

## § 141.34

## 40 CFR Ch. I (7–1–11 Edition)

to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

(e) Copies of public notices issued pursuant to Subpart Q of this part and certifications made to the primacy agency pursuant to §141.31 must be kept for three years after issuance.

(f) Copies of monitoring plans developed pursuant to this part shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (a) of this section, except as specified elsewhere in this part.

[40 FR 59570, Dec. 24, 1975, as amended at 65 FR 26022, May 4, 2000; 71 FR 478, Jan. 4, 2006]

## § 141.34 [Reserved]

## § 141.35 Reporting for unregulated contaminant monitoring results.

(a) *General applicability.* This section applies to any owner or operator of a public water system (PWS) required to monitor for unregulated contaminants under §141.40(a); such owner or operator is referred to as “you.” This section specifies the information that must be reported to EPA prior to the commencement of monitoring and describes the process for reporting monitoring results to EPA. For the purposes of this section, PWS “population served” includes the sum of the retail population served directly by the PWS plus the population served by any consecutive system(s) receiving all or part of its finished water from that PWS. For purposes of this section, the term “finished” means water that is introduced into the distribution system of a PWS and is intended for distribution and consumption without further treatment, except the treatment necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals). For purposes of this section, the term “State” refers to the State or Tribal government entity that

has jurisdiction over your PWS even if that government does not have primary enforcement responsibility for PWSs under the Safe Drinking Water Act. For purposes of this section, the term “PWS Official” refers to the person at your PWS who is able to function as the official spokesperson for the system’s Unregulated Contaminant Monitoring Regulation (UCMR) activities; and the term “PWS Technical Contact” refers to the person at your PWS who is responsible for the technical aspects of your UCMR activities, such as details concerning sampling and reporting.

(b) *Reporting by all systems.* You must meet the reporting requirements of this paragraph if you meet the applicability criteria in §141.40(a)(2).

(1) *Where to submit UCMR reporting requirement information.* Some of your reporting requirements are to be fulfilled electronically, and others by mail. Information that must be submitted using EPA’s electronic data reporting system must be submitted through: <http://www.epa.gov/safewater/ucmr/ucmr2/reporting.html>. Documentation that is required to be mailed can be submitted either: To UCMR Sampling Coordinator, USEPA, Technical Support Center, 26 West Martin Luther King Drive (MS 140), Cincinnati, OH 45268; or by e-mail at [UCMR\\_Sampling\\_Coordinator@epa.gov](mailto:UCMR_Sampling_Coordinator@epa.gov); or by fax at (513) 569-7191. In addition, you must notify the public of the availability of unregulated contaminant monitoring data as provided in Subpart Q (Public Notification) of this part (40 CFR 141.207). Community Water Systems that detect unregulated contaminants under this monitoring must also address such detections as part of their Consumer Confidence Reports, as provided in Subpart O of this part (40 CFR 141.151).

(2) *Contacting EPA if your system does not meet applicability criteria or has a status change.* If you have received a letter from EPA concerning your required monitoring and your system does not meet the applicability criteria for UCMR established in §141.40(a)(2), or if a change occurs at your system that may affect your requirements under UCMR as defined in §141.40(a)(3) through (5), you must fax, mail, or e-

mail a letter to EPA, as specified in paragraph (b)(1) of this section. The letter must be from your PWS Official and must include an explanation as to why the UCMR requirements are not applicable to your PWS, or have changed for your PWS, along with the appropriate contact information. EPA will make an applicability determination based on your letter and in consultation with the State when necessary. You are subject to UCMR requirements unless and until you receive a letter from EPA agreeing that you do not meet the applicability criteria.

(c) *Reporting by large systems.* If you serve a population of more than 10,000 people, and meet the applicability criteria in §141.40(a)(2)(i), you must meet the reporting requirements in paragraphs (c)(1) through (8) of this section.

(1) *Contact information.* You must provide contact information by April 4, 2007, and provide updates within 30 days if this information changes. The contact information must be submitted using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section, and include the name, affiliation, mailing address, phone number, fax number, and e-mail address for your PWS Technical Contact and your PWS Official.

