

characterize source water pathogen levels and capture a degree of annual variability. To expedite the date by which systems will provide additional treatment where high risk source waters are identified, large system *Cryptosporidium* monitoring will begin six months after promulgation of the LT2ESWTR. Upon completion of *Cryptosporidium* monitoring, systems will have six months to work with their primacy agency to determine their bin classification. Beginning at this point, which is three years following LT2ESWTR promulgation, large systems will have three years to implement the treatment processes or control strategies necessary to comply with any additional treatment requirements stemming from bin classification.

Other large system compliance dates in areas like approval of grandfathered monitoring data, disinfection profiling and benchmarking, and reporting deadlines associated with microbial toolbox components all stem from the *Cryptosporidium* monitoring and treatment compliance schedule.

With respect to small systems under the LT2ESWTR, EPA is proposing that small systems first monitor for *E. coli* as a screening analysis in order to reduce the number of small systems that incur the cost of *Cryptosporidium* monitoring. However, due to limitations in available data, the Agency has determined that it is necessary to use data generated by large systems under the LT2ESWTR to confirm or refine the *E. coli* indicator criteria that will trigger small system *Cryptosporidium* monitoring. Consequently, small system indicator monitoring will begin at the conclusion of large system monitoring. This approach was recommended by the Advisory Committee.

Accordingly, small systems will monitor for *E. coli* for one year, beginning 30 months after LT2ESWTR promulgation. Following this, small systems will have six months to determine if they are required to monitor for *Cryptosporidium* and, if so, contract with an approved analytical laboratory. *Cryptosporidium* monitoring by small systems will be conducted for one year, which, when added to the one year of *E. coli* monitoring, equals two years of source water monitoring. This is equivalent to the time period large systems spend in source water monitoring.

The time periods associated with bin assignment and compliance with additional treatment requirements for small systems are the same as those proposed for large systems. Specifically, small systems will have six months to work with their States to determine

their bin classification following the conclusion of *Cryptosporidium* sampling. From this point, which is 5.5 years after LT2ESWTR promulgation, small systems have three years to meet any additional treatment requirements resulting from bin classification. States can grant additional time to small systems for compliance with treatment technique requirements through granting exemptions (see SDWA section 1416).

3. Request for Comments

EPA requests comments on the treatment technique compliance schedules for large and small systems in today's proposal, including the following issues:

Time Window Between Large and Small System Monitoring

Under the current proposal, small filtered system *E. coli* monitoring begins in the month following the end of large system *Cryptosporidium*, *E. coli*, and turbidity monitoring. EPA plans to evaluate large system monitoring results on an ongoing basis as the data are reported to determine if any refinements to the *E. coli* levels that trigger small system *Cryptosporidium* monitoring are necessary. If such refinements were deemed appropriate, EPA would issue guidance to States, which can establish alternative trigger values for small system monitoring under the LT2ESWTR.

This implementation schedule does not leave any time between the end of large system monitoring and the initiation of small system monitoring. Consequently, if it is necessary to provide guidance on alternative trigger values prior to when small system monitoring begins, such guidance would be based on less than the full set of large system results (e.g., first 18 months of large system data). EPA requests comment on whether an additional time window between the end of large system monitoring and the beginning of small system monitoring is appropriate and, if so, how long such a window should be.

Implementation Schedule for Consecutive Systems

The Stage 2 M-DBP Agreement in Principle (65 FR 83015, December 29, 2000) (USEPA 2000a) continues the principle of simultaneous compliance to address microbial pathogens and disinfection byproducts. Systems are generally expected to address LT2ESTWR requirements concurrently with those of the Stage 2 DBPR (as noted earlier, the Stage 2 DBPR is scheduled to be proposed later this year and to be

promulgated at the same time as the LT2ESWTR).

As with the LT2ESWTR, small water systems (< 10,000 served) generally begin monitoring and must be in compliance with the Stage 2 DBPR at a date later than that for large systems. However, the Advisory Committee recommended that small systems that buy/receive from or sell/deliver finished water to a large system (that is, they are part of the same "combined distribution system") comply with Stage 2 DBPR requirements on the same schedule as the largest system in the combined distribution system. This approach is intended to ensure that systems consider impacts throughout the combined distribution system when making compliance decisions (e.g. selecting new technologies or making operational modifications) and to facilitate all systems meeting the compliance deadlines for the rule.

The issue of combined distribution systems associated with systems buying and selling water is expected to be of less significance for the LT2ESWTR. The requirements of the LT2ESWTR apply to systems treating raw surface water and generally will not involve compliance steps when systems purchase treated water. Consequently, the compliance schedule for today's proposal does not address combined distribution systems. However, this proposed approach raises the possibility that a small system treating surface water and selling it to a large system could be required to take compliance steps at an earlier date under the Stage 2 DBPR than under the LT2ESWTR. While a small system in this situation could choose to comply with the LT2ESWTR on an earlier schedule, the two rules would not require simultaneous compliance. EPA requests comment on how this scenario should be addressed in the LT2ESWTR.

G. Public Notice Requirements

1. What Is EPA Proposing Today?

EPA is proposing that under the LT2ESWTR, a Tier 2 public notice will be required for violations of additional treatment requirements and a Tier 3 public notice will be required for violations of monitoring and testing requirements. Where systems violate LT2ESWTR treatment requirements, today's proposal requires the use of the existing health effects language for microbiological contaminant treatment technique violations, as stated in 40 CFR 141 Subpart Q, Appendix B.