

The Public Notification Rule: A Quick Reference Guide

Overview of the Rule

| | |
|-------------------------|---|
| Title | Public Notification (PN) Rule, 65 FR 25982, May 4, 2000. |
| Purpose | To notify the public of drinking water violations or situations that may pose a risk to public health. |
| General Description | The PN Rule requires all public water systems (PWSs) to notify their consumers any time a PWS violates a national primary drinking water regulation or has a situation posing a risk to public health. Notices must be provided to persons served (not just billing customers). |
| Utilities Covered | All PWSs. |
| Timing and Distribution | Notices must be sent within 24 hours, 30 days, or one year depending on the tier to which the violation is assigned. The clock for notification starts when the PWS learns of the violation. |

Tier 1 (Immediate Notice, Within 24 Hours)

Tier 1 PN is required to be issued as soon as practical but no later than 24 hours after the PWS learns of the violation or situation including:

- ▶ Distribution system sample violation when fecal coliform or *E. coli* are present; failure to test for fecal coliform or *E. coli* after initial total coliform distribution system sample tests positive.
- ▶ Nitrate, nitrite, or total nitrate and nitrite maximum contaminant level (MCL) violation; failure to take confirmation sample.
- ▶ Special notice for noncommunity water systems (NCWSs) with nitrate exceedances between 10 mg/L and 20 mg/L, where system is allowed to exceed 10 mg/L by primacy agency.
- ▶ Chlorine dioxide maximum residual disinfectant level (MRDL) violation when one or more of the samples taken in the distribution system exceeds the MRDL on the day after a chlorine dioxide measurement taken at the entrance to the distribution system exceeds the MRDL, or when required samples are not taken in the distribution system.
- ▶ Exceedance of maximum allowable turbidity level, if elevated to a Tier 1 notice by primacy agency.
- ▶ Waterborne disease outbreak or other waterborne emergency.
- ▶ Detection of *E. coli*, enterococci, or coliphage in a ground water source sample.
- ▶ Other violations or situations determined by the primacy agency.

Tier 2 (Notice as Soon as Practical, Within 30 Days)

Tier 2 PN is required to be issued as soon as practical or within 30 days. Repeat notice every 3 months until violation or situation is resolved.

- ▶ All MCL, MRDL, and treatment technique violations, except where Tier 1 notice is required.
- ▶ Monitoring violations, if elevated to Tier 2 notice by primacy agency.
- ▶ Failure to comply with variance and exemption conditions.
- ▶ For ground water systems providing 4-log treatment and conducting Ground Water Rule (GWR) compliance monitoring, failure to maintain required treatment for more than 4 hours.
- ▶ Failure to take any required corrective action or be in compliance with a corrective action plan for a fecal indicator-positive ground water source sample.
- ▶ Failure to take any required corrective action or be in compliance with a corrective action plan for a significant deficiency under the GWR.
- ▶ Special public notice for repeated failure to conduct monitoring for *Cryptosporidium*.

Turbidity consultation is required when a PWS has a treatment technique violation resulting from a single exceedance of the maximum allowable turbidity limit or an MCL violation resulting from an exceedance of the 2-day turbidity limit. The PWS must consult their primacy agency within 24 hours. Primacy agencies will then determine whether a Tier 1 PN is necessary. If consultation does not occur within 24 hours, violations are automatically elevated to require Tier 1 PN.

Tier 3 (Annual Notice)

Tier 3 PN is required to be issued within 12 months and repeated annually for unresolved violations.

- ▶ All monitoring or testing procedure violations, unless primacy agency elevates to Tier 2, including failure to conduct benchmarking and profiling (surface water systems) and failure to develop a monitoring plan (disinfecting systems).
- ▶ Operating under a variance and exemption.
- ▶ Special public notice for availability of unregulated contaminant monitoring results.
- ▶ Special public notice for fluoride secondary maximum contaminant level (SMCL) exceedance.

For additional information
on the PN Rule

Call the Safe Drinking
Water Hotline at 1-800-
426-4791; visit the EPA
Web site at www.epa.gov/safewater/pn.html; or
contact your state or local
primacy agency's drinking
water representative. Log
onto the PNWriter Web site
to use EPA's templates at
www.PNWriter.com.