(2) *Sampling location and inventory information.* You must provide your sampling location and inventory information by August 2, 2007 using EPA's electronic data reporting system. You must submit the following information for each sampling location, or for each approved representative sampling location (as specified in paragraph (c)(3) of this section regarding representative sampling locations): PWS identification (PWSID) code; PWS facility identification code; water source type, sampling point identification code; and sampling point type code; (as defined in Table 1, paragraph (e) of this section). If this information changes, you must report updates to EPA's electronic data reporting system within 30 days of the change.

(3) *Proposed ground water representative sampling locations.* Some systems that use ground water as a source and have multiple entry points to the distribution system (EPTDSs) may pro-

pose monitoring at representative entry point(s), rather than monitor at every EPTDS, as follows:

(i) *Qualifications.* Large PWSs that have EPA- or State-approved alternate EPTDS sampling locations from a previous UCMR cycle, or as provided for under §§141.23(a)(1), 141.24(f)(1), or 141.24(h)(1), may submit a copy of documentation from their State or EPA that approves their alternative sampling plan for EPTDSs. PWSs that do not have an approved alternative EPTDS sampling plan may submit a proposal to sample at representative EPTDS(s) rather than at each individual EPTDS if: They use ground water as a source; all of their well sources have either the same treatment or no treatment; and they have multiple EPTDSs from the same source, such as an aquifer. You must submit a copy of the existing alternate EPTDS sampling plan or your representative well proposal, as appropriate, by May 4, 2007, as specified in paragraph (b)(1) of this section.

(ii) *Demonstration.* If you are submitting a proposal to sample at representative EPTDS(s) rather than at each individual EPTDS, you must demonstrate that any EPTDS that you select as representative of the ground water you supply from multiple wells is associated with a well that draws from the same aquifer as the wells it will represent. You must submit the following information for each proposed representative sampling location: PWSID Code, PWS Facility Identification Code, and Sampling Point Identification Code (as defined in Table 1, paragraph (e) of this section). You must also include documentation to support your proposal that the specified wells are representative of other wells. This documentation can include system-maintained well logs or construction drawings indicating that the representative well(s) is/are at a representative depth, and details of well casings and grouting; data demonstrating relative homogeneity of water quality constituents (e.g., pH, dissolved oxygen, conductivity, iron, manganese) in samples drawn from each well; and data showing that your wells are located in a limited geographic area (e.g., all wells within a 0.5

mile radius) and/or, if available, the hydrogeologic data indicating the time of travel separating the representative well from each of the individual wells it represents (e.g., all wells within a five-year time of travel delineation). Your proposal must be sent in writing to EPA, as specified in paragraph (b)(1) of this section. You must also provide a copy of this information to the State, unless otherwise directed by the State. Information about the actual or potential occurrence or non-occurrence of contaminants in an individual well, or a well's vulnerability to contamination, must not be used as a basis for selecting a representative well.

(iii) *Approval.* EPA or the State (as specified in the Partnership Agreement reached between the State and EPA) will review your proposal, coordinate any necessary changes with you, and approve the final list of EPTDSs where you will be required to monitor. Your plan will not be final until you receive written approval from EPA or the State.

(4) *Contacting EPA if your PWS has not been notified of requirements.* If you believe you are subject to UCMR requirements, as defined in §141.40(a)(1) and (2)(i), and you have not been notified by either EPA or your State by June 4, 2007, you must send a letter to EPA, as specified in paragraph (b)(1) of this section. The letter must be from your PWS Official and must include an explanation as to why the UCMR requirements are applicable to your system along with the appropriate contact information. A copy of the letter must also be submitted to the State, as directed by the State. EPA will make an applicability determination based on your letter, and in consultation with the State when necessary, and will notify you regarding your applicability status and required sampling schedule. However, if your PWS meets the applicability criteria specified in §141.40(a)(2)(i), you are subject to the UCMR monitoring and reporting requirements, regardless of whether you have been notified by the State or EPA.

