



# EPA Region 5 Safe Drinking Water Act Primacy 101:

January 23, 2025



# Disclaimer

The examples included in this presentation are intended for discussion purposes only. Throughout this presentation, the terms “state” or “states” are used to refer to all types of primacy agencies including U.S. territories, Indian tribes, and the EPA Regions. The statutory provisions and the EPA regulations described in this document contain legally binding requirements. This presentation is not a regulation itself, nor does it change or substitute for those provisions and regulations. Thus, it does not impose legally binding requirements on the EPA, states, or public water systems. This guidance does not confer legal rights or impose legal obligations upon any member of the public. While the EPA has made every effort to ensure the accuracy of the discussion in this presentation, the obligations of the regulated community are determined by statutes, regulations, or other legally binding requirements. In the event of a conflict between the discussion in this presentation and any statute or regulation, this presentation would not be controlling.





# Primacy Basics

# What is Primacy?

The EPA has primary enforcement authority for any new or revised national primary drinking water regulation (NPDWR) until a state has interim or approved final primacy.

The EPA grants primary enforcement authority (“primacy”) to a State to run a Public Water System Supervision (PWSS) program if the Administrator determines the State:

- Adopted regulations at least as stringent as comparable NPDWRs (40 CFR § 141); and
- Adopted and is implementing adequate procedures to enforce the State regulations. (40 CFR § 142)

40 CFR § 142(b)

# Sections 141 and 142 (Generally)

Section 141: What Public Water Systems (PWS) must do.

Section 142: What primacy agencies must do.

# Initial Primacy Criteria

States must describe their procedures to implement and enforce State drinking water regulations.

- Program to maintain PWS inventory
- Sanitary Survey process and priorities
- Laboratory certification program
- Identification of available certified State laboratories that can analyze all contaminants under the National Primary Drinking Water Regulations
- Design and construction of new or “substantially modified” PWS facilities can comply with regulations

40 CFR § 142.10; 40 CFR § 142.11.

# Initial Primacy Criteria

States must have adequate statutory or regulatory authority to adopt and enforce state primary drinking water regulations.

- Authority to apply state primary drinking water regulations to all PWS
- Authority to sue in courts of competent jurisdiction
- Authority to enjoin continued/threatened violations
- Authority to assess adequate administrative and civil or criminal penalties
- Right to enter and inspect PWS (including taking water samples)

*See* 40 CFR § 142.10 and § 142.11

- Variances and exemptions per Sections 1415 and 1416 of SDWA and 40 CFR § 142.10(d), as well as 40 CFR § 142 Subparts G and K



# Initial Primacy Criteria

## Public Notice, Recordkeeping and Reporting, Emergency Response

- Authority to require PWS to give public notice as stringent as EPA requirements under 40 CFR § 141 and § 142.16(a)
- Authority to require CWS to provide Consumer Confidence Reports per 40 CFR § 141, subpart Q
- Establish and maintain record keeping and reporting, including electronic reporting, in compliance with 40 CFR § 142.14 and § 142.15, 40 CFR part 3
- Provision of safe drinking water under emergencies



# Retaining Primacy

*States must maintain primacy once they are granted authority.*

- To retain primary enforcement responsibility, States must adopt all new and revised National Primary Drinking Water Rules (NPDWR). (40 CFR § 142.12)
- States must submit rule revisions to the EPA for consideration to ensure the state requirements still are as stringent as and consistent with federal rules.



# Timing for the State Primacy Process

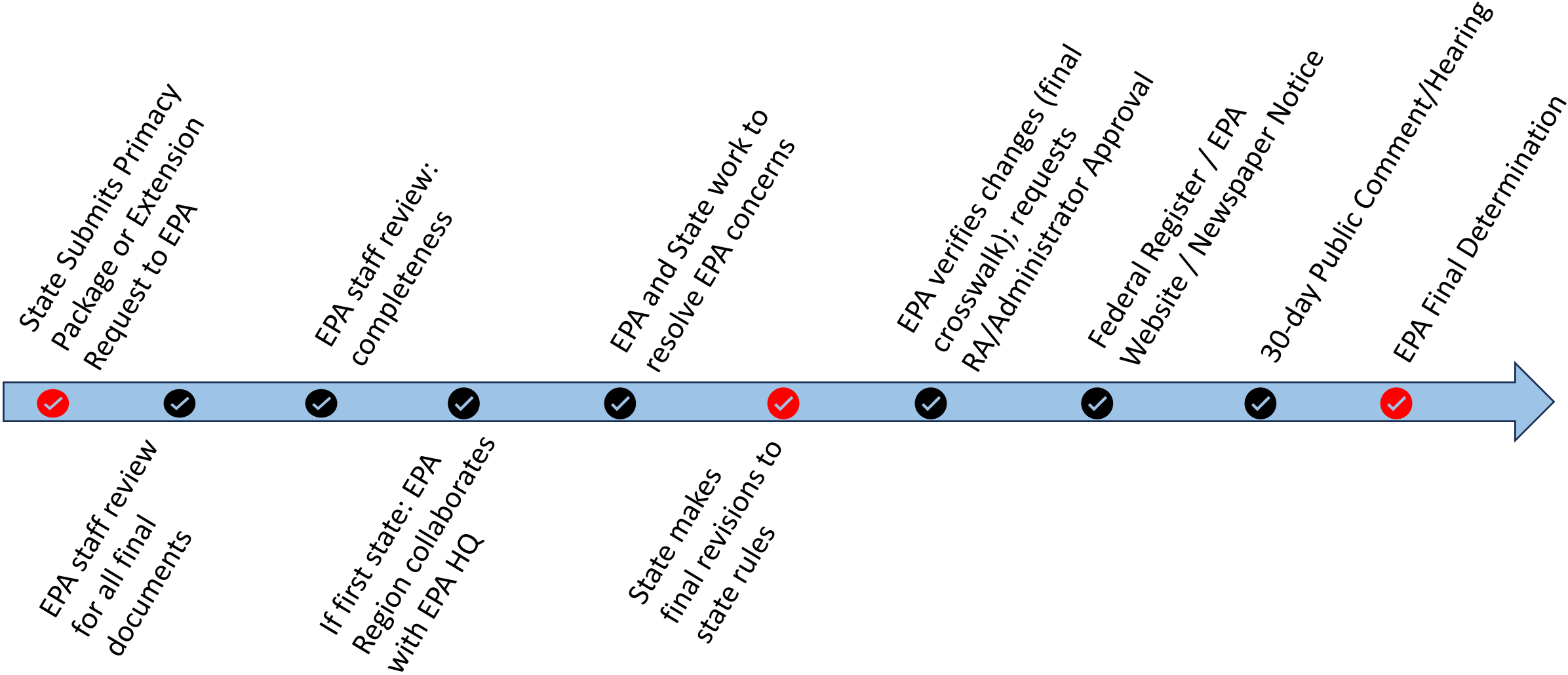
# Timing

- States must submit complete and final requests for EPA to approve PWSS program revisions no later than 2 years after EPA finalizes the related national primary drinking water rule. 40 CFR § 142.12(b)(1).
- States can request to qualify for an extension within this 2-year window. EPA can grant extensions for states to submit a primacy package for up to another 2 years. 40 CFR § 142.12(b)(2).
- Once EPA determines the state submitted a complete and final primacy package, EPA has 90 days to determine whether to approve or reject the state's primacy request. 40 CFR § 142.12(d)(3).

