

SAFE DRINKING WATER (SDWA)

OVERVIEW

BCLP lawyers have extensive experience with representing clients in matters arising under the Safe Drinking Water Act and analogous state laws and regulations. Our experience includes not only regulatory advice on the nuances of public drinking water standards and the interpretation and application of applicable federal, state and local laws, but also compliance assistance and, when necessary, enforcement defense.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Energy & Natural Resources

EXPERIENCE

Specifically, BCLP attorneys have experience with:

- Determining the applicability of the SDWA to various types of water systems, treatment facilities, and/or filtration systems.
- Providing advice, recommendations, and development of notifications relating to the use of treatment technologies and obtaining necessary approvals from state and federal agencies prior to implementing new techniques.
- Developing, reviewing, and/or revising client wellhead protection programs.
- Reviewing and preparing applications for permits to construct new wells and related equipment, well system maintenance activities, substantial upgrades to existing wells, piping and related equipment.
- Providing advice and strategies to protect groundwater drinking water sources and, on behalf of clients, pursuing parties who have contaminated drinking water wellfields.
- Preparing and reviewing client public notices required under state and federal regulations, including MCL exceedance notices.
- Providing compliance and assistance advice to clients regarding sanitary sewer systems, including preparation and review of sanitary sewer overflow notices to state agencies and negotiating with state agencies to resolve notices of noncompliance.
- Advising clients regarding collection system integrity programs and collaborating with clients to develop and evaluate Capacity, Management, Operation, and Maintenance (“CMOM”) programs to better manage, operate, and maintain collection systems, investigate capacity constrained areas of the collection system and inflow and infiltration vulnerabilities, and respond to sanitary sewer overflow (SSO) events.
- Developing and reviewing annual public water systems Consumer Confidence Reports.
- Advising clients regarding operator certification and training requirements.
- Advising clients regarding disinfection byproduct (“DBP”) and microbial pathogen requirements under the Stage 1 DBP Rule and the Interim Enhanced Surface Water Treatment Rule.
- Reviewing and auditing client lead pipe replacement programs.
- Advising clients regarding the filter backwash recycling rule.
- Representing clients in responding to inspections and sanitary surveys and any resulting enforcement and/or penalty actions for noncompliance noted during such inspections/surveys.

- Preparing comments on proposed SDWA rulemaking and PR Notices, including those relating to MCLs and MCLGs.
- Advising clients regarding SDWA exemptions and variances.
- Advising clients regarding monitoring, recordkeeping, and reporting requirements under state and federal regulations.
- Participating in tort litigation arising from the contamination, or alleged contamination, of surface water or groundwater used for drinking water.