

# State Role in Water Supply and Rule Development and Implementation

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# State Responsibilities

- Rule implementation
- Compliance determinations
- Reporting and recordkeeping requirements
- Enforcement
- Source water assessment and protection
- Security

# State Responsibilities (continued)

- DWSRF implementation
- Capacity development program
- Operator certification program
- Sanitary surveys
- Technical assistance
- Plan review
- Additional responsibilities

# Primacy

- Primary enforcement responsibility
- Authorized under SDWA Section 1413 and codified in 40 CFR 142 Subpart B
- 49 of 50 states have primacy (WY)
- States must submit a primacy revision application for each new rule (40 CFR 142.12)

# Requirements for State Primacy

- State regulations that are no less stringent than Federal regulations
- Adequate enforcement authority to compel water systems to comply with regulations
- Authority to assess administrative penalties for violations

# Requirements for State Primacy (continued)

- Inventory of public water systems
- Recordkeeping and reporting requirements
- Program to conduct sanitary surveys
- Emergency response plan
- Additional requirements
- State primacy program is part of annual review by EPA Regional office

# State Role in Development of Federal Rules

- States work with EPA and other stakeholders during the rule development process
- States provide comment to EPA through ASDWA and individually

# State Role in Implementation of Federal Rules - Overview

- Review Federal rule to understand requirements
- Modify state program accordingly
- Prepare state regulations
- Prepare primacy revision application
- Work with water systems to determine rule applicability and appropriate course of action

# Preparing State Regulations

- Develop state rule language
- Initiate internal review process
- Solicit public comment/hold public hearings
- Finalize state regulations

# Primacy Revision Application

- Must show state has regulations that are no less stringent than Federal regulations and are enforceable
- Must include
  - Text of state regulations
  - Primacy revision crosswalk
  - Special primacy requirements
  - Attorney General's statement of certification

# Timing

- SDWA section 1413 allows states two years to submit primacy revision application
- States may request a two year extension
- EPA publishes guidance to assist states in preparing primacy revision applications
- EPA review of application/interim primacy