(5) *Notifying EPA if your PWS cannot sample according to schedule.*

(i) *General rescheduling notification requirements.* Large systems may change

their Assessment Monitoring (List 1) or Screening Survey (List 2) schedule up to August 2, 2007 using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section. After these dates have passed, if your PWS cannot sample according to your assigned sampling schedule (e.g., because of budget constraints, or if a sampling location will be closed during the scheduled month of monitoring), you must fax, mail, or e-mail a letter to EPA, as specified in paragraph (b)(1) of this section, prior to the scheduled sampling date. You must include an explanation of why the samples cannot be taken according to the assigned schedule and the alternative schedule you are requesting. You are subject to your assigned UCMR sampling schedule or the schedule that you revised on or before August 2, 2007, unless and until you receive a letter from EPA specifying a new schedule.

(ii) *Exceptions to the rescheduling notification requirements.* For ground water sampling, if the second round of sampling will be completed five to seven months after the first sampling event, as specified in Table 2 of §141.40(a)(4)(i)(B), no notification to EPA is required. If any ground water sampling location will be non-operational for more than one month before and one month after the month in which the second sampling event is scheduled (*i.e.*, it is not possible for you to sample within the five to seven month window), you must notify EPA, as specified in paragraph (b)(1) of this section, explaining why the schedule cannot be met. You must comply with any modified schedule provided by EPA.

(6) *Reporting monitoring results.* For each sample, you must report the information specified in Table 1 of paragraph (e) of this section, using EPA's electronic data reporting system, as follows. If you are conducting Assessment Monitoring, you must include data elements 1 through 5, and 7 through 15 in paragraph (e) of this section; and if you are conducting Screening Survey monitoring, you must include elements 1 through 15. You also must report any changes made to data elements 1 through 6 to EPA, in writing, explaining the nature and purpose

## Environmental Protection Agency

## § 141.35

of the proposed change, as specified in paragraph (b)(1) of this section.

(i) *Electronic reporting system.* You are responsible for ensuring that the laboratory conducting the analysis of your unregulated contaminant monitoring samples (your laboratory) posts the analytical results to EPA's electronic reporting system. You are also responsible for reviewing, approving, and submitting those results to EPA.

(ii) *Reporting schedule.* You must ensure that your laboratory posts the data to EPA's electronic data reporting system within 120 days from the sample collection date (sample collection must occur as specified in §141.40(a)(4)). You have 60 days from when the laboratory posts the data in EPA's electronic data reporting system to review, approve, and submit the data to the State and EPA, at the Web address specified in paragraph (b)(1) of this section. If you do not take action on the data within 60 days of the laboratory's posting to the electronic reporting system, the data will be considered approved by you, and available for EPA and State review.

(7) *Only one set of results accepted.* If you report more than one set of valid results for the same sampling location and the same sampling event (for example, because you have had more than one laboratory analyze replicate samples collected under §141.40(a)(5), or because you have collected multiple samples during a single monitoring event at the same sampling location), EPA will use the highest of the reported values as the official result.

(8) *No reporting of previously collected data.* You cannot report previously collected data to meet the testing and reporting requirements for the contaminants listed in §141.40(a)(3). All analyses must be performed by laboratories approved by EPA to perform UCMR analyses using the analytical methods specified in Table 1 of §141.40(a)(3) and using samples collected according to §141.40(a)(4). Such requirements pre-

clude the possibility of "grandfathering" previously collected data.

(d) *Reporting by small systems.* If you serve a population of 10,000 or fewer people, and you are notified that you have been selected for UCMR monitoring, your reporting requirements will be specified within the materials that EPA sends you, including a request for contact information, and a request for information associated with the sampling kit.

(1) *Contact information.* EPA will send you a notice requesting contact information for key individuals at your system, including name, affiliation, mailing address, phone number, fax number, and e-mail address. These individuals include your PWS Technical Contact and your PWS Official. You are required to provide this information within 90 days of receiving the notice from EPA as specified in paragraph (b)(1) of this section. If this information changes, you also must provide updates within 30 days of the change, as specified in paragraph (b)(1) of this section.

