

Navy Resale System Office, such process may be served on the Commanding Officer, Navy Resale System Office, Attention: Industrial Relations Officer, 29th Street and Third Avenue, Brooklyn, New York 11232.

(C) If pertaining to non-civil service civilian personnel of Navy clubs, messes, or recreational facilities (non-appropriated funds), such process may be served on the Chief of Naval Personnel, Director, Recreational Services Division (Pers/NMPC-72), Washington, D.C. 20370.

(D) If pertaining to non-civil service civilian personnel of other nonappropriated-fund instrumentalities which fall outside the purview of the Chief of Naval Personnel or the Commanding Officer, Navy Resale Systems Office, such as locally established morale, welfare, and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

(E) If pertaining to non-civil service civilian personnel of any Marine Corps nonappropriated-fund instrumentalities, such process may be served on the commanding officer of the activity concerned.

(b) The Department of the Navy officials designated above are authorized to accept service of process within the purview of 42 U.S.C. 659 (Social Security Act, sec. 459 added by Pub. L. No. 93-647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95-30, title V, sec. 502, 91 Stat. 157). Where service of process is offered to an official not authorized to accept it under paragraph (a) of this section, the person offering such service shall be referred to the appropriate official designated in paragraph (a) of this section.

§ 734.4 Responsibilities.

(a) *Designated officials.* Within their respective areas of cognizance as set forth in § 734.3, the designated officials are responsible for the following functions with regard to legal process:

(1) Sending such notifications and directions to the member concerned and his or her commanding officer as may be required.

(2) Obtaining or providing an appropriate review by qualified legal counsel.

(3) Taking or directing actions, temporary and final, as are necessary to comply with 42 U.S.C. 659, as amended (see § 734.3(b)), the Marine Corps Manual, Navy Comptroller Manual, and the court's order in the case, and

(4) Apprising the cognizant United

States Attorney of the Department of the Navy's disposition, as required, and, in coordination with the Judge Advocate General, effecting liaison with the Department of Justice or United States Attorneys in instances of noncompliance with process or other circumstances requiring such action.

(b) *Command responsibility.* (1) The Commanding officer of the member or employee concerned shall, upon receipt of notification from the appropriate designated official, ensure that the member or employee has received written notification of the pendency of the action and that the member or employee is afforded counseling concerning his or her obligations in the matter, and legal assistance if applicable, in dealing with the legal action to affect his or her Federal pay. The commanding officer shall comply with the directions of the designated official in responding to the legal process.

(2) For the purposes of this part, the Director, Navy Family Allowance Activity, Cleveland, Ohio, will function as the commanding officer with regard to retired Navy military personnel and members of the Fleet Reserve.

(c) *Legal services.* The Judge Advocate General is responsible for the following functions pertaining to legal process within the purview of this part:

(1) Providing overall technical direction and guidance, as required, for all Department of the Navy military and civilian attorneys engaged in reviewing such process or advising on its disposition.

(2) Ensuring, as Director, Naval Legal Service, the availability of attorneys in Naval Legal Service Offices who are qualified to advise and assist the designated officials concerning the disposition of legal process, and

(3) Where required, ensuring effective liaison with the Department of Justice or United States Attorneys.

§ 734.5 Administrative procedures.

The designated officials specified in § 734.3, shall, in consultation with the Judge Advocate General and Commander, Navy Accounting and Finance Center or the Commandant of the Marine Corps (FD), as appropriate, establish procedures for effectively executing their assigned responsibilities. Implementing procedures shall conform with 42 U.S.C., 659, as amended, the Marine Corps manual, the Navy Comptroller Manual, and the Federal Personnel Manual.

Dated: July 13, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-22387 Filed 7-18-79; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 174

[CGD 77-117]

State Numbering and Casualty Reporting Systems

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The standard vessel numbering system promulgated in parts 173 and 174 has been effective since July 1, 1973. Since that time several States have come into full compliance with these regulations. There are, however, several sections of the numbering regulations that have not been complied with by most of the States. An examination of these sections indicates that although beneficial for the sake of uniformity they do not enhance boating safety. The Coast Guard is making these sections optional, recognizing that the responsibility for the administrative details of a numbering program lies with the individual State governments.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. David R. Gauthier, Office of Boating Safety (G-BLC-3/TP42), Room 4308, Department of Transportation, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590, 202-426-4176.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking concerning this amendment was published in the *Federal Register* issue of April 13, 1978 (43 FR 15583). Interested persons were invited to submit written comments to the Coast Guard by June 12, 1978.

Drafting Information

The principal persons involved in the drafting of this rule are: Mr. D.R. Gauthier, Project Manager, Office of Boating Safety, Ms. Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Two comments were received. The Boating Law Administrator for Pennsylvania suggested that along with this proposal the \$100 damage criterion for reporting accidents be raised to \$200.

The Coast Guard concurs and has changed § 174.101(b) accordingly (44 FR 5308, January 25, 1979) effective February 25, 1979.

The National Transportation Safety Board recommended that the reporting requirements of § 173.55 (c) be maintained as a mandatory requirement. The Board argues that this is the only provision which would require reporting in the event the boat operator is killed or seriously injured and can not make the report. The Coast Guard concurs and has changed the proposal accordingly.

Title 33 of the Code of Federal Regulations is amended as set forth below:

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

1. By revising § 174.13 to read as follows:

§ 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173:

(a) Paragraph (a) of § 173.15 *Vessel number required.*

(b) Section 173.19 *Other numbers prohibited.*

(c) Paragraph (a) of § 173.21 *Certificate of number required.*

(d) Section 173.23 *Inspection of certificate.*

(e) Section 173.25 *Location of certificate of number.*

(f) Section 173.29 *Notification of issuing authority.*

(g) Section 173.71 *Application for certificate of number.*

(h) Section 173.73 *Duplicate certificate of number.*

(i) Section 173.77 *Validity of certificate of number.*

2. By adding a new § 174.14 to read:

§ 174.14 State numbering system optional sections.

In addition to the requirements in § 174.13, a State numbering system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

3. By deleting paragraph (a)(15) and adding a new paragraph (e) in § 174.19 as follows:

§ 174.19 Contents of a certificate of number.

