EPA Review and Approval of Small System Variances

§ 142.311 What procedures allow the Administrator to object to a proposed small system variance or overturn a granted small system variance for a public water system serving 3,300 or fewer persons?

(a) At the time a State proposes to grant a small system variance under this subpart, the State must submit to the Administrator the proposed small system variance and all supporting information, including any written public comments received prior to proposal.

(b) The Administrator may review and object to any proposed small system variance within 90 days of receipt of the proposed small system variance. The Administrator must notify the State in writing of each basis for the objection and propose a modification to the small system variance to resolve the concerns of the Administrator. The State must make the recommended modification, respond in writing to each objection, or withdraw the proposal to grant the small system variance.

(c) If the State issues the small system variance without resolving the concerns of the Administrator, the Administrator may overturn the State decision to grant the variance if the Administrator determines that the State decision does not comply with the Act or this rule.

§ 142.312 What EPA action is necessary when a State proposes to grant a small system variance to a public water system serving a population of more than 3,300 and fewer than 10,000 persons?

(a) At the time a State proposes to grant a small system variance to a public water system serving a population of more than 3,300 and fewer than 10,000 persons, the State must submit the proposed small system variance and all supporting information, including public comments received prior to proposal, to the Administrator.

(b) The Administrator must approve or disapprove the small system variance within 90 days of receipt of the proposed small system variance and supporting information. The Administrator must approve the small system variance if it meets each requirement within the Act and this rule.

(c) If the Administrator disapproves the small system variance, the Administrator must notify the State in writing of the reasons for disapproval and the small system variance does not become effective. The State may resubmit the small system variance for review and approval with modifications to address the objections stated by the Administrator.

§ 142.313 How will the Administrator review a State’s program under this subpart?

(a) The Administrator must periodically review each State program under this subpart to determine whether small system variances granted by the State comply with the requirements of the Act, this rule and the affordability criteria developed by the State.

(b) If the Administrator determines that small system variances granted by a State are not in compliance with the requirements of the Act, this rule or the affordability criteria developed by the State, the Administrator shall notify the State in writing of the deficiencies and make public the determinations.

(c) The Administrator’s review will be based in part on quarterly reports prepared by the States pursuant to §142.15(a)(1) relating to violations of increments of progress or other violated terms or conditions of small system variances.

PART 143—NATIONAL SECONDARY DRINKING WATER REGULATIONS

§ 143.1 Purpose.

This part establishes National Secondary Drinking Water Regulations pursuant to section 1412 of the Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986 (42 U.S.C. 300f et seq.). This part provides for secondary maximum contaminant levels and other requirements for the regulation of contaminants that do not present a threat to public health as a sole source of drinking water. The purpose of this part is to set forth requirements that ensure compliance with the secondary maximum contaminant levels and other requirements established pursuant to section 1412 of the Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986 (42 U.S.C. 300f et seq.). This part is intended to promote the health of the public by establishing standards for the protection of public health with respect to contaminants that do not present a threat to public health as a sole source of drinking water. This part is intended to be used by States in their development of State water quality criteria for the regulation of contaminants that do not present a threat to public health as a sole source of drinking water.