SAFE DRINKING WATER ACT

9-D. Direct Implementation of the National Primary Drinking Water Regulations for the Public Water System Supervision Program

1. **AUTHORITY.** The authorities vested in the regional administrator by the National Primary Drinking Water Regulations at 40 C.F.R. Part 141 to perform the following duties and responsibilities for public water systems, where no state or tribe has primary enforcement responsibility under Section 1413 of the Safe Drinking Water Act and the regulatory functions of the "State" are, therefore, performed by the regional administrator:

   a. Determine, require, or approve sampling or monitoring plans, including: sampling locations, sampling schedules and frequencies, numbers of samples, compositing of samples, and persons conducting sampling; and approve grandfathering of previously collected data;

   b. Establish corrective action plans and schedules following a finding of a sanitary defect, significant deficiency, or source water fecal contamination;

   c. Determine the adequacy of treatment under 40 C.F.R. Part 141, Subparts H, P, S, T, U, and W;

   d. Approve the content and means of delivery of public education, public notice, and consumer confidence report materials;

   e. Determine compliance with requirements in 40 C.F.R. Part 141;

   f. Determine that a ground water source is under the direct influence of surface water;

   g. Identify significant deficiencies based on sanitary surveys and/or sanitary defects based on Level 1 or Level 2 assessments, and issue the accompanying reports;

   h. Invalidate samples and otherwise determine whether samples or data are acceptable;

   i. Issue monitoring waivers or modify monitoring of consecutive systems;

   j. Designate optimal corrosion control treatment, water quality parameters, and all other treatment or lead service line replacement approvals pursuant to 40 C.F.R. Subpart I; and

   k. Perform all other functions the regional administrator is authorized by 40 C.F.R. Part 141 to perform.

2. **TO WHOM DELEGATED.** Branch chief, Safe Drinking Water Branch.

3. **LIMITATIONS.** This delegation does not apply to the following:

   a. The authority to issue or review variances or exemptions, as referenced in 40 C.F.R.§ 141.4;

   b. The authority to approve an alternative analytical method under 40 C.F.R. § 141.27;

c. The authority to certify laboratories and responsible state officials under 40 C.F.R. § 141.28;

d. Any authorities under the Aircraft Drinking Water Rule (40 C.F.R. Part 141, Subpart X); and

e. The authority to make any determination of noncompliance or to approve any compliance plan or schedule in connection with any notice of violation pursuant to Section 1414(a)(1)(A) of the SDWA or any administrative or judicial enforcement proceeding pursuant to the SDWA, including sections 1414, 1431, 1432, 1447, and 1449 as described in SDWA 1414(a).

4. **REDELEGATION AUTHORITY.**

a. The authorities under 1.a. through 1.d. may be redelegated to the staff level.

b. The authorities under 1.e. through 1.k. may be redelegated to the section chief level, or equivalent, and no further.

c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

a. Delegation No. 9-3, Certification of Laboratories and Responsible State Officials.

b. Delegation No 9-7-A, Findings of Non-Compliance Notification, and Technical Assistance.

c. Delegation No. 9-8, Review and Issuance of Variances.

d. Delegation No. 9-9, Receipt and Issuance of Exemptions.

e. Delegation No. 9-14, Monitoring of Consecutive Public Water Systems.

f. Delegation No. 9-17, Imminent and Substantial Endangerment.

g. Delegation No. 9-33-A, Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements.

h. Delegation No. 9-33-B, Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals.

i. Delegation No. 9-47, Administrative Penalty Actions Not to Exceed $5,000.

j. Delegation No. 9-62, Administrative Penalty Actions Against a Federal Agency for Violations of the Safe Drinking Water Act.

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k. Delegation No. 9-69, Issuance of Variances for Treatment Technique Requirements.

l. Delegation No. 9-70, National Primary Drinking Water Regulations.

m. Delegation No. 9-73, Approval of Alternative Analytical Methods.

n. Delegation No. 9-74, Implementation of the Aircraft Drinking Water Rule.

o. 40 C.F.R. §§ 1.5(a) and 1.61.

Darcy O'Connor, Director
Water Division

5/31/15
Date