(e) An issuing authority may print on the certificate of number a quotation of the State regulations pertaining to change of ownership or address, documentation, loss, discovery of vessel,

carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.

4. By revising § 174.105 to read as follows:

174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident.*

(b) Section 173.57 *Casualty or accident report.*

(c) Section 173.59 *Where to report.*

5. By adding a new § 174.106 to read:

§ 174.106 State casualty reporting system optional sections.

In addition to the requirements in § 174.105, a State casualty reporting system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1).)

Dated: July 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79-22403 Filed 7-18-79; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1262-3]

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

Correction

In FR Doc. 79-20431 appearing at page 38471 in the issue for Monday, July 2, 1979, the following correction is made to the preamble portion of the document. On page 38473, in the first column, the paragraph designated "3. *Relevant Pollutant*", in the sixth line immediately after the word "nonattainment", the following words are inserted: " * * * and for which the SIP does not meet the requirements * * * "

BILLING CODE 1505-01-M

40 CFR Part 143

[FRL 1230-2]

National Secondary Drinking Water Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: National Secondary Drinking Water Regulations are established according to Section 1412 of the Safe Drinking Water Act, as amended. They apply to public water systems and specify secondary maximum contaminant levels (SMCLs) which, in the judgment of the Administrator, are requisite to protect the public welfare. Contaminants covered by these regulations are those which may adversely affect the aesthetic quality of drinking water such as taste, odor, color and appearance and which thereby may deter public acceptance of drinking water provided by public water systems.

Secondary maximum contaminant levels are established for chloride, color, copper, corrosivity, foaming agents, iron, manganese, odor, pH, sulfates, total dissolved solids and zinc. At considerably higher concentrations, these contaminants may also be associated with adverse health implications. These secondary levels represent reasonable goals for drinking water quality, but are not federally enforceable. Rather, they are intended as guidelines for the States. The States may establish higher or lower levels as appropriate to their particular circumstances dependent upon local conditions such as unavailability of alternate raw water sources or other compelling factors, provided that public health and welfare are adequately protected. However, odor, color and other aesthetic qualities are important factors in the public's acceptance and confidence in the public water system; thus, States are encouraged to implement these SMCLs so that the public will not be driven to obtain drinking water from potentially lower quality, higher risk sources.

EFFECTIVE DATE: These regulations will be effective January 19, 1981, 18 months following the date of promulgation.

FOR FURTHER INFORMATION CONTACT:

Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-472-5030. Copies of the Statement of Basis and Purpose which explains the

basis of these regulations and includes information on available contaminant control technologies may also be obtained at the above address.

SUPPLEMENTARY INFORMATION: On March 31, 1977, the Environmental Protection Agency (EPA) proposed National Secondary Drinking Water Regulations (NSDWR) at 42 FR 17143 pursuant to Section 1412 of the Safe Drinking Water Act, as amended ("SDWA") (42 U.S.C. 300f et seq.). EPA held a public hearing in Washington, D.C. on May 3, 1977. Numerous written comments and statements on the proposed regulations were received and considered. Drafts of the final regulations have been reviewed by the State Liaison Group and the National Drinking Water Advisory Council. Comments were received and incorporated into the final regulations as appropriate. A detailed discussion of the comments received and the Agency's response is presented in Appendix A.

Background

Section 1412(c) of the SDWA requires the Administrator to establish the NSDWR. A secondary drinking water regulation is defined in Section 1401(2) as "a regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Administrator, are requisite to protect the public welfare." The NSDWR "may apply to any contaminant in drinking water (A) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use, or (B) which may otherwise adversely affect the public welfare." In addition, such regulations "may vary according to geographic and other circumstances."

Section 1414(d) sets forth the federal requirements upon the failure by a State to assure enforcement with the NSDWR. In contrast to the joint State/Federal enforcement scheme and public notification requirements set forth in subsections (a), (b) and (c) of that section, subsection (d) does not provide for Federal enforcement of the NSDWR. Subsection (d) provides:

Whenever, on the basis of information available to him, the Administrator finds that within a reasonable time after national secondary drinking water regulations have been promulgated, one or more public water systems in a State do not comply with such secondary regulations, and that such non-compliance appears to result from a failure of such State to take reasonable action to assure that public water systems throughout

such State meet such secondary regulations, he shall so notify the State.

Despite the language of the Act, much confusion has surrounded the issue of enforceability and implementation of the secondary regulations. EPA interprets Section 1414(d) to give the States the responsibility of taking "reasonable action" to assure that public water systems are providing drinking water which protects the public welfare and does not cause consumers not to drink the water served due to aesthetic reasons. The States are accorded great discretion in this area; the first priority is to be given to assuring compliance with the mandatory primary regulations which are designed to protect the public health.

EPA's responsibility is limited under the Act to notifying the State when it finds that a public water system is not meeting the secondary regulations and that the State is not taking reasonable action to assure that the secondary regulations are being satisfied. A determination of what is reasonable action on the part of the State is not limited to adoption and enforcement of regulations although such action is highly desirable. Appropriate action in a particular case will depend on a number of factors including: the degree of non-compliance with the secondary regulations; the direct and indirect adverse results such as the incurrence of substantial expenditures by individuals to upgrade the quality at the tap or the risk and expense of individuals shifting to other water sources; the nature of the raw water sources available; and such efforts that are being taken to assure compliance with the primary regulations.

EPA does not propose to use its resources on a routine basis to independently determine compliance or non-compliance with the secondary regulations. It will, however, review data which may be reported by the States on a discretionary basis or which is received incidental to other studies. On the basis of such review, the agency will consult with the States to determine that action taken by them to assure compliance and where appropriate, notify States of non-compliance which has not been acted on.

The clear intent of these regulations is to maintain a Federal/State alertness to the importance of the aesthetic qualities of drinking water, rather than to empower EPA to require States to adopt secondary regulations. Thus, adoption of secondary regulations no less stringent than the Federal regulations is not a requirement with which a State must

comply in order to be granted primary enforcement responsibility under Section 1413 of the SDWA.

