

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H49

Date Issued: July 1992

SUBJECT: Variances and Exemptions for Fluoride Revised in the
Phase II Rule

SOURCE: Al Havinga, OGWDW

On April 2, 1986 EPA promulgated a National Revised Primary Drinking Water Regulation for fluoride of 4.0 mg/l (40 CFR § 141.62 (b)), and issued procedures by which public water systems may obtain variances from the interim and revised fluoride standard. Under the variance procedure cited from 40 CFR § 142.61 (b), it states that the Administrator or primacy State "shall require a public water system to install and/or use any treatment method identified in § 142.61 (a) (activated alumina absorption, centrally applied or reverse osmosis, centrally applied), unless none of the technologies are available or effective as a condition for granting a variance." If the system can not install technology identified in § 142.61 (a) because the technology is not effective or is unavailable, the Administrator or primacy State may issue a variance. This variance allows a public water system to examine other methods of treatment to reduce the level of fluoride in drinking water.

On January 30, 1991 (56 FR 3526) EPA promulgated or re-proposed National Primary Drinking Water Regulations (Phase II Rule) for 38 contaminants. New or revised maximum contaminant levels (MCLs) for eight inorganic compounds now appear in § 141.62 with the existing MCL for fluoride. Additionally, in § 142.62 there are revisions to the variances and exemptions which were established for the MCLs for organic chemicals as well as for eight new or revised inorganic chemicals. Section 142.62 (f) contains provisions which may require a public water system to use bottled water, point of use devices, point of entry devices, or other means as a condition for granting a variance or an exemption from the requirements of § 141.61 (a) and (c) [the MCLs for organic contaminants] and § 141.62 [the MCLs for inorganic contaminants, including fluoride]. Additional provisions and conditions for the use of bottled water as a condition for receiving a variance or an exemption from the MCLs for organic contaminants and inorganic contaminants, including fluoride appear in § 142.62 (g). The use of bottled water, point of use devices, and point of entry devices was not a provision previously allowed when granting a variance for fluoride.

Was it EPA's intent to include fluoride in the revised provisions which allow the use of bottled water, point of use devices, and point of entry devices as a condition of granting variances and exemptions for the new and revised inorganic MCLs?

Response:

Yes, it was EPA's intention to amend the existing provisions for granting a variance from the MCL for fluoride to include the use of bottled water, point of use devices, and point of entry devices in §142.62. When making a reference to the new and revised inorganic MCLs in §141.62, §142.62 (f) and (g) include fluoride.