

**PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION**

**Subpart A—General Provisions**

- Sec.
- 142.1 Applicability.
- 142.2 Definitions.
- 142.3 Scope.
- 142.4 State and local authority.

**Subpart B—Primary Enforcement Responsibility**

- 142.10 Requirements for a determination of primary enforcement responsibility.
- 142.11 Initial determination of primary enforcement responsibility.
- 142.12 Revision of State programs.
- 142.13 Public hearing.
- 142.14 Records kept by States.
- 142.15 Reports by States.
- 142.16 Special primacy requirements.
- 142.17 Review of State programs and procedures for withdrawal of approved primacy programs.
- 142.18 EPA review of State monitoring determinations.
- 142.19 EPA review of State implementation of national primary drinking water regulations for lead and copper.

**Subpart C—Review of State-Issued Variances and Exemptions**

- 142.20 State-issued variances and exemptions under Section 1415(a) and Section 1416 of the Act.
- 142.21 State consideration of a variance or exemption request.
- 142.22 Review of State variances, exemptions and schedules.
- 142.23 Notice to State.
- 142.24 Administrator's rescission.

**Subpart D—Federal Enforcement**

- 142.30 Failure by State to assure enforcement.
- 142.31 [Reserved]
- 142.32 Petition for public hearing.
- 142.33 Public hearing.
- 142.34 Entry and inspection of public water systems.

**Subpart E—Variances Issued by the Administrator Under Section 1415(a) of the Act**

- 142.40 Requirements for a variance.
- 142.41 Variance request.
- 142.42 Consideration of a variance request.
- 142.43 Disposition of a variance request.
- 142.44 Public hearings on variances and schedules.

- 142.45 Action after hearing.
- 142.46 Alternative treatment techniques.

**Subpart F—Exemptions Issued by the Administrator**

- 142.50 Requirements for an exemption.
- 142.51 Exemption request.
- 142.52 Consideration of an exemption request.
- 142.53 Disposition of an exemption request.
- 142.54 Public hearings on exemption schedules.
- 142.55 Final schedule.
- 142.56 Extension of date for compliance.
- 142.57 Bottled water, point-of-use, and point-of-entry devices.

**Subpart G—Identification of Best Technology, Treatment Techniques or Other Means Generally Available**

- 142.60 Variances from the maximum contaminant level for total trihalomethanes.
- 142.61 Variances from the maximum contaminant level for fluoride.
- 142.62 Variances and exemptions from the maximum contaminant levels for organic and inorganic chemicals.
- 142.63 Variances and exemptions from the maximum contaminant level for total coliforms.
- 142.64 Variances and exemptions from the requirements of part 141, subpart H—Filtration and Disinfection.
- 142.65 Variances and exemptions from the maximum contaminant levels for radionuclides.

**Subpart H—Indian Tribes**

- 142.72 Requirements for Tribal eligibility.
- 142.76 Request by an Indian Tribe for a determination of eligibility.
- 142.78 Procedure for processing an Indian Tribe's application.

**Subpart I—Administrator's Review of State Decisions that Implement Criteria Under Which Filtration Is Required**

- 142.80 Review procedures.
- 142.81 Notice to the State.

**Subpart J [Reserved]**

**Subpart K—Variances for Small System**

GENERAL PROVISIONS

- 142.301 What is a small system variance?
- 142.302 Who can issue a small system variance?
- 142.303 Which size public water systems can receive a small system variance?

## § 142.1

## 40 CFR Ch. I (7-1-06 Edition)

142.304 For which of the regulatory requirements is a small system variance available?

142.305 When can a small system variance be granted by a State?

### REVIEW OF SMALL SYSTEM VARIANCE APPLICATION

142.306 What are the responsibilities of the public water system, State and the Administrator in ensuring that sufficient information is available and for evaluation of a small system variance application?

142.307 What terms and conditions must be included in a small system variance?

### PUBLIC PARTICIPATION

142.308 What public notice is required before a State or the Administrator proposes to issue a small system variance?

142.309 What are the public meeting requirements associated with the proposal of a small system variance?

142.310 How can a person served by the public water system obtain EPA review of a State proposed small system variance?

### EPA REVIEW AND APPROVAL OF SMALL SYSTEM VARIANCES

142.311 What procedures allow for 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?

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?

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

AUTHORITY: 42 U.S.C. 300f, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4, 300j-9, and 300j-11.

SOURCE: 41 FR 2918, Jan. 20, 1976, unless otherwise noted.

## Subpart A—General Provisions

### § 142.1 Applicability.

This part sets forth, pursuant to sections 1413 through 1416, 1445, and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Public Law 93-523, regulations for the implementation and enforcement of the national primary drinking water regulations contained in part 141 of this chapter.

### § 142.2 Definitions.

As used in this part, and except as otherwise specifically provided:

*Act* means the Public Health Service Act.

*Administrator* means the Administrator of the United States Environmental Protection Agency or his authorized representative.

*Agency* means the United States Environmental Protection Agency.

*Approved State primacy program* consists of those program elements listed in §142.11(a) that were submitted with the initial State application for primary enforcement authority and approved by the EPA Administrator and all State program revisions thereafter that were approved by the EPA Administrator.

*Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.

*Federal agency* means any department, agency, or instrumentality of the United States.

*Indian Tribe* means any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

*Interstate Agency* means an agency of two or more States established by or under an agreement or compact approved by the Congress, or any other agency of two or more States or Indian Tribes having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

*Maximum contaminant level* means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system; except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except for those resulting from corrosion of piping and plumbing caused by water quality are excluded from this definition.

*Municipality* means a city, town, or other public body created by or pursuant to State law, or an Indian Tribe which does not meet the requirements of subpart H of this part.