Ten Required Elements of a Public Notice

Unless otherwise specified in the regulations,* each notice must contain:

1. Description of the violation or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s).
2. When the violation or situation occurred (i.e., date the sample was collected or was supposed to be collected).
3. Any potential adverse health effects from drinking the water and standard language regarding the violation or situation. (For MCL, MRDL, treatment technique violations, or violations of the conditions of a variance or exemption, use health effects language from Appendix B of the PN Rule. For monitoring and testing procedure violations, use the standard monitoring language below.)
4. The population at risk, including subpopulations that may be particularly vulnerable if exposed to the contaminant in their drinking water.
5. Whether alternate water supplies should be used.
6. Actions consumers should take, including when they should seek medical help, if known.
7. What the PWS is doing to correct the violation or situation.
8. When the PWS expects to return to compliance or resolve the situation.
9. The name, business address, and phone number or those of a designee of the PWS as a source of additional information concerning the notice.
10. A statement (see standard distribution language below) encouraging notice recipients to distribute the notice to others, where applicable.

* These elements do not apply to notices for fluoride SMCL exceedances, availability of unregulated contaminant monitoring data, and operation under a variance or exemption. Content requirements for these notices are specified in the PN Rule.

Standard Language:

Standard Monitoring Language: We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [period] we [did not monitor or test/did not complete all monitoring or testing] for [contaminant(s)], and therefore cannot be sure of the quality of the drinking water during that time.

Standard Distribution Language: Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Multilingual Requirements

- ▶ Where the PWS serves a large proportion of non-English speakers, the PWS must provide information in the appropriate language(s) on the importance of the notice or on how to get assistance or a translated copy.

Presentation and Distribution

- ▶ The Tier 1 PN must be issued via radio, TV, hand delivery, posting, or other method specified by the primacy agency to reach all persons served. PWSs must also initiate consultation with the primacy agency within 24 hours. Primacy agency may establish additional requirements during consultation.
- ▶ The Tier 2 and Tier 3 PNs must be issued by Community Water Systems (CWSs) via mail or direct delivery and by NCWSs via posting, direct delivery, or mail. Primacy agencies may permit alternate methods. All PWSs must use additional delivery methods reasonably calculated to reach other consumers not notified by the first method.*
- ▶ Notices for individual violations can be combined into an annual notice (including the Consumer Confidence Report [CCR], if PN requirements can still be met).
- ▶ Each PN:
 - ▶ Must be displayed in a conspicuous way.
 - ▶ Must not include overly technical language or very small print.
 - ▶ Must not be formatted in a way that defeats the purpose of the notice.
 - ▶ Must not include language that nullifies the purpose of the notice.
- ▶ If the notice is posted, it must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved.

*PWSs should check with their primacy agency to determine the most appropriate delivery methods.

Notices to New Customers

- ▶ All new billing units and customers must be notified of ongoing violations or situations requiring PN.

Reporting and Recordkeeping

- ▶ PWSs have 10 days to send a certification of compliance and a copy of the completed notice to the primacy agency.
- ▶ PWS and primacy agency must keep notices on file for 3 years.

The Required Elements of a Public Notice

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Showed Presence of Coliform Bacteria

The Jonesville Water System routinely monitors for coliform bacteria. During the month of July, 7 percent of our samples tested positive. The standard is that no more than 5 percent of samples may test positive.

What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- You do not need to use an alternate (e.g., bottled) water supply.
- People with severely compromised immune systems, infants, pregnant women, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. We did not find any of these bacteria in our subsequent testing.

What was done?

We took additional samples for coliform bacteria which all came back negative. As an added precaution, we chlorinated and flushed the pipes in the distribution system to make sure bacteria were eliminated. This situation is now resolved.

For more information, or to learn more about protecting your drinking water please contact John Jones at (502) 555-1212.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This is being sent by the Jonesville Water System.

State Water System ID#1234567. Date Distributed: 8/8/09

2. When the violation occurred →

6. Actions consumers should take →

3. Potential adverse health effects →

7. What is being done to correct the violation or situation →

10. Required distribution language →

← 1. Description of the violation

← 5. Should alternate water supplies be used

← 4. The population at risk

← 8. When the system expects to return to compliance

← 9. Phone number for more information