# Timeline: First Two Years

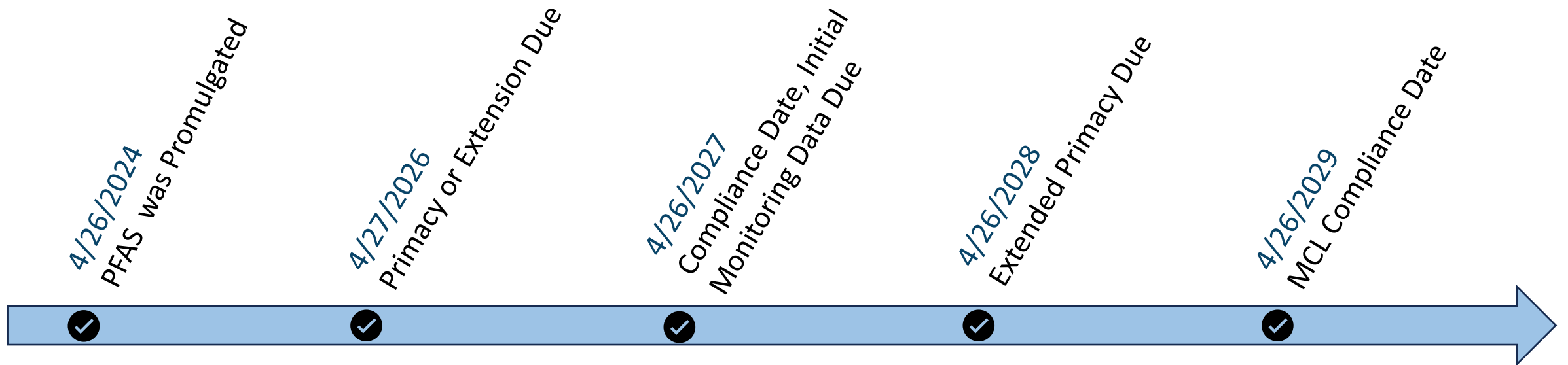


# Timeline: EPA Review and Approval Process



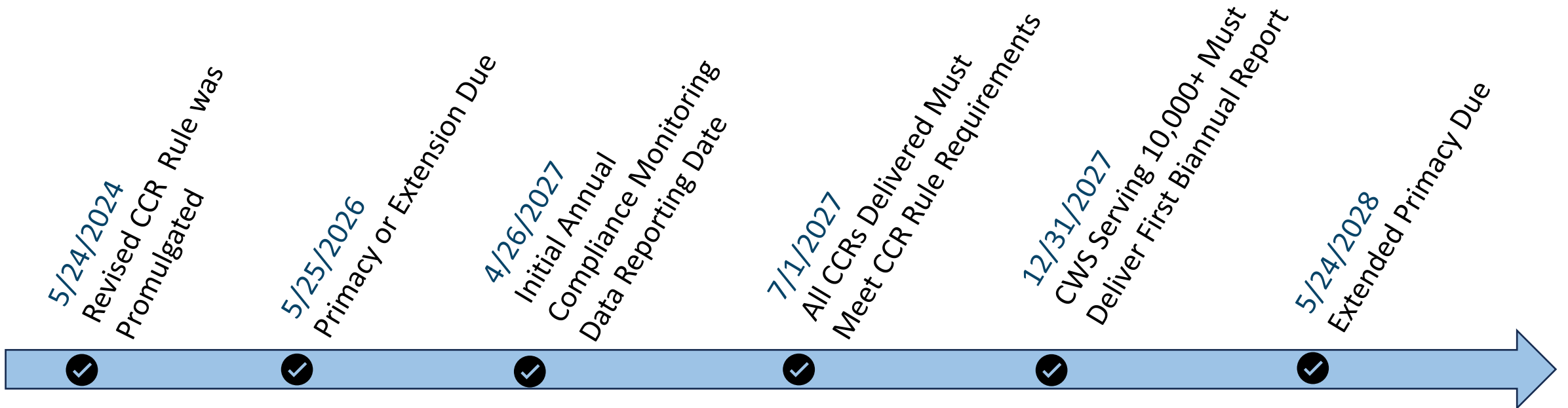


# PFAS - Primacy, Extensions and Compliance Deadlines



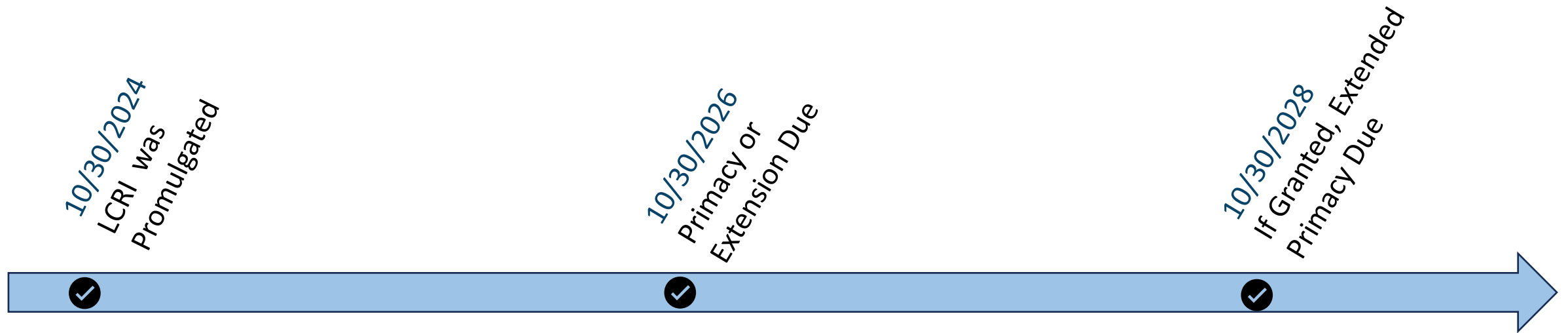
- EPA PFAS Primacy Information: <https://www.epa.gov/dwreginfo/pfas-rule-implementation#primacy>

# CCR - Primacy, Extensions and Compliance Deadlines



- [Federal Register Notice: Final Revised Consumer Confidence Rule](#)

# LCRI - Primacy, Extensions and Compliance Deadlines



- [Fact Sheet: 2021 LCRR Requirements that Are Retained in the Final Lead and Copper Rule Improvements and Compliance Dates \(pdf\)](#)
- [Federal Register Notice: Lead and Copper Rule Improvements Final Rule](#)



# State Submission to EPA to Revise its Primacy Program

# Content of State Primacy Requests

For a primacy revision request to be complete, states must include:

- Cover letter
- Primacy Crosswalk
- State Recordkeeping and Reporting
- Special Primacy Requirements
- State Primacy Revision Checklist
- Attorney General's Statement of Enforceability
- Copy of the final state rule text for the NPDWR

States can combine packages for different rules into one primacy submission to the EPA.