Secondary Maximum Contaminant Levels

The secondary maximum contaminant levels promulgated herein do not vary from those that were proposed in March 1977, with one exception. The difference from the proposal is that the SMCL for hydrogen sulfide has been deleted.

The levels established for chloride, color, copper, corrosivity, foaming agents, iron, manganese, odor, pH, sulfate, total dissolved solids and zinc remain unchanged. The reader is referred to the Agency's preamble to the proposed regulations (42 FR 17143, March 1977) and the Statement of Basis and Purpose accompanying these regulations for explanation of the basis for the SMCLs that have been established. Numerous comments were received by EPA on the contaminants selected for the establishment of SMCLs and the levels chosen. The comments received on the various SMCLs did not contain sufficient new information to require the establishment of levels different from those contained in the proposed regulations. The most significant comments are discussed in summary form below.

Multiple Tier Levels

Several questions were raised as to whether multiple tier levels for SMCLs should be established for total dissolved solids, chloride and sulfate where all of the available water sources exceed the SMCLs.

The limits for these substances represent reasonable levels for water quality. Rather than establishing fixed multiple tier levels, provisions are included in the regulations which provide flexibility to the States to establish limits commensurate with particular geographic conditions where optimum water quality sources are not available. This approach will assure that the consumer is provided with the best quality water available.

pH Levels

There was little disagreement with the proposed lower pH limit of 6.5; however, numerous comments criticized the upper limit for pH. Many of the utilities which produce water at pH levels greater than 8.5 complained that it was not feasible to comply with proposed upper pH level without rendering the water corrosive. EPA maintains that the proposed pH range represents a reasonable goal for public water supplies. However, it is recognized that some water systems

may operate at pH ranges higher than the stated 8.5 level for a variety of reasons. The regulations do not preclude States from allowing higher pH levels where local conditions make such higher levels appropriate.

Corrosion

Nearly eighty percent of the total responses on the proposed regulations made suggestions concerning corrosivity. The consensus was that although corrosivity is important, no national regulation could be adopted at present because a universal corrosion indicator system is not available to measure corrosion in all systems. The commenters felt that a comprehensive test procedure or practical index to measure corrosivity in all locations as a numerical value is not generally available. For this reason, several of the commenters recommended deletion of corrosion from the NSDWR. On the other hand, a number of commenters suggested the use of the Langelier Index as an indicator for corrosivity.

The Agency believes that corrosion is a very significant concern, not only affecting the aesthetic quality of the water, but having a serious economic impact, and health implications.

Corrosion products containing materials such as lead and cadmium have been associated with serious risks to the health of consumers of drinking water. A number of indices (such as the Langelier Index) are presently available for measuring the corrosivity of drinking water but a single universal index applicable to all situations is not yet generally available. For the present, the secondary regulations state that the water should be "non-corrosive," as determined by the State. It should be noted that amendments to the NIPDWR are being considered which would require identification and correction of corrosion problems utilizing a specific corrosion index or several indices.

Hydrogen Sulfide

The majority of comments involving hydrogen sulfide suggested that the SMCL for this substance should be deleted from the regulations. It was pointed out that because of its foul odor, the presence of hydrogen sulfide can be readily detected and is controlled by the SMCL for odor. EPA agrees and for this reason, the SMCL for hydrogen sulfide has been withdrawn from the regulations.

Prohibition of Macroscopic Organisms

One additional commenter suggested that macroscopic organisms such as aquatic insects, worms, crustaceans,

and numerous algae be prohibited in drinking water. EPA agrees that macroinvertebrates should not be present in finished drinking water. Since this issue was not presented for public comment in the proposal, it will be considered in future reviews of the NSDWR. Algae populations should also be minimized. These organisms contribute taste and odor as well as affect the efficiency of the disinfection process; further, they may also introduce a health hazard from the by-product chemicals produced after chlorination.

Monitoring

Concerns were raised about the merits of the proposed monitoring requirements and recommended analytical techniques. EPA's intent in recommending the monitoring requirements and analytical techniques was to point out the best methods and techniques available to identify and quantify the contaminants listed in the NSDWR. Pursuant to their authority, the States may wish to supplement the NSDWR to include appropriate monitoring requirements as conditions dictate.

Other Contaminants Considered

Comments were received regarding the inclusion of sodium, standard plate count, hardness, fluorides and turbidity in the NSDWR. The commenters concurred with EPA's position not to include hardness and the standard plate count in the NSDWR. The presence of sodium, fluorides and turbidity pertain primarily to adverse health implications rather than to the aesthetic quality of the water. Regulations for fluorides and turbidity have already been established in the NIPDWR, and monitoring requirements for sodium are being proposed in amendments to the NIPDWR. See Appendix A for further details.

Energy and Economic Impacts

A number of comments were received that indicated concern over the technological and economic feasibility of the secondary regulations. The definition of "secondary drinking water regulations" in Section 1401(2) of the SDWA and the Administrator's mandate to establish such regulations in Section 1412(d) do not explicitly authorize the consideration of economic and technological factors in setting the SMCLs to protect the public welfare. As guidelines to the States, they are also not intended to be federally enforceable. Therefore, the established levels are designed to specify reasonable goals to ensure that drinking water served to

consumers of public water supplies is of high aesthetic quality. Flexibility is nevertheless provided to the States to take reasonable and responsible action to obtain compliance with the secondary regulations, with appropriate adjustments made where necessary.

Moreover, the overall energy and economic impact of these regulations cannot be accurately determined since they will not be federally enforceable. Nevertheless, as noted in the preamble to the proposed regulations (42 FR at 17145), a preliminary economic evaluation has indicated that small water systems will encounter the most difficulties in complying with the SMCLs. In addition, energy impacts are not anticipated to be great in light of the types of technology which would be used to comply with the SMCLs. Most importantly, the States have been provided with adequate flexibility to work out solutions to problems where they arise. It is expected that compliance with the NSDWR will be a lesser priority in competition with implementation of the health-related primary drinking water regulations. It has not been possible to estimate the number of public water systems that have undesirable levels of these secondary contaminants, but the treatment technologies which are to be used to comply with the primary regulations are similar to those for the NSDWR. Thus, it is expected that many of the compliance problems with secondary contaminants will be resolved through action taken to comply with the primary regulations at little or no additional cost.

