State.

The Act provides for State Program grant assistance that is administered under separate regulations. Grants may be made to States having primary enforcement authority or expecting to have primary enforcement responsibility within two years.