# EPA Rule Implementation Guidance:

Where to find crosswalks, checklists, and special primacy requirements

## [EPA State Resources for Implementing Drinking Water Rules](#)

- Look for rule-specific implementation guidance and appendices
- Search for section on Primacy Revision Application
- Implementation guidance includes:
  - Timetable for primacy package submission and compliance dates
  - Extension request criteria
  - State primacy revision checklist
  - Clean primacy crosswalk
  - State record keeping and reporting checklist
  - Guidance on special primacy requirements
  - Example of Attorney General's Statement of Enforceability

# Primacy Revision Crosswalk

States must include:

- Side-by-side comparison of state and federal requirements, including citations to state statutes and rules.<sup>1</sup>
- Demonstration that each state regulation is **as least as stringent as** and **comparable to** the related Section 141 federal rules.
  - Identifies whether relevant state program elements changed.
  - Explains how the State will address **special primacy requirements**, per 40 CFR 142.16.
  - Explains how state policies and practices are consistent with federal requirements in a **State reporting and recordkeeping checklist** in the crosswalk (40 CFR 142.14, 142.15).

# Primacy Revision Crosswalk

SUMMARY OF FEDERAL REGULATIONS	FEDERAL CITATION	STATE CITATION (DOCUMENT TITLE, PAGE NUMBER SECTION/PARAGRAPH)	DIFFERENT FROM FEDERAL REQUIREMENT? (EXPLAIN ON SEPARATE SHEET)
<i>Content.</i> All small community water systems and non-transient non-community water systems that elect to implement POU devices under §141.93 must provide public education materials to inform users how to properly use POU devices to maximize the units' effectiveness in reducing lead levels in drinking water.	40 CFR 141.85(j)(1)	Section 611.355(j)(1)	
<i>Timing.</i> Water systems shall provide the public education materials at the time of POU device delivery.	40 CFR 141.85(j)(2)	Section 611.355(j)(2)	
<i>Delivery.</i> Water systems shall provide the public education materials in person, by mail, or by another method approved by the State, to persons at locations where the system has delivered POU devices.	40 CFR 141.85(j)(3)	Section 611.355(j)(3)	
<b>40 CFR 141.86 Monitoring requirements for lead and copper in tap water.</b>			
<i>Sample site location.</i>	40 CFR 141.86(a)	Section 611.356(a)	
By the applicable date for commencement of monitoring under paragraph (d)(1) of this section, each water system shall identify a pool of targeted sampling sites based on the service line inventory conducted in accordance with §141.84(a), that meet the requirements of this section, and which is sufficiently large enough to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (c) of this section. Sampling sites may not include sites with installed point-of-entry (POE) treatment devices and taps used at sampling sites may not have point-of-use (POU) devices designed to remove inorganic contaminants, except for water systems monitoring under §141.93(a)(3)(iv) and water systems using these devices for the primary drinking water tap to meet other primary and secondary drinking water standards and all service connections have POEs or POU devices to provide localized treatment for compliance with the other drinking water standards. Lead and copper sampling results for systems monitoring under §141.93(a)(3)(iv) may not be used for the purposes of meeting the criteria for reduced monitoring specified in paragraph (d)(4) of this section.	40 CFR 141.86(a)(1)	Section 611.356(a)(1)(A)-(D)	

# Rule Specific Special Primacy Requirements

(40 CFR § 142.16)

- (a) Public Notice Rule
- (b) Surface Water Treatment Rule (SWTR)
- (c) Total Coliform Rule
- (d) Lead & Copper Rule
- (e) Newly regulated contaminants
- (f) Consumer Confidence Report Rule
- (g) Enhanced SWTR- Systems  $\geq 10,000$
- (h) Disinfectants/Disinfection Byproducts
- (i) Recycle Provisions (141.76)
- (j) Existing Regulated Contaminants
- (k) Initial monitoring requirements for new systems and sources
- (l) Radionuclides Rule
- (m) Stage 2 D/DBPR and Initial Distribution System Evaluations
- (n) Enhanced Treatment for Cryptosporidium
- (o) Ground Water Rule
- (p) ESWTR for Systems  $<10,000$
- (q) Revised Total Coliform Rule
- (r) PFAS Rule

# Section 142.16 Special Primacy Requirements

SUMMARY OF FEDERAL REQUIREMENT	FEDERAL CITATION	EXPLANATION OF STATE POLICIES AND PROCEDURES
<b>PART 142 – NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION</b>		
<b>40 CFR 142.16 Special Primacy Requirements</b>		
Section 141.92—Defining a school or child-care facility and determining any existing State or local testing program is at least as stringent as the Federal requirements.	40 CFR 142.16(d)(8)	Schools and child-care facilities are defined in Section xxx.130.
Sections 141.82(d), 141.82(f), and 141.82(h)—Designating optimal corrosion control treatment methods, optimal water quality parameters, and modifications thereto.	40 CFR 142.16(d)(1)(i)	The (State Drinking Water) Section will designate OCCT methods, water qualities parameters and any modifications, in accordance with 40 CFR 142.16(d)(1)(i).



# Record-Keeping and Reporting Requirements (142.14, 142.15)

SUMMARY OF FEDERAL REQUIREMENT	FEDERAL CITATION	EXPLANATION OF STATE POLICIES AND PROCEDURES
<b>Part 142 – National Primary Drinking Water Regulations Implementation</b>		
<b>Subpart B—Primary Enforcement Responsibility</b>		
<b>40 CFR 142.14 Records kept by States.</b>		
Each State which has primary enforcement responsibility shall maintain records of tests, measurements, analyses, decisions, and determinations performed on each public water system to determine compliance with applicable provisions of State primary drinking water regulations.	40 CFR 142.14(a)	SDWIS/STATE is used by the ██████ to track all compliance activities and determinations for each water system. Correspondence for each activity is saved in facility folders on the ██████'s shared drive.
Each State which has primary enforcement responsibility shall retain, for not less than 12 years, files which shall include for each such public water system in the State:	40 CFR 142.14(d)	Files are saved internally in facility folders on the ██████ shared drive.
Records of any State approvals;	40 CFR 142.14(d)(2)	Files are saved internally in facility folders on the ██████ shared drive.
Records of any enforcement actions.	40 CFR 142.14(d)(3)	Enforcement actions are tracked and saved in SDWIS/State, and files are saved internally in facility folders on the ██████'s shared drive.
Records of the currently applicable or most recent State determinations, including all supporting information and an explanation of the technical basis for each decision, made under the following provisions of 40 CFR, part 141, subpart I for the control of lead and copper:	40 CFR 142.14(d)(8)	SDWIS is used to track any compliance activities. Records of the most recent state determinations are saved in facility folders on the ██████'s shared drive.
Section 141.81(b)—for any water system deemed to be optimized under §141.81(b)(1) or (b)(3) of this chapter, any conditions imposed by the State on specific water systems to ensure the continued operation and maintenance of corrosion control treatment in place;	40 CFR 142.14(d)(8)(i)	Any permits or Special Exception Permits (SEP) with conditions imposed by the State on specific water systems are saved in facility folders on the ██████'s shared drive.
Section 141.82(b)—decisions to require a water system to conduct corrosion control treatment studies;	40 CFR 142.14(d)(8)(ii)	CCT studies are required in SEPs that are saved in facility folders on the ██████'s shared drive.
Section 141.82(d)—designations of optimal corrosion control treatment and any simultaneous compliance considerations that factored into the designation;	40 CFR 142.14(d)(8)(iii)	OCCT is designated in a SEP that is then saved in facility folders on the ██████'s shared drive.
Section 141.84(b)—lead service line replacement plans;	40 CFR 142.14(d)(8)(iv)	SDWIS/State will be used to track submissions. Individual replacement plans will be saved in facility folders on the ██████'s shared drive.