In regard to reporting and resource impacts, it is expected that the reporting requirements will have negligible impacts because of the infrequency of monitoring (once per year) and the fact that reporting would occur through the system already established and in use for compliance with the primary regulations. Thus, additional resources are not expected to be necessary at the Federal, State and local levels.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For the reasons given above, Chapter I of Title 40 of the Code of Federal Regulations, is hereby amended by the addition of the following Part 143 as

follows. These regulations will take effect January 19, 1981.

Dated: July 12, 1979.

Douglas M. Costle,
Administrator.

PART 143—NATIONAL SECONDARY DRINKING WATER REGULATIONS

Sec.

143.1 Purpose.

143.2 Definitions.

143.3 Secondary maximum contaminant levels.

143.4 Monitoring.

Authority: Section 1412(c) of the Safe Drinking Water Act, as amended [42 U.S.C. 300g-1(c)]

§ 143.1 Purpose.

This part establishes National Secondary Drinking Water Regulations pursuant to Section 1412 of the Safe Drinking Water Act, as amended (42 U.S.C. 300g-1). These regulations control contaminants in drinking water that primarily affect the aesthetic qualities relating to the public acceptance of drinking water. At considerably higher concentrations of these contaminants, health implications may also exist as well as aesthetic degradation. The regulations are not Federally enforceable but are intended as guidelines for the States.

§ 143.2 Definitions.

(a) "Act" means the Safe Drinking Water Act as amended (42 U.S.C. 300f et seq.).

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Public water system" means a system for the provision to the public of piped water for human consumption, if such a system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(d) "State" means the agency of the State government which has jurisdiction over public water systems.

(e) "Supplier of water" means any person who owns or operates a public water system.

(f) "Secondary Maximum Contaminant Levels" means SMCLs which apply to public water systems and which, in the judgement of the Administrator, are requisite to protect the public welfare. The SMCL means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of public water system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

§ 143.3 Secondary Maximum Contaminant Levels.

The Secondary Maximum Contaminant Levels for public water systems are as follows:

Contaminant	Level
Chloride	250 mg/l.
Color	15 color units
Copper	1 mg/l.
Corrosivity	Noncorrosive
Foaming agents	0.5 mg/l.
Iron	0.3 mg/l.
Manganese	0.05 mg/l.
Odor	3 threshold odor number.
pH	6.5-8.5
Sulfate	250 mg/l.
Total dissolved solids (TDS)	500 mg/l.
Zinc	5 mg/l.

These levels represent reasonable goals for drinking water quality. The States may establish higher or lower levels which may be appropriate dependent upon local conditions such as unavailability of alternate source waters or other compelling factors, provided that public health and welfare are not adversely affected.

§ 143.4 Monitoring.

(a) It is recommended that the parameters in these regulations should be monitored at intervals no less frequent than the monitoring performed for inorganic chemical contaminants listed in the National Interim Primary Drinking Water Regulations as applicable to community water systems. More frequent monitoring would be appropriate for specific parameters such as pH, color, odor or others under certain circumstances as directed by the State.

(b) Analyses conducted to determine compliance with § 143.3 should be made in accordance with the following methods:

(1) Chloride—Potentiometric Method, "Standard Methods for the Examination of Water and Wastewater," 14th Edition, p. 306.

(2) Color—Platinum-Cobalt Method, "Methods for Chemical Analysis of Water and Wastes," p. 36-38, EPA,

Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 160-162, 14th Edition, p. 64-66.

(3) Copper—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 108-109, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, 14th Edition, p. 144-147.

(4) Foaming Agents—Methylene Blue Method, "Methods for Chemical Analysis of Water and Wastes," pp. 157-158, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 339-342, 14th Edition, p. 600.

(5) Iron—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 110-111, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, 14th Edition, p. 144-147.

(6) Manganese—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 116-117, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, 14th Edition, p. 144-147.

(7) Odor—Consistent Series Method, "Methods for Chemical Analysis of Water and Wastes," pp. 287-294, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 248-254, 14th Edition, p. 75-82.

(8) pH—Glass Electrode Method, "Methods for Chemical Analysis of Water and Wastes," pp. 239-240, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 276-281, 14th Edition, pp. 460-465.

(9) Sulfate—Turbidimetric Method, "Methods for Chemical Analysis of Water and Wastes," pp. 277-278, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th

Edition, pp. 334-335, 14th Edition, p. 496-498.

(10) Total Dissolved Solids—Total Residue Methods, "Methods for Chemical Analysis of Water and Wastes," pp. 270-271, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 288-290, 14th Edition, p. 91-92.

(11) Zinc—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 155-156, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, 14th Edition, p. 144-147.

Note.—Appendix A will not appear in the Code of Federal Regulations.

Appendix A—Response to Public Comments

Proposed secondary drinking water regulations were published in the *Federal Register* for comment on March 31, 1977, at 42 FR 17143. Written comments on the proposed regulations were invited and a public hearing was held in Washington, D.C. on May 3, 1977. As a result of these comments and further consideration of available data by EPA, a few changes were made in the proposed regulations. The principal comments have been summarized in the preamble to the final regulations. The purpose of Appendix A is to discuss the specific comments received on various aspects of the proposed regulations, and to explain EPA's response to those comments.

I. Definitions

The definitions of "contaminant" and "Maximum Contaminant Level" (MCL) were criticized by four of the six comments received on the proposed regulations. One of the commenters pointed out that while it is stated in the introductory section that the NSDWR are not enforceable and are only intended to serve as guidelines, many of the readers will interpret the definition of MCL to indicate a strict standard rather than a recommended criterion. Three of the commenters suggested that the term MCL implies a health-related standard and therefore they recommended that it be replaced with another definition such as "constituent," "parameter" or "concentration" level to appropriately reflect the aesthetic nature of the proposed limits.