(2) *Reporting sampling information.* You must record data elements listed in Table 1 of paragraph (e) of this section on each sample form and sample bottle provided to you by the UCMR Sampling Coordinator, as follows: If you are conducting Assessment Monitoring, you must include elements 1 through 5, and 7; if you are conducting Screening Survey, you must include elements 1 through 7. You must send this information as specified in the instructions of your sampling kit, which will include the due date and return address. You must report any changes made in data elements 1 through 6 by mailing or e-mailing an explanation of the nature and purpose of the proposed change to EPA, as specified in paragraph (b)(1) of this section.

(e) *Data elements.* Table 1 defines the data elements that must be provided with UCMR sample results.

TABLE 1—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS

Data element	Definition
1. Public Water System Identification (PWSID) Code.	The code used to identify each PWS. The code begins with the standard 2-character postal State abbreviation or Region code; the remaining 7 numbers are unique to each PWS in the State. The same identification code must be used to represent the PWS identification for all current and future UCMR monitoring.
2. Public Water System Facility Identification Code	An identification code established by the State or, at the State's discretion, by the PWS, following the format of a 5-digit number unique within each PWS for each applicable facility ( <i>i.e.</i> , for each source of water, treatment plant, distribution system, or any other facility associated with water treatment or delivery). The same identification code must be used to represent the facility for all current and future UCMR monitoring.
3. Water Source Type .....	The type of source water that supplies a water system facility. Systems must report one of the following codes for each sampling location: <b>SW</b> = surface water (to be reported for water facilities that are served all or in part by a surface water source at any time during the twelve-month period). <b>GW</b> = ground water (to be reported for water facilities that are served entirely by a ground water source). <b>GU</b> = ground water under the direct influence of surface water (to be reported for water facilities that are served all or in part by ground water under the direct influence of surface water at any time during the twelve-month sampling period), and are not served at all by surface water during this period.
4. Sampling Point Identification Code .....	An identification code established by the State, or at the State's discretion, by the PWS, that uniquely identifies each sampling point. Each sampling code must be unique within each applicable facility, for each applicable sampling location ( <i>i.e.</i> , entry point to the distribution system or distribution system sample at maximum residence time). The same identification code must be used to represent the sampling location for all current and future UCMR monitoring.
5. Sampling Point Type Code .....	A code that identifies the location of the sampling point as either: <b>EP</b> = entry point to the distribution system. <b>MR</b> = distribution system sample at maximum residence time.
6. Disinfectant Residual Type .....	The type of disinfectant in use at the time of UCMR sampling to maintain a residual in the distribution system for each Screening Survey sampling point. To be reported by systems required to conduct Screening Survey monitoring. Systems must report using the following codes for each Screening Survey sampling location ( <i>i.e.</i> , EP, MR): <b>CL</b> = chlorine <b>CA</b> = chloramine <b>OT</b> = all other types of disinfectant (e.g., chlorine dioxide) <b>ND</b> = no disinfectant used.
7. Sample Collection Date .....	The date the sample is collected, reported as 4-digit year, 2-digit month, and 2-digit day.
8. Sample Identification Code .....	An alphanumeric value up to 30 characters assigned by the laboratory to uniquely identify containers, or groups of containers, containing water samples collected at the same sampling location for the same sampling date.
9. Contaminant .....	The unregulated contaminant for which the sample is being analyzed.
10. Analytical Method Code .....	The identification code of the analytical method used.
11. Sample Analysis Type .....	The type of sample collected and/or prepared, as well as the fortification level. Permitted values include: <b>FS</b> = field sample; sample collected and submitted for analysis under this rule. <b>LFSM</b> = laboratory fortified sample matrix; a UCMR field sample with a known amount of the contaminant of interest added. <b>LFSMD</b> = laboratory fortified sample matrix duplicate; duplicate of the laboratory fortified sample matrix. <b>CF</b> = concentration fortified; reported with sample analysis types LFSM and LFSMD, the concentration of a known contaminant added to a field sample.
12. Analytical Results—Sign .....	A value indicating whether the sample analysis result was: ( <b>&lt;</b> ) “less than” means the contaminant was not detected, or was detected at a level below the Minimum Reporting Level. ( <b>=</b> ) “equal to” means the contaminant was detected at the level reported in “Analytical Result—Value.”
13. Analytical Result—Value .....	The actual numeric value of the analytical results for: field samples; laboratory fortified matrix samples; laboratory fortified sample matrix duplicates; and concentration fortified.
14. Laboratory Identification Code .....	The code, assigned by EPA, used to identify each laboratory. The code begins with the standard two-character State postal abbreviation; the remaining five numbers are unique to each laboratory in the State.