# State Primacy Revision Checklist

- Found in HQ guidance for the new or revised rule.
- General primacy requirements under 40 CFR 142.10
- Ensures state revisions do not alter other primacy requirements.

## State Primacy Revision Checklist

### Revised Total Coliform Rule

CFR Citation	Required Program Elements	Revision to State Program Under RTCR Yes/No	EPA Findings/Comments
40 CFR 142.10	Primary Enforcement Definition of a Public Water System	No	
40 CFR 142.10(a)	Regulations No Less Stringent	No	
40 CFR 142.10(b)(1)	Maintain Inventory	No	
40 CFR 142.10(b)(2)	Sanitary Survey Program	No	
40 CFR 142.10(b)(3)	Laboratory Certification Program	No	
40 CFR 142.10(b)(4)	Laboratory Capability	No	
40 CFR 142.10(b)(5)	Plan Review Program	No	
40 CFR 142.10(b)(6)(i)	Authority to Apply Regulations	No	
40 CFR 142.10(b)(6)(ii)	Authority to Sue in Courts of Competent Jurisdiction	No	
40 CFR 142.10(b)(6)(iii)	Right of Entry	No	
40 CFR 142.10(b)(6)(iv)	Authority to Require Records	No	
40 CFR 142.10(b)(6)(v)	Authority to Require PN	No	
40 CFR 142.10(b)(6)(vi)	Authority to Assess Civil and Criminal Penalties	No	
40 CFR 142.10(b)(6)(vii)	Authority to Require CWSs to provide CCRs	No	
40 CFR 142.10(c)	Maintenance of Records	No	
40 CFR 142.10(d)	Variance/Exemption Conditions (if applicable)	N/A	
40 CFR 142.10(e)	Emergency Plans	No	
40 CFR 142.10(f)	Administrative Penalty Authority	No	
40 CFR 142.10(g)	Electronic Reporting Regulations	No	

### State Reporting and Recordkeeping Checklist (40 CFR 142.14 and 40 CFR 142.15)

The [redacted] will maintain:

1. Records of any case-by-case decision to waive the 24-hour time limit for collecting repeat samples after a TC+ routine sample, or to extend the 24-hour limit for collection of samples following invalidation. These records must be retained for five years [40 CFR 142.14(a)(10)(i)(A)].
2. Records of any decision to allow a PWS to waive the requirement for three routine samples the month following a TC+ sample. The records of the waiver decision must contain all of the items

# State Attorney General Statement

- The **State Attorney General** must provide a **statement** to the EPA certifying that the State adopted the relevant primary drinking water regulations, and the State has authority to enforce its regulatory requirements.
  - EPA may require a supplemental statement to address whether State authorities meet unresolved primacy requirements identified by EPA.
- 40 CFR 142.12(c)(3)

## Example C-3. Example Attorney General's Statement

### Model Language

I hereby certify, pursuant to my authority as (1) and in accordance with the Safe Drinking Water Act, as amended, and (2), that in my opinion the laws of the [State/Commonwealth of (3)] [or tribal ordinances of (4)] to carry out the program set forth in the "Program Description" submitted by the (5) have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved.

#### I. For States with No Audit Privilege and/or Immunity Laws

Furthermore, I certify that [State/Commonwealth of (3)] has not enacted any environmental audit privilege and/or immunity laws.

#### II. For States with Audit Privilege and/or Immunity Laws that do Not Apply to the State Agency Administering the Safe Drinking Water Act

Furthermore, I certify that the environmental [audit privilege and/or immunity laws] of the [State/Commonwealth of (3)] do not affect the ability of (3) to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity laws] do not apply to the program set forth in the "Program Description." The Safe Drinking Water Act program set forth in the "Program Description" is administered by (5); the [audit privilege and/or immunity laws] do not affect programs implemented by (5), thus the program set forth in the "Program Description" is unaffected by the provisions of [State/Commonwealth of (3)] [audit privilege and/or immunity laws].

#### III. For States with Audit Privilege and/or Immunity Laws that Worked with EPA to Satisfy Requirements for Federally Authorized, Delegated or Approved Environmental Programs

Furthermore, I certify that the environmental [audit privilege and/or immunity laws] of the [State/Commonwealth of (3)] do not affect the ability of (3) to meet enforcement and information gathering requirements under the Safe Drinking Water Act because [State/Commonwealth of (3)] has enacted statutory revisions and/or issued a clarifying Attorney General's Statement to satisfy requirements for federally authorized, delegated or approved environmental programs.

Seal of Office

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

- (1) State Attorney General or attorney for the primacy agency if it has independent legal counsel.
- (2) 40 CFR 142.11(a)(6)(i) for initial primacy applications or 40 CFR 142.12(c)(1)(iii) for primacy program revision applications.
- (3) Name of state or commonwealth.
- (4) Name of tribe.





# Interim Primacy

# Interim Primacy

- States with approved primacy for existing National Primary Drinking Water Rules can have [interim primacy](#) authority for new or revised rules when:
  - The new or revised State regulation becomes effective, and
  - The complete primacy revision application is submitted to the Administrator
- Interim primacy ends when the Administrator approves or disapproves the State's revised PWSS program.

40 CFR § 142.12(e)



# State Authorization Under Interim Primacy

- Interim primacy “gives States [full responsibility for implementation and enforcement](#) during the time that EPA reviews the primacy revision application, provided that States have full primacy for all prior National Primary Drinking Water Regulations.”

*See Interim Enhanced Surface Water Treatment Rule, 65 FR 20304 Preamble.*

- [OW 2021 Memorandum](#): “Interim” refers to the duration of time between when the state requests primacy and when EPA approves it.
  - “Until such time that the application is received, and the state is granted interim primacy, or the state regulation is approved, EPA has responsibility for implementation.”



# State Extension Requests

# Primacy Extension Applications

- Application must include a schedule for the submission of final request and provide sufficient information to demonstrate that the state:
  - Currently lacks the legislative/regulatory authority to enforce requirements; or
  - Currently lacks the adequate program capability to implement requirements; or
  - Is requesting an extension to group two or more program revisions into a single regulatory action; **and**
  - Is implementing the EPA requirements to be adopted by the state in its program revision according to 40 CFR § 142.12(b)(3).
- Note that an extension agreement **relates only to primacy** and does not impact the applicability of the regulation for PWS and EPA has primary enforcement authority.

# Extension Agreement Workshare Activities

- Inform PWS of new EPA and state requirements;
- Collect, store, and manage laboratory results, public notices, and other required data;
- Assist the EPA in developing technical aspects of enforcement actions and conduct informal follow-up on violations;
- Provide technical assistance to PWS;
- Provide all information on state reporting per 40 CFR § 142.15; and
- Take necessary steps to remedy any deficiency in program capabilities during the extension period.





# EPA Primacy Review Process



# *Timing for the EPA Review Process*

- Once the EPA Administrator determines the package is complete and final, the 90-day clock starts for the EPA approval process. (40 CFR § 142.12(d)(3).)
- EPA Region 5 considers a primacy package to be “complete” when it has no further questions and does not require further changes. This occurs:
  - Once the state makes any regulatory revisions to be comparable to and as stringent as the federal rules, and the state crosswalk for the rule is in complete and final form (40 CFR § 142.12(d)(2));
  - EPA receives the Attorney General statement certifying the state can implement and enforce its revised rules; and
  - All the state process information is adequate and complete.
- If EPA staff identifies concerns that certain state regulatory provisions in the primacy crosswalk are not as stringent as the national primary drinking water rule, the clock stops so that the state has an opportunity to reconcile its regulatory language.
- After any state corrections are made, the primacy request goes to the EPA RA or Administrator to determine whether to approve it.