The definition of "contaminant" includes any constituent in water, including constituents considered to be harmless or even beneficial. The definition is derived directly from Section 1401(6) of the SDWA and also appears in the primary regulations (40 CFR 141.2(b)). It is not intended to suggest that all of the constituents in the water are harmful or to define a strict standard. Rather, it is intended to permit the regulation of any constituent that may be found to be harmful or undesirable. The essence of the definition, therefore, has been retained as proposed, but

it has been modified for clarification in that the definitions only include a definition for a secondary maximum contaminant level and the regulations are set for secondary maximum contaminant levels (SMCL).

The definition of a SMCL was also criticized for requiring measurement at the tap. Two of the commenters expressed concern about the exclusion in proposed § 143.2. They felt that the responsibility of the supplier to meet the SMCLs should end at a point where the water is delivered to the ultimate user's service line. The comments suggested that corrosion caused by piping and plumbing or appurtenances under the control of the user, as well as contaminants added to the water by the consumer should be excluded from the definition in § 143.2.

The requirement for measuring the SMCL at the "free flowing outlet of the ultimate user of a public water system," carries out the intent of Congress that "drinking water regulations are intended to be met at the consumer's tap." (H. Rep. No. 93-1185, 93rd Cong., 2nd Sess. p. 13 (1974)). The purpose of this requirement is to assure that water used by the public is aesthetically acceptable and safe. This can be assured only if SMCLs are met at the tap. Section 143.2 meets this requirement. Also, the definition implies that a public water system cannot be held responsible for contamination of water beyond its control. It would be unreasonable to hold a public water system in violation of a SMCL if the level is exceeded at the consumer's tap as a result of such things as the user's attachment of a faulty treatment device, because of cross-connections in the user's plumbing system or because the plumbing is used to ground electrical systems. However, this does not absolve the supplier from the responsibility to achieve the SMCLs at the consumer's tap where a violation is due to water quality factors within the preview of the supplier (e.g., excessively corrosive water). This is consistent with the Agency's definition of "MCL" for the purposes of the NIPDWR under 40 CFR 141.2(c).

II. Secondary Maximum Contaminant Levels

A. Chloride—Six comments contained suggestions that the chloride SMCL be raised to higher levels, or to establish a three-tier SMCL consisting of a recommended, upper and a short term limit. The commenters recommending a higher SMCL for chloride indicated that because of the high costs associated with the reduction or the removal of chloride, the water suppliers and the consumer would be subjected to an excessive economic burden if the SMCL was to be maintained in areas of the country where water meeting the proposed chloride levels was not available. The commenters felt that a higher SMCL for chloride, 300 mg/l to 500 mg/l, would probably have a negligible adverse effect on consumer acceptance. It was pointed out that this adverse effect would diminish as the consumers became acclimated to the water. The commenters, recommending the multiple tier SMCL for chloride, indicated that this approach would be helpful to explain the relative water quality aspects of lower mineralization

without raising unwarranted fears of health-related contaminant levels in the public's mind. The commenters felt that including a three-tiered SMCL for chloride, providing for less desirable but still acceptable levels, would resolve the problems associated with recommended aesthetic guidelines versus the quality of water available in certain geographic areas.

The SMCL of 250 mg/l for chloride is the level above which the taste of the water may become objectionable to the consumer. In addition to the adverse taste effects, high chloride concentrations in the water will contribute to the deterioration of domestic plumbing, water heaters and municipal waterworks equipment. High chloride concentrations in the water may also be associated with the presence of sodium in drinking water. Elevated concentration levels of sodium may have an adverse health effect on normal, healthy persons. In addition, a small segment of the population is on severely restrictive diets requiring limitation of their sodium intake. For the preceding reasons, the SMCL for chloride represents a desirable and reasonable level for protection of the public welfare. Establishment of a multi-tier SMCL would encourage the use of less than aesthetically desirable water in areas where better sources may be available or could be found.

EPA recognizes that there may be problems existing in regions where no sources of water are available which meet the SMCL for chloride. Therefore, where such problems are encountered, the States should exercise their discretion in establishing limitations for chloride concentration levels realistically commensurate with local conditions. Such an approach to cope with geographically related aesthetic water quality conditions serves to provide the necessary flexibility to the States preferred by the proponents of the proposed multi-tier approach.

B. Color—Two commenters claimed that the SMCL for color of 15 color units (CU) was too high. They suggested that the upper limit for color be lowered to 10 or 5 CU. The reasons cited for this was that color may be indicative of contamination by organic materials, which in turn may be precursors for the formation of trihalomethanes (THMs) and other halogenated organic compounds. Also, one of the commenters felt that 15 CU would be completely unacceptable to the consumer.

Limiting the presence of THM and other synthetic organic compounds to protect the public health has been proposed for inclusion in the NIPDWR, at 43 FR 5756, February 9, 1978. Color becomes objectionable to most people at levels over 15 CU. Experience has shown that rapid changes in color levels will lead to greater consumer complaint, as opposed to a relatively constant color level. Therefore, suppliers of the water should seek to prevent or minimize such changes.

In some instances color may be objectionable to some people at levels as low as 5 CU; therefore, it may be appropriate for the States to consider setting limits below 15 CU.

C. Copper—One commenter proposed to raise the SMCL for copper from 1 mg/l to 3

mg/l. It was argued that the SMCL of 1 mg/l is more stringent than necessary to avoid taste problems. Although very few water sources have a copper level in excess of this standard, the commenter felt that the treatment costs would be very high for those water systems which would have to come into compliance.

Experience indicates that copper at concentration levels exceeding 2 mg/l causes significant staining and adverse tastes. To many people, copper imparts a detectable taste at a concentration level of 1 mg/l. The SMCL of 1 mg/l was exceeded only in 1.6% of the 295 tap water samples taken in the Community Water Supply Study by EPA in 1970. In instances where high copper concentration levels in the drinking water are observed, it is likely that other heavy metals are also present. Consequently, the presence of excessive copper in the water system may indicate possible corrosion of the distribution system, or suggest that the drinking water supply may be contaminated with products from mining operations. Therefore, it is reasonable to establish 1.0 mg/l as the SMCL for copper to protect the public welfare.

