

TABLE V-11.—COMPARISON OF IDSE AND IDSE ALTERNATIVE SCHEDULES
[Dates in italics are not in today's proposed rule, but reflect EPA's recommendation and guidance]

Requirement ¹	Today's proposal	"Alternative IDSE" option	"Concurrent compliance monitoring" option
IDSE start date for systems ≥10,000	0.5 years after publication.	2.5 years after publication	Requirement is for system to conduct concurrent compliance monitoring (generally equal to number of samples required under Stage 1 plus number under IDSE) during first year of compliance monitoring. Based on results in first year, system would identify routine compliance monitoring locations using a procedure similar to that in IDSE report and begin routine monitoring.
IDSE start date for systems <10,000	2.5 years after publication.	4.5 years after publication	
IDSE report due for systems ≥10,000	2 years after publication.	4 years after publication	
IDSE report due for systems <10,000	4 years after publication.	6 years after publication	
State review of IDSE report complete for systems ≥10,000.	3 years after publication.	5 years after publication	
State review of IDSE report complete for systems <10,000.	4.5 years after publication.	6.5 years after publication	
Stage 2B compliance for systems ≥10,000	6 years after publication ²		
Stage 2B compliance for systems <10,000	7.5 years after publication if system is not required to conduct <i>Cryptosporidium</i> monitoring; 8.5 years after publication if system required to conduct <i>Cryptosporidium</i> monitoring ²		

¹ Systems serving ≥10,000 also include wholesale systems and consecutive systems serving <10,000 that are part of a combined distribution system in which at least one system serves ≥10,000.

² State may grant up to two additional years for capital improvements necessary to comply.

3. Request for Comments

EPA requests comments on today's proposed compliance schedules. Specifically:

- Should EPA promulgate an alternative approach to the IDSE recommended in section V.H. that achieves the same goal of identifying Stage 2B compliance monitoring locations and does not delay compliance with Stage 2B MCLs, but allows for the States to receive primacy and be more involved in IDSE implementation? Do either the "Alternative IDSE" option or the "Concurrent Compliance Monitoring" option achieve this goal? Does one achieve the goal better than the other? Why? Are there either changes to these alternatives or other alternatives not presented that achieve this goal?
- Should EPA allow small consecutive systems to meet Stage 2B compliance deadlines corresponding to their size (and later than the deadlines for their wholesale system) provided they complete their IDSE on the same schedule as the wholesale system and provided their water quality does not affect the water quality of any other system?

K. Public Notice Requirements

1. What is EPA Proposing?

SDWA section 1414(c) requires PWSs to provide notice to their customers for certain violations or in other circumstances. EPA's public notification rule was published on May 4, 2000 (65 FR 25982), and is codified at 40 CFR 141.201–141.210 (Subpart Q). Today's proposal does not alter the existing TTHM and HAA5 health effects language that is required in most public

notices under Subpart Q. Because of the uncertainties in the health data discussed in section III of today's document, EPA is not proposing to include information about reproductive and developmental health effects in public notices at this time.

2. Request for Comments

EPA requests comment on the proposed public notification requirements, including whether information about the possible reproductive or fetal development effects that may be associated with high levels of DBPs should be provided.

L. Variances and Exemptions

States may grant variances in accordance with sections 1415(a) and 1415(e) of the SDWA and EPA's regulations. States may grant exemptions in accordance with section 1416 of the SDWA and EPA's regulations.

1. Variances

The SDWA provides for two types of variances—general variances and small system variances. Under section 1415(a)(1)(A) of the SDWA, a State that has primary enforcement responsibility (primacy), or EPA as the primacy agency, may grant general variances from MCLs to those public water systems of any size that cannot comply with the MCLs because of characteristics of the water sources. A variance may be issued to a system on condition that the system install the best technology, treatment techniques, or other means that EPA finds available and based upon an evaluation satisfactory to the State that indicates that alternative sources of water are not

reasonably available to the system. At the time this type of variance is granted, the State must prescribe a compliance schedule and may require the system to implement additional control measures. Furthermore, before EPA or the State may grant a general variance, it must find that the variance will not result in an unreasonable risk to health to the public served by the public water system. In this proposed rule, EPA is specifying BATs for general variances under section 1415(a) (see section V.F).

Section 1415(e) authorizes the primacy agency to issue variances to small public water systems (those serving fewer than 10,000 people) where the primacy agent determines (1) that the system cannot afford to comply with an MCL or treatment technique and (2) that the terms of the variances will ensure adequate protection of human health (63 FR 1943–57; USEPA 1998d). These variances may only be granted where EPA has determined that there is no affordable compliance technology and has identified a small system variance technology under section 1412(b)(15) for the contaminant, system size and source water quality in question. As discussed below, small system variances under section 1415(e) are not available because EPA has determined that affordable compliance technologies are available.

The 1996 Amendments to the SDWA identify three categories of small public water systems that need to be addressed: (1) Those serving a population of 3301–10,000; (2) those serving a population of 500–3300; and (3) those serving a population of 25–499. The SDWA requires EPA to make determinations of available compliance technologies and,