# Preliminary Primacy Requests

States **may** submit draft primacy packages as soon as practicable after EPA finalizes a new or revised regulation.

- Includes draft state statutory or regulatory changes and a crosswalk of side-by-side comparison of state and federal requirements.
- An Attorney General statement is not required.
- Administrator reviews and makes a tentative determination with comments or suggestions to the State.

40 CFR § 142.12(d)(1)

# Illinois Identical In Substance Rule Process

- In the context of a mandate that the Board adopt regulations to secure federal authorization for a program, regulations that are "identical in substance" means State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois.
- After [consideration of comments from the USEPA, the Agency, the Attorney General and the public](#), the Board shall adopt the verbatim text of such USEPA regulations as are necessary and appropriate for authorization of the program.
- In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations,....[exceptions omitted]

415 ILCS 5/7.2(a)

# Definitions for EPA R5 Crosswalk Review of Section 141 Rules

- **Equivalent:** The state regulation is identical, substantively identical to or incorporates by reference the federal rule
  - **Identical:** State regulation is identical to the federal rule or incorporates the federal rule by reference.
  - **Substantively Identical:** State regulation is substantively identical to the federal rule.
- **As Stringent As:** The state regulation uses different language and/or a dissimilar structure than the federal rule, but is deemed as stringent as, or more stringent than the federal rule.
- **Not Applicable:** The federal rule does not apply to the state rule.
- **No Longer Applicable:** The federal rule citation was applicable for a limited timeframe that has since expired at the time of EPA's review of the State's primacy application.

# Definitions for EPA R5 Crosswalk Review of Section 142 Rules

## **Acceptable:**

- The Federal Rule does not require a State to adopt specific regulatory language to receive special primacy.
- The states must describe how it plans to implement the federal regulation.
- EPA determines whether the State demonstrated “acceptable” implementation of the rule, as typically described in the federal rule’s state implementation guidance.
- EPA may need to mark “Further State explanation needed” and request the state to supplement the information in its crosswalk.



# Is the State Rule Equivalent, As Stringent As, or Not As Stringent As the Federal Regulation?

## Federal Rule

State determination regarding source water treatment.

The State shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps....

*Excerpt from LCRR - 40 C.F.R. § 141.83(b)(2)*

## State Rule

Agency Determination Regarding Source Water Treatment.

A) The Agency must evaluate the results of all source water samples the supplier submitted to determine whether source water treatment is necessary to minimize lead or copper levels in water the supplier delivers to users' taps....

# Is the State Rule Equivalent, As Stringent As, or Not As Stringent As the Federal Regulation?

## Federal Rule

Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under §141.82(f) and does not exceed the lead trigger level or copper action level during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters ... from every six months to annually.

*Excerpt from 40 C.F.R. § 141.87(e)(2)(i)*

## State Rule

A supplier maintaining the range of values for the water quality parameters reflecting OCCT under Section 611.352(f) exceeding the lead trigger level or copper action level during three consecutive years of monitoring may reduce its tap sampling frequency for applicable water quality parameters ... from every six months to annually.

# Is the State Rule Equivalent, As Stringent As, or Not As Stringent As the Federal Regulation?

## Federal Rule

The water system must provide the consumer with a pitcher filter or point-of-use device certified by an American National Standards Institute accredited certifier to reduce lead, six months of replacement cartridges, and instructions for use before the replaced service line is returned to service....

*Excerpt from LCRR - 40 C.F.R. § 141.84(e)(3)*

## State Rule

The supplier must provide the consumer with a pitcher filter or point-of-use treatment device to reduce lead, six months of replacement cartridges, and use instructions before returning the replaced service line to service....

# Is the State Rule Equivalent, As Stringent As, or Not As Stringent As the Federal Regulation?

## Federal Rule

Systems that recycle filter backwash water must collect source water samples prior to the point of filter backwash water addition.

*Excerpt from LT2ESWTR - 40 CFR § 141.703(c)*

## State Rule

(3) RECYCLED FILTER BACKWASH. Water suppliers for public water systems that recycle filter backwash water shall collect source water samples prior to the point of filter backwash water.

# Difference Between Shall, Must, May, and Should

- **SHALL:**
  - Usually an imperative, mandatory obligation, or necessary action, especially if it involves a public interest or a right that needs to be enforced.  
(Example: The PWS shall meet the 120-day deadline.)
  - *BUT* Courts have interpreted “shall” as permissive or directory if it is used to predict future action without consequence or direct a manner of conduct to guide officials.
  - Example: We shall see; The clerk shall collect motions now.)
- **MUST:** Is always a command, mandatory obligation, or imperative.
  - Example: The PWS must take repeat samples within 24 hours of an exceedance.
- **MAY:** Is permissive or allows discretion to act
  - Example: You may leave at 2pm since it is a holiday tomorrow.
- **SHOULD:** A non-binding recommendation





# Finalizing a Primacy Package

# EPA Determination of Primacy

- EPA decides whether the State meets requirements for primary enforcement responsibility. 40 CFR § 142.12(a)(1) and § 142.12(d)(2).
- If EPA does NOT approve the state primacy request, the Administrator will notify the State in writing, with a statement of reasons for the decision. 40 CFR § 142.12(d)(3)(ii).
- The EPA determination takes effect in accordance with public notice requirements and related procedures under 40 CFR § 142.13. 40 CFR § 142.12(d)(3)(iii).
- State primacy remains in effect unless EPA withdraws and terminates approved primacy programs. *See* 40 CFR § 142.17.

*EPA does not grant conditional or partial primacy. See 52 FR 212, p. 42201 (11/3/87).*

# HQ and Regional Approval: Delegation Authority

- The EPA Administrator delegated authority for Regional Administrators (RA) to approve state primacy requests as long as the RA meets certain conditions. (*See EPA 1994 and 2003 Delegation Agreements to R5 RA.*)
- The RA cannot delegate authority to other regional personnel to approve state primacy requests.
- EPA HQ concurrence is required for the approval of the first State program revision in the region for each rule.
- EPA Office of Ground Water Drinking Water must review and concur with the content of a state primacy packages prior to a Region's public notice and hearings.

# Primacy Approval Process: Public Notice

EPA publishes notice of a final determination in the Federal Register and a state newspaper within 15 days, which includes:

- Rationale for approval or other decision regarding the state primacy request
- How to request a public hearing
- Location where information for initial primacy request is available
- Timing

[40 CFR § 142.13](#)

# Primacy Approval Process: Opportunity for a Public Hearing

EPA must provide an opportunity for a public hearing before a final determination that:

- The state meets or does not meet initial primacy requirements;
  - Approves or disapproves a state request for a program revision;
  - Withdraws an approved primacy program.
- Requests for a hearing must be submitted within 30 days after the Federal Register notice.