D. Corrosivity—Ninety-four comments were received concerning a number of corrosivity issues. Sixty-seven of the comments recommended that corrosivity, as a standard, should be deleted from the NSDWR for the following three reasons: (1) it is adequately covered by the other SMCLs set forth in the NIPDWR and in the NSDWR; (2) corrosion is dependent on many interrelated factors and thus there is no universal criteria on which would be applicable to define and/or control it completely; and (3) there is not yet a single reliable practical test developed to measure corrosivity. Twenty-one of the comments were directed towards a number of analytical techniques to measure corrosivity. However, many of them conceded that the methods they suggested may need some modification. The Langlier Saturation Index was most frequently suggested to define corrosivity. Three of the comments expressed concern that if the corrosion standard was not deleted there may be a possibility that users could have legal recourse against a water purveyor for not meeting the SMCL due to corrosion from appurtenances which are under the control of the user. One of the comments suggested that a panel of experts be convened to discuss the development of a corrosion regulation.

EPA has determined that a specific SMCL for corrosivity should not be established at this time. Instead, the secondary regulations presently state that drinking water should be "non-corrosive." A non-specific corrosivity standard is warranted under the NSDWR because corrosive waters may adversely affect the aesthetic quality of drinking water. However, the existence of corrosive waters is left to be determined on a case-by-case basis through the exercise of judgment by the States in implementing the secondary regulations.

With respect to the development of a more specific MCL for corrosivity, EPA is presently conducting further studies and research and is proposing amendments to the National Interim Primary Drinking Water Regulations

to control corrosion to protect the public health. During that regulatory process, EPA will be considering those issues raised by the commenters to these secondary regulations concerning the availability of a generally acceptable and nationally applicable numerical index. Also, appropriate analytical methods will be considered.

The concerns expressed by some of the commenters regarding the possibility of legal action by users against water suppliers for corrosion attributable to appurtenances controlled by the user, rather than to water quality, are addressed in these secondary regulations. The definition of "secondary maximum contaminant level" in Section 143.2(f), specifically excludes "contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality." This same language is contained in the definition of "maximum contaminant level" under the NIPDWR at 40 CFR 141.2(c). To the extent States adopt the exclusion contained in the federal definitions, legal action against the water supplier would be limited to corrosion problems within the supplier's control.

E. Foaming Agents—Two comments were received concerning the SMCL of 0.5 mg/l for foaming agents. One commenter stated that the SMCL was too stringent and that such a concentration would not be noticed in most instances. The other commenter suggested that since the analytical procedure specified for the detection of foaming agents is MBAS, the SMCL should be stated in terms of MBAS.

The 0.5 mg/l limit for foaming agents is based upon the fact that at higher concentration levels the water may exhibit undesirable taste and foaming properties. Also concentrations above the limit may be indicative of undesirable contaminants of pollutants from questionable sources, such as infiltration by sewage. Because there is no standardized "foamability test" that exists, this property is determined indirectly by measuring the anionic surfactant concentration in the water utilizing the test procedures specified for MBAS. Many substances other than detergents will cause foaming and their presence will be detected by the Methylene Blue Test. Therefore, the SMCL designated for foaming agents is appropriate.

F. Hydrogen sulfide—The ten comments concerning hydrogen sulfide were directed towards its odor characteristics and the possible difficulties that may be encountered in obtaining accurate analytical results. A number of commenters suggested that the limit for hydrogen sulfide should be deleted since its presence may be detected by the odor test. Another commenter stated that the SMCL for hydrogen sulfide should be raised from 0.05 mg/l to 0.1 mg/l to be commensurate with the precision limit of the titrimetric iodine method. Other commenters felt that during the collection, handling, and the transportation of the samples the accuracy of the analytical results may be compromised.

The threshold odor concentration of hydrogen sulfide is between 0.01 and 0.1 ug/l. The proposed SMCL was 0.05 mg/l. The odor

SMCL of 3 TON would apparently always be violated before the proposed SMCL for hydrogen sulfide would be violated. Thus, the proposed SMCL would duplicate the aesthetic requirements of the odor SMCL, and therefore, the hydrogen sulfide SMCL has been deleted from the NSDWR. However, this does not limit the States from establishing monitoring and SMCL requirements for hydrogen sulfide in appropriate circumstances.

G. Iron—The three commenters concerned with iron stated that the proposed SMCL of 0.3 mg/l was overly stringent and suggested that 1.0 mg/l would be appropriate in consideration to water supplies which practice sequestration for rust removal.

At 1.0 mg/l, a substantial number of people will note the bitter astringent taste of iron. Also at this concentration level, the staining problems associated with iron will be pronounced, thus making the water unpleasant to the consumer. Therefore, the proposed SMCL of 0.3 mg/l for iron is reasonable because the adverse aesthetic effects are minimized at this level. However, in instances where it is appropriate, the States may allow higher levels.

H. Manganese—No comments were received on the SMCL for manganese.

I. Odor—There were four comments received concerning the threshold odor number (TON). Three of the commenters suggested that the proposed SMCL of 3 TON should be deleted from the regulations; they argued that the TON is an arbitrary value and that the results obtained would greatly vary from person to person. On the other hand, one commenter suggested that the SMCL should be lowered to 1 TON.

Odor is an important quality factor affecting the drinkability of water. Odors may be detected at extremely low concentrations of some substances and they may be indicative of the presence of organic and inorganic pollutants that may originate from municipal and industrial waste discharges or from natural sources. The TON level of three was determined to be appropriate because most consumers find the water at this limit acceptable. Determination of odor below this level is difficult because of possible interferences from other sources and variability of the sensing capabilities of the personnel performing the test. Therefore, the SMCL of 3 TON has remained unchanged.

