



New Public Notification Requirements

By: Howard P. Isaacs, Program Manager
Nebraska Health & Human Services
Regulatory and Licensure



Public Notification

How long has it been around?

- The Public Notification provisions were a part of the original SDWA in 1974 and were subsequently modified in the 1986 SDWA amendments. The Public Notification regulations currently in place were promulgated in 1987 and became final in 1989. The existing rule remains in place until the new rule goes into effect.

Effective Dates

- The rule is effective June 5, 2000.
- However, the new regulations under Part 141, Subpart Q do not apply to PWSs in States with primacy for the PWS supervision program until May 6, 2002 or until the State-adopted rule becomes effective, whichever comes first.



Significant Changes

- List of Violations and Situations Requiring a Tier 1 (24-hour) Public Notice.
- Standard Health Effects Language Required in Notices for MCL/TT Violations.
- Tier 2 (30-Day) Notice Deadline and Flexibility to Extend in Appropriate Circumstances.



Significant Changes

- Form and Manner of the Delivery of the Public Notices.
- Consolidating Public Notice Regulations Into New Subpart (40 CFR Part 141, Subpart Q).




Who Must Give Public Notice?

- The final rule requires owners and operators of PWS's to give notice to persons they serve for:
 - All violations of the NPDWR's;
 - When they are operating under a variance or exemption; and
 - For waterborne emergencies and other specified situations posing a potential risk to public health.



Who Must Be Notified?

- The final rule requires that each PWS provide public notice to persons served by the water system.
- EPA believes consumers have a right to know in a timely manner whenever violations occur that may affect them, to allow them to make their own choices about using drinking water, based on their own perceived risk.



What type of PN is required for each situation?

- Tier 1 PN — For violations and situations with significant potential to have serious adverse effects on human health as a result of short term exposure.
- Tier 2 PN — For other violations and situations with potential to have serious adverse effects on human health.



What type of public notice is required for each situation?

- Tier 3 PN — For all other violations and situations requiring a public notice not included in Tier 1 and Tier 2.



Tier 1 Violations

- 1 Violation of the MCL for total coliform with fecal coliform or E. coli present in the distribution system, or failure to test for fecal coliform or E. coli when any repeat sample tests positive for coliform.
- 2 Violation of the MCL for nitrate, nitrite, or total nitrate/nitrite; or when a confirmation sample is not taken within 24 hrs. of system notification.



Tier 1 Violations

- 3 Exceedance of the nitrate MCL (10 mg/l) by NC systems, where permitted to exceed the MCL (up to 20 mg/l) by the primacy agency.
- 4 Violation of the MRDL for Chlorine Dioxide.
- 5 Violation of the turbidity MCL of 5 NTU, where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not occur within 24 hrs. after the system learns of the violation.



Tier 1 Violations

- 6 Violation of a treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, again after consultation or where consultation did not occur.
- 7 Occurrence of waterborne disease outbreak or other waterborne emergency.
- 8 Other violations or situations with significant potential to have serious adverse health effects on human health as a result of short term exposure.



Tier 1 Violations

- If the system has any of these violations or situations, in addition to issuing public notice, **the PWS must initiate consultation with the primacy agency as soon as practical but within 24 hours** after learning of the violation or situation.



Tier 1 PN Requirements

- Deadline for notice — 24 hours Includes Consultation
- Delivery Methods — PWS is required to use, at a minimum, one or more of these methods.
 - Radio or television broadcasts;
 - Posting;
 - Hand Delivery; or
 - Another method approved by primacy agency



Tier 2 Violations

- 1 All violations of MCL, MRDL, and treatment technique requirements except where Tier 1 notice is required.
- 2 Violations of the monitoring requirements.
- 3 Failure to comply with the terms and conditions of any variance or exemption in place.



Tier 2 PN Requirements

- Deadline for notice — 30 days
- Delivery Methods — Unless directed by the State in writing, a PWS must provide notice by the following methods.



Tier 2 PN Requirements

–CWS

- Mail or other direct delivery (i.e., hand delivery), and
- Any other method reasonably calculated to reach other persons regularly served.

–NCWS

- Posting, or mail, or direct delivery, and
- Any other method reasonably calculated to reach other people regularly served



Tier 3 Violations

- 1 Monitoring violations, except where a Tier 1 notice is required or the primacy agency determines the violation requires a Tier 2 notice.
- 2 Failure to comply with an established testing procedure, except as mentioned in #1.
- 3 Operation under variance granted under #1415 or exemption granted under #1416 of the SDWA.
- 4 Availability of unregulated contaminant monitoring results
- 5 Exceedance of the secondary MCL for fluoride.



Tier 3 PN Requirements

- Deadline for notice — 1 Year
- Delivery Methods – Unless directed by the State in writing, a PWS must provide notice by the following methods.



Tier 3 PN Requirements

–CWS

- Mail or other direct delivery (i.e., hand delivery), and
- Any other method reasonably calculated to reach other persons regularly served.

–NCWS

- Posting, or mail, or direct delivery, and
- Any other method reasonably calculated to reach other people regularly served



Content of Public Notice

10 Required Elements

- Description of the violation or situation including contaminant(s) of concern and (as applicable) the contaminant level(s);
- When the violation or situation occurred;
- Any potential adverse health effects from the violation or situation, including any standard language provided in the rule;
- The population at risk; including sub-populations particularly vulnerable if exposed to the contaminant in drinking water;



10 Required Elements

- Whether alternate water supplies should be used;
- What actions consumers should take, including when to seek medical help, if known;
- What the system is doing to correct the violation or situation;
- When the system expects to return to compliance or resolve the situation;



10 Required Elements

- Contact information: Name, Business address, and Phone number of the water system owner, operator, or designee of the PWS that can provide additional information; and
- A statement encouraging notice recipients to distribute the notice to other persons served using standard language from the rule, where applicable.



Examples of Public Notice

- Coliform Notice
- Nitrate Notice



Reporting and Record Keeping

- PWS has 10 days to send a certificate of compliance and a copy of the completed notice to the primary agency.
- PWS and primacy agency must keep notices on file for 3 years.
- Primacy agency must report public notification violations to EPA on a quarterly basis.



For More Information

- Safe Drinking Water Hotline
 - 800.426.4791
- Office of Ground Water & Drinking Water Web Site
 - <http://www.epa.gov/safewater/pn.html>
- HHS Monitoring & Compliance Program
 - Howard P. Isaacs, Program Manager
 - 402.471.0930
 - E-mail: howard.isaacs@hhss.state.ne.us