[40 CFR § 142.13](#)



# Primacy Approval Process: Public Hearing Requirements

EPA is to hold a public hearing upon a substantive request by the public or on the Administrator's own motion

- Provide notice of the public hearing in the Federal Register and state newspaper 15 days prior to the hearing
- The Administrator designates a hearing officer
- The Administrator issues an order affirming or rescinding its determination after the hearing

[40 CFR § 142.13](#)

# After a Public Hearing

- After the hearing, the Administrator issues the determination to approve or disapprove a state request for approval of a program revision. ([40 CFR § 142.12\(d\)\(3\)](#))
- If no hearings are held, the determination becomes effective 30 days after notice of the determination.
- If determination is that a state no longer meets the requirements for primacy, the state may submit information demonstrating that it has remedied the deficiencies found by the Administrator. ([40 CFR § 142.17](#))

# Preparing for EPA Final Approval

EPA provides for Regional Administrator Approval (and when applicable Administrator concurrence):

- Final Crosswalk
- Federal Register Notice
- Legal Notice (Newspaper)
- EPA Region 5 Website Posting
- Index of Record

# Sample Final Crosswalk – Ground Water Rule

KEY: State EPA: State Environmental Protection Agency  
EPA: U.S. Environmental Protection Agency

## FINAL DETERMINATION KEY:

### Section 141

- **EQUIVALENT** –The State regulation is identical to the Federal rule, incorporates the Federal rule by reference, or is substantively identical to the Federal rule, and meets Federal stringency requirements.
- **AS STRINGENT AS** –The State regulation uses different language and/or a dissimilar structure compared to the Federal rule, but is deemed as stringent as, or more stringent than, the Federal rule.
- **NOT APPLICABLE** –The Federal rule has a citation that does not apply to the State, such as a regulation noting EPA responsibilities, or an optional Federal regulation that the State has declined to use.
- **NO LONGER APPLICABLE** –The Federal rule citation is applicable for a limited timeframe that has since expired at the time of EPA’s review of or final decision on the State’s primacy application.

### Section 142

- **ACCEPTABLE** –The Federal Rule does not require the State to adopt specific regulatory language to receive special primacy, but instead requires the State to describe how the State plans to implement the federal regulation. EPA evaluates these sections by determining whether the State has met the expected implementation of the rule, as typically described in the federal rule’s State implementation guidance.

## CONTENTS:

1. State EPA’s Ground Water Rule (GWR) primacy crosswalk (part 141) is on pages A2-A29.
2. State EPA’s responses to the GWR records kept by the state, reports by states, and special primacy requirements (part 142) are on pages A30-A40.
3. Documents referenced in the special primacy requirements table are listed in Attachment A on page A41.
4. State EPA’s concurrence with changes made to citations in the crosswalk is included in Attachment B on pages A42-A44.

The State EPA applied to the EPA to revise the State’s approved National Primary Drinking Water Regulations program under the Safe Drinking Water Act, 42 U.S.C. §300f et seq. with the November 30, 2010 application and the Attorney General certification in July 2014. Specifically, State EPA sought to revise its primacy program to include the GWR that EPA promulgated on November 8, 2006, at 71 Federal Register 65574; these requirements were codified in 40 C.F.R. Parts 9, 141, and 142. EPA Region 5 staff have reviewed the table of citations for the applicable federal regulations and the State rule counterparts (known as the “crosswalk”) included in State EPA’s application. The crosswalk includes references to EPA’s comments on State EPA’s draft and final rules. The State has made changes requested by EPA during its review of State’s GWR primacy package.

To ensure EPA’s review of the State’s GWR included the most recent state rule revisions in the State’s current (effective) rules, EPA accessed <https://epa.state.gov/divisions-and-offices/drinking-and-ground-waters/regulations/effective-rules/stategw-effective-rules>, on April 6, 2020, December 2, 2022, and June 12, 2023, and compared the citations and language in the primacy package to the effective rule to identify any differences and updated the crosswalk. In addition, the State revised several GWR sections when the state adopted the Revised Total Coliform Rule (RTCR) on April 1, 2016. EPA updated the state citations in this crosswalk to reflect the State’s changes as a result of RTCR, which are published in the State’s current or effective rules. The State’s concurrence with these citation changes is included in Attachment B on page A42. EPA’s review and approval of the State’s RTCR revisions will require a separate notice in the *Federal Register*.

# Sample Final Crosswalk (Ground Water Rule)

SUMMARY OF FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION (DOCUMENT, TITLE, PAGE NUMBER, SECTION/PARAGRAPH)	DIFFERENT FROM FED. REQUIREMENT? (EXPLAIN ON SEPARATE SHEET)
<p><i>Systems required to comply with subpart S. Any ground water system that receives notice from the State of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the State under 40 CFR 141.402(d) must inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator-positive ground water source sample in the next report. The system must continue to inform the public annually until the State determines that particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under 40 CFR 141.403(a).*</i> Each report must include the following elements.</p>	<p>40 CFR 141.153 (h)(6)(i)</p>	<p>XXXX-XX-XX(F)(8)</p>	<p><b>EPA: EQUIVALENT</b></p>
<p><b>40 CFR 141.21 COLIFORM SAMPLING</b></p>			
<p>Sanitary surveys conducted by the State under the provisions of 40 CFR 142.16(o)(2) of this chapter may be used to meet the sanitary survey requirements of this section.</p>	<p>40 CFR 141.21(d)(3)</p>	<p>XXXX-XX-XX</p>	<p><b>EPA: EQUIVALENT</b></p>



# State Concurrence with Citation Changes

May 26, 2023

Division of Drinking and Ground Waters  
 Attn: Environmental Specialist  
 Compliance Assurance Section

RE: Citation Changes to Draft Ground Water Rule Primacy Crosswalk  
 Sent via email to: .gov, cc: .gov

Dear Mr. :

The table below is a summary of procedural changes, consisting mainly of updated citations, which were not highlighted in the abbreviated crosswalk that EPA sent to you for your concurrence. Thank you for reviewing the citations with me. Please affirm that you concur with the citation changes, per the table below, sign the bottom, and email a copy to me.

Table 1. Changes to Citations in Draft Ground Water Rule Primacy Crosswalk Submitted by

