

§ 141.209

40 CFR Ch. I (7–1–10 Edition)

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§ 141.209 Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the primacy agency under § 141.11(d)

(a) *When is the special notice to be given?* The owner or operator of a non-community water system granted permission by the primacy agency under § 141.11(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under § 141.202(a) and (b).

(b) *What is the form and manner of the special notice?* Non-community water systems granted permission by the primacy agency to exceed the nitrate MCL under § 141.11(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under § 141.202(c) and the content requirements under § 141.205.

§ 141.210 Notice by primacy agency on behalf of the public water system.

(a) *May the primacy agency give the notice on behalf of the public water system?* The primacy agency may give the notice required by this subpart on behalf of the owner and operator of the public water system if the primacy agency complies with the requirements of this subpart.

(b) *What is the responsibility of the public water system when notice is given by the primacy agency?* The owner or operator of the public water system remains responsible for ensuring that the requirements of this subpart are met.

§ 141.211 Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level.

(a) *When is the special notice for repeated failure to monitor to be given?* The owner or operator of a community or non-community water system that is required to monitor source water under § 141.701 must notify persons served by the water system that monitoring has not been completed as specified no

later than 30 days after the system has failed to collect any 3 months of monitoring as specified in § 141.701(c). The notice must be repeated as specified in § 141.203(b).

(b) *When is the special notice for failure to determine bin classification or mean *Cryptosporidium* level to be given?* The owner or operator of a community or non-community water system that is required to determine a bin classification under § 141.710, or to determine mean *Cryptosporidium* level under § 141.712, must notify persons served by the water system that the determination has not been made as required no later than 30 days after the system has failed report the determination as specified in § 141.710(e) or § 141.712(a), respectively. The notice must be repeated as specified in § 141.203(b). The notice is not required if the system is complying with a State-approved schedule to address the violation.

(c) *What is the form and manner of the special notice?* The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in § 141.203(c). The public notice must be presented as required in § 141.205(c).

(d) *What mandatory language must be contained in the special notice?* The notice must contain the following language, including the language necessary to fill in the blanks.

(1) The special notice for repeated failure to conduct monitoring must contain the following language:

We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the (treatment plant name) is sufficient to adequately remove *Cryptosporidium* from your drinking water. We are required to complete this monitoring and make this determination by (required bin determination date). We “did not monitor or test” or “did not complete all monitoring or testing” on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, (date).

For more information, please call (name of water system contact) of (name of water system) at (phone number).