

Recent Changes to the Safe Drinking Water Act (SDWA) Relevant to the Day-to-Day Operations Of DoD Facilities

SUBJECT {SECTION}	AMENDMENT	REI
Selecting New Contaminants for Regulation {1412(b)}	Instead of regulating 25 contaminants every three years, EPA will publish a list of contaminants based on adverse health effects, occurrence or substantial likelihood of occurrence of a contaminant in public water systems and whether there is a meaningful opportunity for health risk reduction for persons served by the system. Within five years, EPA will decide whether or not to regulate at least five of the contaminants.	May impact future monitoring and new requirements.
Urgent Threats To Public Health {1412(b)}	EPA may bypass the requirements of the contaminant selection process and the cost/benefit justification analysis, if, after consultation with Health & Human Services, determines a contaminant poses an urgent threat to public health.	EPA may expedite the selection of contaminants, based on public health. May impact monitoring and/or system maintenance.
Disinfectants and Disinfection Byproducts {1412(b)}	EPA is required to finalize these rules in accordance with the schedule set forth in 59 FR 6361. This schedule currently requires promulgation of a disinfection rule by November, 1998.	New rules may require additional monitoring, and may impact system maintenance.
Emergency Powers{1431}	Fines, for failure to comply with an action imposed by the Administrator, are increased from \$5,000 to \$15,000 per day for each day the violation occurs or failure to comply continues.	Installations are in violation of section 1414). If the violation is substantive or persistent, it could lead to fine and/or violation.
Federal Agencies {1447}	Contains an expanded waiver of sovereign immunity for federal agencies with regard to all federal, state, and local requirements, including fines and penalties. Provides EPA with authority to issue an administrative penalty order, not to exceed \$25,000 per day per violation, if a federal agency has violated an applicable requirement of this title.	Effective 6 August 1996, punitive and coercive fines up to \$25,000 per day per violation for employees are not applicable (including fines and penalties).
Citizen Civil Action {1449}	After giving notice, a citizen may bring an action for the collection of a penalty against a federal agency that fails to pay a penalty 18 months after the effective date of the final order.	Prior to 1996 amendments, citizens could not bring an action under the SDWA against Federal agencies.

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Considerations of Cost and Benefits {1412}	EPA must publish a determination on whether the standard they are proposing is justified by the cost.	None at this time
Judicial Review of Cost/Benefit Justification Determination {1412}	If EPA uses the cost/benefit justification analysis to set a standard, it can only be challenged in court on the basis that the determination is arbitrary and capricious.	None at this time
Risk Trade-Off {1412(b)(5)}	EPA may establish a Maximum Contaminant Level (MCL) at a level other than the feasible level based on a balancing of risks.	None at this time
Discretionary Standard Setting Authority {1412(b)(6)}	EPA may set a standard that maximizes health and risk reduction benefits at a cost that is justified by the benefits.	None at this time
Review and Revision of Regulations{1412}	EPA is given more time to conduct a review of promulgated regulations.	None at this time
Sulfate {1412(b)}	EPA is required to evaluate sulfate.	None at this time
Arsenic {1412(b)}	EPA is required to promulgate arsenic rules (by Jan 2001).	None at this time
Radon {1412(b)}	EPA must withdraw any national primary drinking water regulation for radon, and promulgate a regulation under the provisions contained in the 1996 Amendments.	None at this time
Filtration Requirements {1412(B)(7)(C)}	States may establish on a case-by-case basis alternatives to filtration requirements in certain watersheds depending on the quality of the source water.	None at this time
Ground Water Disinfection, Disinfectant and Disinfection Byproducts {1412(b)(8)}	Requires EPA to promulgate regulations requiring disinfection of surface water systems and provides EPA the flexibility to determine which ground water systems must disinfect.	May impact sampl requirements.
Effective Date for Regulations {1412(b)(10)}	Water suppliers may receive more time (up to two years) to come into compliance with new national primary drinking water regulations, when promulgated.	It may be possibl more time to con assume EPA or tl for additional tim

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State Primacy and State Adoption of Regulations {1413}	States are given more time to adopt EPA regulations.	None at this time.
Public Notification - Violations with Potential to Have Serious Adverse Effects on Human Health {1414(c)}	EPA and the States must amend their notification regulations in order to require notification within 24 hours of violations with potential to have a “serious adverse effect.”	When promulgated installations with l violations with pot
Consumer Confidence Reports {1414(c)}	Community water systems must prepare annual reports on drinking water which include: (1) information on its source; (2) brief definitions of terms; (3) maximum contaminant level goals (MCLGs); (4) maximum contaminant levels (MCLs); (5) level of contaminant found; (6) information on health effects if the MCL is violated; and (7) information on levels of unregulated contaminants, if required by EPA regulations.	Installations will be Consumer Confide
Significant Noncompliance Reports {1420}	States must provide, and periodically update, reports to EPA on systems with a history of significant noncompliance with SDWA regulations.	States may ask inst information regardi
Exemptions {1416}	EPA or states may give three additional years to comply, if the system requires capital improvements and it is in the process of obtaining funds or will join a regional public water system.	May benefit install perform capital im water supplies, or
Lead Pipes and Plumbing {1417}	Prohibits all use of lead plumbing, including fixtures (residential and nonresidential).	Installations must u replacing plumbing
Capacity Development {1420} *****	States have authority to ensure new systems created after 1 October 99 demonstrate technical, managerial, and financial capacity.	None at this time.
Operator Certification {1420}	EPA must publish guidance specifying minimum standards for certification of operators. States will implement the operator certification programs.	Minimal, DOD po comply with alreac certification requir

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Source Water Quality Protection {1453}	States must carry out source water assessment programs that delineate boundaries of source water and identify origins of contaminants and susceptibility of water systems to contaminants.	Installations s programs and
Information Gathering {1445}	EPA is no longer required to go through the rulemaking process to obtain information.	Installations n information to systems.
Interim Monitoring Relief {1418}	For systems serving less than 10,000 people, a primacy state may modify monitoring requirements for regulated or unregulated contaminants, disinfectants and disinfection byproducts, or corrosion byproducts for an interim period, if monitoring has shown that the contaminant is absent from the system.	May benefit in recurring con
Permanent Monitoring Relief {1418}	Primacy states having an approved source water assessment program may adopt tailored alternative monitoring requirements.	In appropriate monitoring rec
Unregulated Contaminants Monitoring {1445}	EPA must promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. It also sets a maximum level of unregulated contaminants (30) that EPA may require a public water system to monitor.	Installations n additional con
Occurrence Data Base {1445}	EPA must assemble and maintain a national drinking water occurrence data base on regulated and unregulated contaminants.	Installations n information or database.
Recycling Filter Backwash {1412}	EPA must promulgate a national primary drinking water regulation to govern recycling of filter backwash water within the treatment process.	None at this ti
Water Conservation Programs {1455}	EPA must publish guidelines for water conservation plans for public water systems.	None at this ti
Waterborne Disease Occurrence Study {1458}	EPA and CDC must jointly establish pilot waterborne disease occurrence studies.	None at this ti
Estrogenic Substances Screening Program {1457}	EPA may provide for testing of any other substances that may be found in drinking water if the agency determines that a substantial	None at this ti

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	population may be exposed to such substances.	
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