



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN - 8 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Significant Noncompliance under the Safe Drinking Water Act Filter Backwash Recycling Rule (FBRR)

FROM: Mark Pollins, Director
Water Enforcement Division, ORE

TO: ADDRESSEES

The Filter Backwash Recycling Rule (FBRR) became effective August 7, 2001, with a compliance date of December 8, 2003.¹ As you are aware, training for implementation of this rule began in May, 2002 using the draft SNC definition. Regional and States comments on the proposed SNC and the Draft Implementation Guidance were sent to the Office of Ground Water and Drinking Water and have been incorporated into the SNC definition. We are now taking this important step toward integrating this rule into EPA's Public Water Supply Supervision program by finalizing the definition of significant noncompliance under the Filter Backwash Recycling Rule as:

A Public Water System (PWS) is in significant noncompliance of the SDWA Filter Backwash Recycling Rule (FBRR) if it violates the requirements of the Rule by a:

- Failure to recycle at an approved location by June 8, 2004, or
- Failure to make the required capital improvements by June 8, 2006.

Return to Compliance ("RTC") is accomplished by the public water system's recycling of all regulated recycling streams to an approved location, or finalization of the required capital improvements.

¹66 FR 31806 (June 8, 2001); codified 40 C.F.R. Parts 9, 141 and 142.

Thank you for your efforts and assistance in formulating this definition. If you have any questions concerning the FBRR SNC, please contact Marged Harris (202-564-6025) or Andrew Hudock (202-564-6032).

ADDRESSEES:

Cynthia Dougherty, Director, OGWDW
Evelyn Washington, Chief, Protection Branch,
Carrie Wehling, OGC
Carol Ann Siciliano, OGC
Tom Ripp, Office of Compliance
PWS Enforcement Branch Chiefs, Regions I-X
Water Protection/ Management Division Directors, Regions I-X
Director, Office of Environmental Stewardship, Region I
Director, Division of Environmental Protection and Planning, Region II
Enforcement and Compliance Assistance Directors, Regions II, VI, and VII
Water, Wetlands, and Pesticides Division, Region VII
Regional Counsels, Regions I-X