J. pH—A total of 43 comments concerning pH were received. Fifteen of the commenters requested that pH be deleted from the NSDWR. Another ten commenters suggested that the upper limit of pH should either be deleted from the regulations or raised. The reasons cited for this were that (1) a SMCL for pH is unnecessary because pH is not a direct measure of corrosivity, but just one parameter affecting corrosivity; and (2) a number of utilities produce high pH non-corrosive water with no aesthetic adverse effects. Several commenters argued that many of the lime-softened waters produced meet the other MCLs set forth in the NIPDWR and the NSDWR, and that it would be impractical and economically infeasible for these utilities to lower the pH in order to attain a level of 8.5 or less. None of the

comments received contested that water below 6.5 would be potentially corrosive. The remaining eight comments recommended that rather than applying pH solely as an SMCL, it should be included with other parameters, such as alkalinity and hardness into a "non-corrosive" guideline.

As explained in the Statement of Basis and Purpose, high pH levels are undesirable since they may impart a bitter taste to the water. Furthermore, the high degree of mineralization associated with alkaline waters will result in the encrustation of water pipes and water-using appliances. The combination of high alkalinity and calcium with low pH levels may be less corrosive than water with a combination of high pH, low alkalinity and calcium content. High pH levels also depress the effectiveness of disinfection by chlorination, thereby requiring the use of additional chlorine or longer contact times. In addition, high pH levels accelerate the production of trihalomethanes (THMs) in the water. Therefore, the pH range has been retained as it was proposed. A range of 6.5-8.5 was determined as that which would achieve the maximum environmental and aesthetic benefits. However, in certain instances it may be necessary to maintain pH levels higher than 8.5. States should consider higher pH limits where local conditions necessitate such as in areas where the water at that level is neither corrosive nor unstable (i.e., no precipitation of calcium salts).

K. Sulfate—Five commenters suggested that the SMCL for sulfate should be raised to a higher level, while three commenters recommended a three-tier approach consisting of a recommended upper and a short term limit. The commenters recommending a higher SMCL for sulfate (300 to 1800 mg/l), cited that the proposed sulfate SMCL of 250 mg/l would not result in laxative or any other adverse health effects to the user. Also the commenters felt that the suppliers of the water and the consumer would be subjected to an excessive economic burden if the SMCL was to be maintained in regions where water meeting the proposed sulfate SMCL was not available. In addition, the commenters indicated that individuals will become acclimated to the use of waters containing sulfate compounds in a relatively short time. The commenters recommending a three-tier SMCL felt that this approach would provide flexibility to the States to select an appropriate SMCL in areas where water having low sulfate content is not available. Furthermore, the commenters indicated that a multiple tier approach could be utilized to explain the relative water quality aspects of lower mineralization to the user without raising unwarranted fears of health-related contaminant levels in the public's mind.

The SMCL of 250 mg/l established for sulfates represents the desired concentration level to prevent the bulk of possible adverse aesthetic effects. Above this level, adverse taste and laxative effects are more likely to occur. Establishment of a fixed multi-tier SMCL may encourage the use of a less desirable water in locations where better sources are available. At the same time, it is recognized that adjustments to the SMCL are

possible in areas where the absence of suitable supplies do not, for practical reasons, allow the meeting of the SMCL for sulfate. In such instances States should exercise their authority to establish suitable limitations for sulfate concentration levels realistically commensurate with local conditions. This approach to cope with geographically related aesthetic water quality conditions provides more flexibility to the States than the multiple tier approach proposed by some of the commenters. The States should establish a SMCL for sulfate in such a manner that the consumer is provided with the best quality of water as realistically feasible. In addition, EPA recommends that transients be notified if the sulfate content of the water is high. Such notification would include an assessment of the possible physiological effects of consumption of the water.

L. Total Dissolved Solids (TDS)—Most of the 26 comments received regarding TDS came from water suppliers in areas where the dissolved mineral content of the water exceeds the proposed SMCL of 500 mg/l. Seven commenters recommended that TDS be deleted from the NSDWR while 14 commenters suggested that the SMCL be raised to a higher level or changed to a range of levels consisting of a multiple tier approach similar to those suggested for chloride and sulfate. Five of the comments made references to the State-adopted, EPA-approved water quality standards for salinity for the Colorado River System. The commenters felt that the proposed SMCL for TDS is inconsistent with the higher TDS standards adopted for the Colorado River System.

In general, the commenters noted that compliance with the proposed SMCL for TDS would be unrealistic and it would place an excessive economic burden on the utilities in areas where no alternate sources of water are available. The commenters, suggesting the deletion of the TDS SMCL from the NSDWR, indicated that limits have already been placed on other contaminants which would eliminate undesirable taste from water; thus an SMCL for TDS was said to be unnecessary.

In some regions of the country, particularly in the Southwest, drinking water sources commonly exceed the SMCL for TDS. For this reason, the commenters felt that water quality associated with geographic problems should be taken into account in formulating the SMCL for TDS.

Raising the TDS SMCL would certainly resolve the commenters' concerns in areas where the only available water sources contain high TDS. However, this approach would not provide the States a realistic frame of reference for the aesthetic water quality goal they should be trying to achieve.

TDS may have an influence on the acceptability of the water in general, and in addition a high TDS value may be an indication of the presence of excessive concentration of some specific substance, not included in the NSDWR, which would make the water aesthetically objectionable to the consumer. Excessive hardness, taste, mineral

deposition or corrosion are common properties of water with high TDS levels.

Adoption of a multi-tier approach attempting to solve the geographical problems associated with the lack of high quality water by including less desirable but still acceptable higher levels as alternatives would defeat the intent of the regulations. Establishment of a multi-tier SMCL would encourage the use of less than aesthetically desirable water in areas where better sources may be available. Therefore, the SMCL of 500 mg/l for TDS is reasonable because it represents an optimum value commensurate with the aesthetic level to be set as a desired water quality goal.

It is understood that in some instances meeting the SMCL for TDS will not be reasonably attainable. In those instances it is recommended that the State establish an SMCL for the water which is appropriate assuring that the user is supplied with the best quality water reasonably attainable.

This approach provides for more flexibility to the States to set a SMCL for TDS approaching the optimum SMCL.