TABLE 1—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS—Continued

Data element	Definition
15. Sample Event Code .....	<p>A code assigned by the PWS for each sample event. This will associate samples with the PWS monitoring plan to allow EPA to track compliance and completeness. Systems must assign the following codes:</p> <p><b>SE1</b> = represents samples collected to meet the UCMR monitoring requirement for the first sampling period (all source types).</p> <p><b>SE2</b> = represents samples collected to meet the UCMR monitoring requirement for the second sampling period (all source types).</p> <p><b>SE3</b> = represents samples collected to meet the UCMR monitoring requirement for the third sampling period (surface water and ground water under the direct influence of surface water (GWUDI) sources only).</p> <p><b>SE4</b> = represents samples collected to meet the UCMR monitoring requirement for the fourth sampling period (surface water and GWUDI sources only).</p>

[72 FR 389, Jan. 4, 2007]

**Subpart E—Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use**

**§ 141.40 Monitoring requirements for unregulated contaminants.**

(a) *General applicability.* This section specifies the monitoring and quality control requirements that must be followed if you own or operate a public water system (PWS) that is subject to the Unregulated Contaminant Monitoring Regulation (UCMR), as specified in paragraphs (a)(1) and (2) of this section. In addition, this section specifies the UCMR requirements for State and Tribal participation. For the purposes of this section, PWS “population served,” “State,” “ PWS Official,” “PWS Technical Contact,” and “finished water” apply as defined in §141.35(a). The determination of whether a PWS is required to monitor under this rule is based on the type of system (e.g., community water system, non-transient non-community water system, etc.); whether the system purchases all of its water, as finished water, from another system; and its population served as of June 30, 2005.

(1) *Applicability to transient non-community systems.* If you own or operate a transient non-community water system, you do not have to monitor that system for unregulated contaminants.

(2) *Applicability to community water systems and non-transient non-community water systems.*

(i) *Large systems.* If you own or operate a wholesale or retail PWS (other than a transient non-community system) that serves more than 10,000 people, and do not purchase your entire water supply as finished water from another PWS, you must monitor according to the specifications in this paragraph (a)(2)(i). If you believe that your applicability status is different than EPA has specified in the notification letter that you received, or if you are subject to UCMR requirements and you have not been notified by either EPA or your State, you must report to EPA, as specified in §141.35(b)(2) or (c)(4).

(A) *Assessment Monitoring.* You must monitor for the unregulated contaminants on List 1 of Table 1, UCMR Contaminant List, in paragraph (a)(3) of this section. If you serve a population of more than 10,000 people, you are required to perform this monitoring regardless of whether you have been notified by the State or EPA.

(B) *Screening Survey.* You must monitor for the unregulated contaminants on List 2 (Screening Survey) of Table 1, as specified in paragraph (a)(3) of this section, if your system serves 10,001 to 100,000 people and you are notified by EPA or your State that you are part of the State Monitoring Plan for Screening Survey testing. If your system serves more than 100,000 people, you are required to conduct this Screening Survey testing regardless of whether you have been notified by the State or EPA.

(C) *Pre-Screen Testing.* You must monitor for the unregulated contaminants on List 3 of Table 1, in paragraph (a)(3)