

Appendix D

Guidance on Calculation of Compliance for the New Arsenic MCL

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

JAN 25 2002

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Calculation of Compliance for the New Arsenic MCL
FROM: *Cynthia C. Dougherty*
Cynthia C. Dougherty, Director
Office of Ground Water and Drinking Water
TO: Water Division Directors
Regions I-X

I am writing to clarify calculation of compliance for the new drinking water Arsenic Rule promulgated on January 22, 2001. In 2006, the new regulation will decrease the Maximum Contaminant Level (MCL) for arsenic to .01 mg/L (or 10 µg/L). Unlike the other IOCs, arsenic compliance is based on special provisions written into the Arsenic Rule. Compliance with the Arsenic Rule is governed by 40 *CFR* 141.23, which requires reporting arsenic analytical results to the nearest 0.001 mg/L. This reporting requirement has the effect of making all measurements that are greater than or equal to .0105 mg/L a violation of the arsenic MCL (after rounding to the nearest .001 mg/L).

This method of compliance determination is affirmed by our costing and benefit analysis, public presentations, and conversations with stakeholders. We are working with other headquarters offices, with your staff, and with stakeholders to identify whether further measures are necessary to ensure consistent implementation of the new arsenic standard.

The January 22, 2001 Arsenic Rule includes the following provisions. These sections explain how compliance is calculated.

- 40 *CFR* 141.23(i) "Inorganic Chemical Sampling and Analytical Requirements:"
Compliance with 141.11 or 141.62(b) shall be determined based on the analytical result(s) obtained at each sampling point.
- 40 *CFR* 141.23(i)(4):
Arsenic sampling results will be reported to the nearest .001 mg/L.

Based on these regulatory provisions, an MCL violation is incurred for arsenic levels at or above .0105 mg/l, or 10.5 µg/L.

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If you have any questions, comments, or suggestions to promote consistent implementation, please contact me at 202-564-3750, or have your staff contact Ron Bergman at 202-564-3823 or Richard Reding at 202-564-4656.

CC: Drinking Water Program Managers, Regions I - X
Randy Hill, OGC
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Mark Pollins, OECA
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