M. Zinc—No comments were received on the SMCL for zinc.

N. Other Contaminants—A number of comments were received regarding the parameters considered but not included in the regulations. Most of the commenters were concerned about sodium. The majority of the commenters indicated that EPA's decision not to include sodium in the NSDWR was proper. They also concurred with EPA's recommendation that the States institute programs for regular monitoring of the sodium content of drinking water served to the public, and for informing physicians and consumers of the sodium concentration in drinking water. In order to assure that persons who are affected by high sodium concentrations would be able to make adjustments to their diets, or seek alternative sources of water to be used for drinking and food preparation, EPA is proposing monitoring requirements for sodium through amendments to the National Interim Primary Drinking Water Regulations.

Commenters concerned with hardness and Standard Plate Counts (SPCs) concurred with EPA's position not to include those parameters in the NSDWR.

In addition, comments were received which requested transfer of the SMCL for fluorides from the primary to the secondary regulations and to include a limit on turbidity on well waters in the NSDWR.

The SDWA describes the NSDWR as those pertaining to the aesthetic quality of water. EPA is presently conducting studies to evaluate the merits of establishing an aesthetic SMCL for fluorides in addition to the health based standard included in the NIPDWR. Fluoride was included in the NIPDWR because excessive levels can cause moderate to severe tooth mottling which is considered to be an adverse health effect rather than a purely aesthetic effect.

Although turbidity affects the aesthetic quality of water, regulations in the NIPDWR have already been established for turbidity. States may elect to extend the application of the turbidity MCL to groundwaters based

upon the aesthetic appearance. EPA will consider a NSDWR limit for turbidity in future revisions.

III. Monitoring

There were 64 comments on proposed § 143.4 dealing with monitoring for compliance with the SMCLs. Most of the comments were related to the merits of the prescribed analytical methods. A number of commenters expressed criticism that the analytical methods for monitoring were restrictive. Other commenters expressed concern about the expense associated with compliance with the monitoring requirements. For the above reasons, the commenters suggested alternatives to the approved analytical methods which tended to separate into two categories. One of the categories included comments suggesting that in order to make the analytical requirements less restrictive, other methods, equivalent in accuracy and precision to the ones prescribed in § 143.4, should be allowed. The comments in the other category recommended that economically feasible alternative methods, somewhat less accurate, but requiring less sophisticated equipment thereby reducing the accompanying expense should be allowed to minimize the economic impacts associated with monitoring.

A number of commenters also expressed concern involving the enforceability of the monitoring requirements and therefore emphasized that the States should be the ones to specify and prescribe the monitoring requirements associated with the NSDWR.

The recommended analytical methods represent proven methods for the monitoring of the contaminants listed in the NSDWR. It is the prerogative of the States to institute and/or supplement the suggested monitoring or analytical requirements for the NSDWR in their own laws and regulations.

IV. Economic and Energy Impact

A total of 11 comments were received involving the possible economic implications of the NSDWR. Ten of the commenters expressed concern about the possible economic hardships imposed by the NSDWR to customers served by small systems, especially to those with a population of less than 10,000. One of the commenters expressed doubts whether it is worthwhile to pay a higher price for a product with no additional benefits to be derived other than the increased aesthetic quality. On the basis of this, the commenter felt that the public would not be willing to incur the additional expense to improve the aesthetic quality of the water. The commenter also raised the question as to whether the decision regarding the implementation of the NSDWR should be left to the consumer rather than to the State.

In determining costs associated with treatment needed to achieve compliance with these secondary standards, EPA found that the smallest system was the most burdened on a per capita basis. However, suggestions

that such small systems be relieved of the burden of these regulations is directly counter to the intent of the Safe Drinking Water Act. The States have discretion in implementation of these secondary regulations and can give special consideration to small water systems. This may include a phased implementation program with small systems given the most amount of time to come into compliance with the secondary regulations.

Another comment received suggested an investigation into the cost-effectiveness of home treatment devices in place of central treatment facilities.

There is very little experience in the water supply industry with operation and maintenance of home treatment devices, as a responsibility of the water supply system. Although the SDWA is directed to public water systems, home treatment devices are typically operated by private companies or the home owner. Preliminary investigation into the cost-effectiveness of these home treatment devices indicates that where there are existing central distribution systems, central treatment is dramatically more cost-effective than home units. However, were a water supply to determine that the customers served had already instituted home treatment for specific secondary standards or that a system controlled and operated network of home treatment units would be safe and cost-effective, it might be plausible to take that approach rather than construct and operate a central facility.

Another comment was directed to the energy impacts of the proposed regulation. As with the economic impact assessment, precise impacts are impossible to determine because of the discretionary nature of these regulations. However, it is not anticipated that appreciable national energy impacts will exist as a result of these regulations because the treatment technologies are relatively not energy intensive and implementation will be on a "need" basis and over a phased time frame.

[FR Doc. 79-22237 Filed 7-18-79; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-48]

[FPMR Amdt. H-116]

Management of Abandoned and Forfeited Personal Property

AGENCY: General Services
Administration.

ACTION: Final rule.

SUMMARY: When personal property seized by the Government is forfeited by court decree, GSA petitions the court to deliver the property to the holding agency if that agency has requested the

property on occasion, a holding agency has requested only component parts or accessories from a complete and operable item of seized property. The removal of component parts or accessories may render an item inoperable or uneconomical for further use. This regulation provides that an agency must adequately justify such a request and that GSA will honor the request only if to do so would be in the best interest of the Government.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division, Office of Personal Property, Federal Property Resources Service, General Services Administration, Washington, DC 20405 (703-557-1540).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-48.101-4 is amended to revise paragraph (b) to read as follows:

§ 101-48.101-4 Retention by holding agency.

(b) A holding agency when reporting property under § 101-48.101-5, which is subject to pending court proceedings for forfeiture, may at the same time file a request for that property for its official use. A request for only components or accessories of a complete and operable item shall contain a detailed justification concerning the need for the components or accessories and an explanation of the effect their removal will have on the item. Upon receipt of a request, GSA will make application to the court requesting delivery of the property to the holding agency, provided that, when a holding agency has requested only components or accessories of a complete and operable item, GSA determines that their removal from the item is in the best interest of the Government.

(Sec. 307, 49 Stat. 880; 40 U.S.C. 304 l).

Dated: July 11, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-22390 Filed 7-18-79; 8:45 am]

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