



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

WSG 155


Date Signed: March 28, 2002

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OFFICE OF  
WATER

MEMORANDUM

Subject: Definition of a Significant Non-Complier

From: Clive Davies, Acting Chief   
Drinking Water Protection Branch

To: Joe Theis, Acting Chief  
Municipal Branch

Thank-you for the opportunity to review the Draft Guidance on Establishing the Definition of a Significant Noncomplier (SNC), dated January 15, 2002. Based on our review we do not have comments regarding the microbial or disinfection-by-products SNC definitions. We do have a few recommendations regarding the Chemical/Radiological SNC definition:

- To avoid redundancy, delete all references in your draft guidance to unreasonable risk to health (URTH). Currently, we are developing URTH definitions in the implementation manual for each rule if appropriate.
- To achieve broad consistency in definition of SNC for chemical/radiological contaminants, we recommend replacing the concentrations listed in the national data system – SDWIS – that define SNC. The following definition was developed for the radionuclides rule as part of the implementation guidance for that rule. Stakeholders believed it should be applied to all chemical/radiological rules:
  - “A system is characterized as a SNC if it has a violation at concentrations of twice the Maximum Contaminant Level (MCL).”
  - “A system monitoring once a year or more frequently is characterized as a SNC if it fails to monitor or report analytical results for two consecutive monitoring periods. A system monitoring less frequently than once a year is characterized as a SNC if it fails to monitor or report the monitoring results in one monitoring period.”
  - For nitrate, we recommend making an exception to the rule and setting the SNC at the MCL. We make this recommendation because of the very slim factor of safety that was used to set this standard and because of nitrate’s acute health effects.

Thanks again for the opportunity to review this document. If you have further questions or need additional information, please contact Ron Bergman at 564-3823.