Federal Citation	Original State Citation	Amended State Citation	Crosswalk Page	State Concurrence
40 CFR 141.28	3745-81-27 (C) and (D)	3745-81-27; 3745-89	A-2	Yes
40 CFR 141.202	3745-81-32(B)(1)(h)	3745-81-32(B)(1)(i)	A-5	Yes
App. A to Subpart Q of Pt. 141	3745-81-32(B)(1)(h), (C)(1)(a), and (D)(1)(a)	3745-81-32(B)(1)(i), (C)(1)(a), and (D)(1)(a)	A-6	Yes
40 CFR 141.400(c)(1)	3745-81-60	3745-81-60 and 3745-81-41(A)(1)	A-9	Yes
40 CFR 141.400(c)(5)	3745-81-41(A)(5) and 3745-81-01(Y)	3745-81-41(A)(5) and 3745-81-01(H)(6)	A-10	Yes
40 CFR 141.400(d)	3745-81-41(B)	N/A – compliance date expired.	A-11	Yes
40 CFR 141.401(a)	3745-81-60(B)	3745-81-60 (B) and (C)	A-11	Yes
40 CFR 141.402(c)(2)	3745-81-42(C)(2), and 3745-81-27(K) and Table B	3745-81-42(C)(2), and 3745-81-27	A-18	Yes
40 CFR 141.402(c) Table	3745-81-27 Table B footnotes	3745-81-27 (Table incorporated by reference)	A-18	Yes
40 CFR 141.403(a)(1)	3745-81-43(A)(1)	3745-81-44(A) and (B)	A-22	Yes
40 CFR 141.403(a)(2)	3745-81-43(A)(2)	3745-81-44(B)	A-22	Yes
40 CFR 141.403(a)(3)	3745-81-43(A)(3)	3745-81-41 introductory paragraph	A-22	Yes
40 CFR 141.403(a)(4)	3745-81-43	3745-81-61(A) and (B); 3745-81-01(S)(8)	A-23	Yes
40 CFR 141.403(a)(5)	3745-81-43(A)(5)	3745-81-61(A) and (B)	A-23	Yes
40 CFR 141.403 (a)(5)(i)	3745-81-43(A)(5)(a)	3745-81-61(C)(2)	A-24	Yes
40 CFR 141.403 (a)(5)(ii)	3745-81-43(A)(5)(b)	3745-81-61(B)	A-24	Yes
40 CFR 141.403 (a)(5)(iii)(A)	3745-81-43(A)(5)(b)(i)	3745-81-61(B)(2)	A-24	Yes
40 CFR 141.403(a)(5)(iii)(B)	3745-81-43(A)(5)(b)(ii)	3745-81-61(B)(2) & 61(C)(2)	A-24; A-25	Yes
40 CFR 141.403(a)(6)	3745-81-43(A)(6)	3745-81-61(C)(1)	A-25	Yes

Federal Citation	Original State Citation	Amended State Citation	Crosswalk Page	State Concurrence
40 CFR 141.403(a)(6)(i)	3745-81-43(A)(6)(a)	3745-81-61(C)(1)(a)	A-25	Yes
40 CFR 141.403(a)(6)(ii)	3745-81-43(A)(6)(b)	3745-81-61(C)(1)(b)	A-25	Yes
40 CFR 141.403(a)(6)(iii)	3745-81-43(A)(6)(c)	3745-81-61(C)(1)(c)	A-25	Yes
40 CFR 141.403(a)(6)(iv)	3745-81-43(A)(6)(d)	3745-81-61(C)(1)(d)	A-25	Yes
40 CFR 141.403(a)(7)(i)	3745-81-43(A)(7)(a)	3745-81-61(E)(1)	A-25	Yes
40 CFR 141.403(a)(7)(ii)	3745-81-43(A)(7)(b)	3745-81-61(E)(2)	A-26	Yes
40 CFR 141.403(a)(7)(ii)(A)	3745-81-43(A)(7)(b)(i)	3745-81-61(E)(2)(a)	A-26	Yes
40 CFR 141.403(a)(7)(ii)(B)	3745-81-43(A)(7)(b)(ii)	3745-81-61(E)(2)(b)	A-26	Yes
40 CFR 141.403(a)(7)(iii)(C)	3745-81-43(A)(7)(b)(iii)	3745-81-61(E)(2)(c)	A-26	Yes
40 CFR 141.403(a)(7)(iii)	3745-81-43(A)(7)(E)	3745-81-61(E)(3)	A-27	Yes
40 CFR 141.403(b)(2)	3745-81-43(B)(1)	3745-81-43(A)(1)	A-28	Yes
40 CFR 141.403(b)(2)(i)	3745-81-43(B)(1)(a) and (B)(1)(b)	3745-81-43(A)(1)(a) and (A)(1)(b)	A-28	Yes
40 CFR 141.403(b)(2)(ii)	3745-81-43(B)(1)(c)	3745-81-43(A)(1)(c)	A-28	Yes
40 CFR 141.403(b)(2)(iii)	3745-81-43(B)(1)(d)	3745-81-43(B)	A-28	Yes
40 CFR 141.403(b)(3)	3745-81-43(B)(2)(a)(i) through (B)(2)(a)(iv)	3745-81-43(A)(2)(a)(i) through (A)(2)(a)(iv)	A-29	Yes
40 CFR 141.403(b)(3)(i)(A)	3745-81-43(B)(2)(a)(vii)	3745-81-43(A)(2)(a)(vii)	A-29	Yes
40 CFR 141.403(b)(3)(i)(B)	3745-81-43(B)(2)(a)(i) and (viii)	3745-81-43(A)(2)(a)(i) and (viii)	A-29, A-30	Yes
40 CFR 141.403(b)(3)(ii)	Not applicable	3745-81-43(A)(2)(b)	A-30	Yes
40 CFR 141.403(b)(3)(ii)(A)	Not applicable	3745-81-43(A)(2)(b)(i)	A-30, A-31	Yes
40 CFR 141.403(b)(3)(ii)(B)	Not applicable	3745-81-43(A)(2)(b)(ii)	A-31	Yes
40 CFR 141.403(b)(3)(ii)(C)	Not applicable	3745-81-43(A)(2)(b)(iii)	A-31	Yes
40 CFR 141.403(b)(3)(iii)	3745-81-43(B)(2)(b)	3745-81-43(A)(2)(c)	A-31	Yes
40 CFR 141.403(b)(3)(iii)(A)	3745-81-43(B)(2)(b)(i)	3745-81-43(A)(2)(c)(i)	A-31	Yes
40 CFR 141.403(b)(3)(iii)(B)	3745-81-43(B)(2)(b)(ii)	3745-81-43(A)(2)(c)(ii)	A-31, A-32	Yes
40 CFR 141.403(c)	3745-81-43(C)	3745-81-43(B)	A-32	Yes
40 CFR 141.403(d)	3745-81-43(D)	3745-81-43(C)	A-32	Yes
40 CFR 141.404(a)	3745-81-44(A)	3745-81-44(A) and 3745-81-61	A-32	Yes
40 CFR 141.404(a)(1)	3745-81-44(A)(2)	3745-81-44(A) and 3745-81-61(B)(2)	A-32, A-33	Yes
40 CFR 141.404(b)	3745-81-44(B)	3745-81-44(B) and 3745-81-61	A-33	Yes
40 CFR 141.404(b)(1)	3745-81-44(B)(1)	3745-81-44(B) and 3745-81-61(B)(2)	A-33	Yes
40 CFR 141.404(b)(2)	3745-81-44(B)(2)	3745-81-44(B) and 3745-81-61(B)(2)	A-33	Yes
40 CFR 142.16 (o)(2)(i)(B)	3745-81-43	3745-81-44	A-42	Yes

I affirm that the above table is accurate in that it reflects how citations in the original Ground Water Rule primacy crosswalk were amended and updated to reflect the current applicable regulatory sections.

\_\_\_\_\_, EPA  
 Date: 5/30/23

# Federal Register Template

- ENVIRONMENTAL PROTECTION AGENCY
- [FRL–10025-23–Region 5]
- Public Water System Supervision Program Approval for the State of *State*
- AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice of tentative approval.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (EPA) has approved the State of *State*'s revisions to the State's Public Water System Supervision (PWSS) Program under the federal Safe Drinking Water Act (SDWA) for adoption of the federal *Rule*, as well as revisions to the federal *Rule*. The EPA has determined that the State's PWSS program regulations and the revisions thereto are no less stringent than the corresponding federal regulations for the *Rule* and the *Rule*, and thus give the *State Agency* primary enforcement responsibility for the *Rule* and the *Rule*. This determination on the State's request for approval of such primacy enforcement responsibility shall take effect in accordance with procedures described below, subject to timely substantial requests for public hearing. This approval action does not extend to public water systems in Indian Country. By approving this revision, the EPA does not intend to affect the rights of federally recognized Indian Tribes in *State*, nor does it intend to limit existing rights of the State of *State*.

