

PROACT FACT SHEET



An Environmental Resource sponsored by HQ Air Force Center for Environmental Excellence

Revised January 2003

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA), promulgated by Congress in 1974, amended in 1986 and 1996, establishes a Federal program to monitor and increase the safety of the nation's drinking water supply. The SDWA authorizes the U.S. Environmental Protection Agency (EPA) to set and implement health-based standards to protect against both naturally occurring and man-made contaminants in drinking water. The EPA is also responsible for assessing and protecting drinking water sources; protecting wells and collection systems; making sure water is treated by qualified operators; ensuring the integrity of distribution systems; and making information available to the public on the quality of their drinking water.

Implementing the SDWA

The EPA establishes and implements the SDWA and its amendments through Title 40 Code of Federal Regulations (CFR) Parts 141-142, "National Primary Drinking Water Regulations (NPDWR)" and Title 40 CFR Part 143 "National Secondary Drinking Water Regulations (NSDWR)." These regulations allow the EPA to enforce federally established drinking water standards by setting goals to ensure the highest quality of drinking water, from the source to the tap.

The EPA establishes health goals based on risk and sets a legal limit, or maximum contaminant level (MCL), to help ensure consistent quality of the water supply. MCLs are established based on known or anticipated adverse health effects, the ability of available technology to remove contaminants, their effectiveness, and the cost of treatment. The limit is based on lifetime exposure and represents the highest permissible level of a contaminant in water that is delivered to any user of a public water system. MCLs have been set for over 90 potential drinking water contaminants, seven of which are new standards enforceable as of 1 January 2002.

The NPDWR also codifies other specific requirements of the SDWA, including monitoring and analytical requirements, reporting and record keeping, maximum contaminant level goals (MCLG), filtration and disinfection, control of lead and copper, treatment techniques, and information collection requirements for public water systems. This regulation also provides best available treatment (BAT) technologies.

Secondary drinking water standards under the NSDWR are established for contaminants that primarily affect aesthetic qualities relating to public acceptance of drinking water. These secondary standards are not federally enforceable, but rather serve as guidelines for state use.

Applicability to the Air Force

The Air Force Instruction (AFI) 32-1067, "Water Systems," provides guidelines for efficiently and effectively operating and maintaining potable water systems while protecting the environment. AFI 32-1067 along with AFI 48-119, "Medical Service Environmental Quality Programs," specifically requires the Air Force to comply with the standards set forth in the SDWA and any federally enforceable limits set by state or local authorities.

The SDWA Amendments of 1996 enforce the requirement for federal agencies to comply with state and local drinking water regulations. Some states have responded to public concern by establishing more stringent requirements for drinking water. Therefore, to be certain of compliance, it is necessary to carefully review and comply with state, local, and federal regulations.

The amendments also reiterate EPA's enforcement authority over federal facilities; streamlines the statutory process for issuing compliance orders for public water systems; provides citizens the opportunity to obtain judicial review of penalty orders, and requires any penalty or fine collected from a federal facility to be used for environmental purposes.

In addition, the amendments significantly enhance the SDWA's pre-existing waiver of sovereign immunity. This waiver of sovereign immunity is addressed in Section 1447 of the SDWA and provides the EPA with the authority to penalize any federal facility that violates an applicable requirement of the SDWA, including the public water supply and underground injection control requirements, and requirements imposed by an administrative order.

EPA's Next Steps

The EPA has established priorities for regulation development over the next several years. EPA's strategy is to strengthen control of the promulgated standards and set new standards to ensure the future quality of the nation's drinking water. In order to accomplish this goal, the EPA is required to publish a list of contaminants (Drinking Water Contaminant Candidate List, or CCL) that are known or anticipated to occur in public water systems and which may require regulation under the SWDA. The CCL, published in March 1998, is divided into several categories: those that are the highest priority for additional research (i.e. arsenic), those that need additional occurrence data, and those that are priorities for consideration for rulemaking. The EPA will select five or more contaminants from the CCL and determine whether to regulate them based on the opportunity to reduce health risk. If deemed necessary, the EPA will propose a new regulation for each contaminant by 2003 and promulgate the rule by 2005.

In addition, the EPA will select up to 30 unregulated contaminants from the CCL to evaluate and prioritize for future monitoring. These contaminants are regulated under EPA's Unregulated Contaminant

Monitoring Rule (UCMR). This rule enables the EPA to break down the selected contaminants into three lists: List 1, Assessment Monitoring for contaminants for which analytical methods exist; List 2, Screening Surveys for contaminants with newly developed analytical methods and for which less occurrence data is available; and List 3, Pre-Screen Testing for recently emerged drinking water concerns and for which analytical methods have not been developed.

Every five years, the EPA will repeat the cycle of revising the CCL, make regulatory determinations for five contaminants, and identify up to 30 contaminants for unregulated monitoring. Every six years, the EPA is also required to re-evaluate the existing regulations to determine if modifications are necessary.

Additional Information

Contact PROACT at DSN 240-4214 or by email at pro-act@brooks.af.mil, or the SDWA hotline at (800) 426-4791, or visit the following websites:

1. EPA's Office of Ground Water and Drinking Water: <http://www.epa.gov/safewater/>
2. AFI 32-1067, Water Systems: <http://www.e-publishing.af.mil/pubfiles/af/32/afi32-1067/afi32-1067.pdf>
3. DoD's Safe Drinking Water Compliance Guidance Document: <https://www.denix.osd.mil/denix/DOD/Library/Water/SDWA/guidanc3.doc>

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