Environmental Protection Agency

§ 141.201 General public notification requirements.

Public water systems in States with_primacy for the public water system supervision (PWSS) program must comply with the requirements in this subpart no later than May 6, 2002 or on the date the State-adopted rule becomes effective, whichever comes first. Public water systems in jurisdictions where EPA directly implements the PWSS program must comply with the requirements in this subpart on October 31, 2000. Prior to these dates, public water systems must continue to comply with the public notice requirements in §141.32 of this part. The term “primacy agency” is used in this subpart to refer to either EPA or the State or the Tribe in cases where EPA, the State, or the Tribe exercises primary enforcement responsibility for this subpart.

(a) Who must give public notice? Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1. The term “NPDWR violations” is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfectant level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in this part 141. Appendix A to this subpart identifies the tier assignment for each specific violation or situation requiring a public notice.

(b) What will the public notice include? Each notice must include the following information:

(1) NPDWR violations:
   (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
   (ii) Failure to comply with a prescribed treatment technique (TT).
   (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
   (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.

(2) Variance and exemptions under sections 1415 and 1416 of SDWA:
   (i) Operation under a variance or an exemption.
   (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.

(3) Special public notices:
   (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.

Subpart Q—Public Notification of Drinking Water Violations

Source: 65 FR 26035, May 4, 2000, unless otherwise noted.

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(b) What will the public notice include? Each notice must include the following information:

(1) NPDWR violations:
   (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
   (ii) Failure to comply with a prescribed treatment technique (TT).
   (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
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   (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.
TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE—Continued

(ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the primacy agency under 141.11(d) of this part.
(iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
(iv) Availability of unregulated contaminant monitoring data.
(v) Other violations and situations determined by the primacy agency to require a public notice under this subpart, not already listed in Appendix A.

(b) What type of public notice is required for each violation or situation? Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in Table 1 of this section are determined by the tier to which it is assigned. Table 2 of this section provides the definition of each tier. Appendix A of this part identifies the tier assignment for each specific violation or situation.

TABLE 2 TO § 141.201—DEFINITION OF PUBLIC NOTICE TIERS

(1) Tier 1 public notice—required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
(2) Tier 2 public notice—required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
(3) Tier 3 public notice—required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

(c) Who must be notified? (1) Each public water system must provide public notice to persons served by the water system, in accordance with this subpart. Public water systems that sell or otherwise provide drinking water to other public water systems (i.e., to consecutive systems) are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.
(2) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the primacy agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the primacy agency for limiting distribution of the notice must be granted in writing.
(3) A copy of the notice must also be sent to the primacy agency, in accordance with the requirements under §141.31(d).

§ 141.202 Tier 1 Public Notice—Form, manner, and frequency of notice.

(a) Which violations or situations require a Tier 1 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE

(1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in §141.63(b)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in §141.21(e));
Violations of the MCL for E. coli (as specified in §141.63(c));
(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in §141.62, or when the water system fails to take a confirmation sample within 24 hours of the system’s receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in §141.23(f)(2);
(3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the primacy agency under §141.11(d), as required under §141.209;