**DATES:** Any interested party may request a public hearing on this determination. A request for a public hearing must be submitted by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The EPA Region 5 Administrator may deny frivolous or insubstantial requests for a hearing.

# Federal Register Template

If a substantial request for a public hearing is made by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], EPA Region 5 will hold a public hearing, and a notice of such hearing will be published in the **Federal Register** and a newspaper of general circulation. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination; a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** To receive copies of documents related to this determination, please contact [Primacy package lead](#) at [Primacy package lead email](#) or [Primacy package lead phone number](#). Documents relating to this determination are available for inspection at the following locations during normal business hours and when the offices are open: [Wisconsin Department of Natural Resources, Public Water Supply Section, 101 S Webster St., Madison, WI 53707-7921](#); and the U.S. Environmental Protection Agency Region 5, Ground Water and Drinking Water Branch (WG-15J), 77 W Jackson Blvd., Chicago, IL 60604.

**FOR FURTHER INFORMATION CONTACT:** [Primacy package lead](#), EPA Region 5, Ground Water and Drinking Water Branch, at the address given above, by telephone at [Primacy package lead phone number](#), or at [Primacy package lead email](#).

**Authority:** Section 1413 of the Safe Drinking Water Act, 42 U.S.C. § 300g-2, and the federal regulations implementing Section 1413 of the Act set forth at 40 CFR Part 142.

Dated: [DATE TO BE ADDED - MUST MATCH DIGITAL SIGNATURE DATE].

[Regional Administrator](#)

Regional Administrator, Region 5



EPA Seeks Comments on  
Approval of *State* Public Water System Supervision Program Revision

# Legal Notice (Newspaper)

The U.S. Environmental Protection Agency (EPA) is asking for public comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** on its tentative decision to approve the *State Agency* (*State Agency Abbreviation*) revised public water system supervision program. *State Agency Abbreviation* has adopted the federal *Rule* (*Rule Abbreviation*) and *Rule* (*Rule Abbreviation*) to comply with the National Primary Drinking Water Regulations.

States that administer their own drinking water programs must adopt rules no less stringent than EPA's regulations, and EPA has determined that *State Agency Abbreviation's* rules meet this criterion. The *Rule Abbreviation* *better protects public health by targeting additional Cryptosporidium treatment requirements for higher risk drinking water systems* and the purpose of the *Rule Abbreviation* is to *reduce disease incidence associated with harmful microorganisms in drinking water derived from ground water*.

If you want EPA to hold a public hearing on its decision, send a request addressed to the attention of the Regional Administrator by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** to:

***Primacy Package Lead***

U.S. EPA Region 5 (WG-15J)

77 W. Jackson Blvd.

Chicago, IL 60604

***Primacy Package Lead Phone***

***Primacy Package Lead Email***

A *Federal Register* notice published **[Month date, year]** is available at:

<https://www.govinfo.gov/app/collection/FR/> that provides the specifics of what is required in your request for a public hearing. To receive copies of documents related to this determination, please contact *Primacy Package Lead* at *Primacy Package Lead Email* or *Primacy Package Lead Phone*.

Documents relating to this determination are available for inspection at the following locations during normal business hours and when the offices are open: **[Wisconsin Department of Natural Resources, Public Water Supply Section, 101 S Webster St., Madison, WI 53707-7921]**; and the U.S. Environmental Protection Agency Region 5, Ground Water and Drinking Water Branch (WG-15J), 77 W Jackson Blvd., Chicago, IL 60604.



EPA Seeks Comments on  
Approval of *State* Public Water System Supervision Program Revision

The U.S. Environmental Protection Agency (EPA) is asking for public comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** on its tentative decision to approve the *State Agency (State Agency Abbreviation)* revised public water system supervision program. *State Agency Abbreviation* has adopted the federal *Rule (Rule Abbreviation)* and *Rule (Rule Abbreviation)* to comply with the National Primary Drinking Water Regulations.

States that administer their own drinking water regulatory programs must adopt rules no less stringent than EPA's regulations, and EPA has determined that *State Agency Abbreviation's* rules meet this criterion. The *Rule Abbreviation* *better protects public health by targeting additional Cryptosporidium treatment requirements for higher risk drinking water systems* and the purpose of the *Rule Abbreviation* is to *reduce disease incidence associated with harmful microorganisms in drinking water derived from ground water.*

If you want EPA to hold a public hearing on its decision, send a request addressed to the attention of the Regional Administrator by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** to:

*Primacy Package Lead*

U.S. EPA Region 5 (WG-15J)  
77 W. Jackson Blvd.  
Chicago, IL 60604

*[Primacy Package Lead Phone]*

*Primacy Package Lead Email*

A *Federal Register* notice published *[Month date, year]* is available at:

<https://www.govinfo.gov/app/collection/FR/>. Any request for a public hearing must include the following information: the name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity. To receive copies of documents related to this determination, please contact *Primacy Package Lead* at *Primacy Package Lead Email* or *[Primacy Package Lead Phone]*.

Documents relating to this determination are available for inspection at the following locations during normal business hours and when the offices are open: *Wisconsin Department of Natural Resources, Public Water Supply Section, 101 S Webster St., Madison, WI 53707-7921*; and the U.S. Environmental Protection Agency Region 5, Ground Water and Drinking Water Branch (WG-15J), 77 W Jackson Blvd., Chicago, IL 60604.

# Legal Notice (Website)



# Index of Record

## Index of Records for EPA's review and approval of: *State Agency (State Agency Abbreviation)* *Rule (Rule Abbreviation)* *Month Day, Year*

### Record of Primacy Application

1. *State Agency Abbreviation Rule Abbreviation* Primacy Final Application submitted by *State Agency Abbreviation* for approval on *Month date, year*.

2. Cover letter

[1.1 *StateAgencyAbbreviation\_DWPrimacy\_RuleAbbreviation-ApplicationCoverLetter\_YYYY-MM-DD.pdf*]

2. State Primacy Revision Checklist

[1.2 *StateAgencyAbbreviation\_DWPrimacy\_RuleAbbreviation-State Primacy-Revision-Checklist\_YYYY-MM-DD.pdf*]

3. State Application Crosswalk & Special Primacy Requirements

[1.3 *StateAgencyAbbreviation\_DWPrimacy\_RuleAbbreviation-ApplicationCrosswalk\_YYYY-MM-DD.pdf*]

4. State Reporting and Recordkeeping Checklist

[1.4 *StateAgencyAbbreviation\_DWPrimacy\_RuleAbbreviation-State Primacy-Reporting-and-Recordkeeping-Checklist\_YYYY-MM-DD.pdf*]

5. *State* Attorney General Enforceability Statement for *Rule Abbreviation* (and other rules). *Month date, year*.

[1.5 *StateAgencyAbbreviation\_DWPrimacy\_AttorneyGeneralStatement\_YYYY-MM-DD.pdf*]



**Contact Info:**

Stacy Meyers  
State Oversight Specialist,  
Primacy Coordinator for State Programs,  
Region 5 EPA  
Ground Water Drinking Water Branch  
[meyers.stacy@epa.gov](mailto:meyers.stacy@epa.gov)