

Changes to Public Notification Regulations

On March 12, 2002, changes to public notification regulations will become effective. These changes divide public notification requirements into three tiers depending on the type of violation. The changes also revise the required language for maximum contaminant level violations, the time frame for completing the notification and specify what the notices must contain. The chart below summarizes the major requirements for the notices.

Tier of Violation	Type of Violation	Time Frame for Notification	Primary Method for Delivery of Notice
1	Acute bacteriological MCL violation Nitrate/nitrite MCL violation Acute chlorine dioxide MCL violation Failure to notify the state within 24 hours of exceeding 1 NTU (surface systems) Waterborne disease outbreaks	24 hours	Radio or television for community systems Posting for non-community systems
2	None-acute MCL, MRDL or TT violations Monitoring violations if the state determines that a tier 2 notice is required (primarily for systems with multiple monitoring violations)	30 days	Mail or hand delivery for community systems Posting for non-community systems
3	All other monitoring violations Exceedance of the secondary Fluoride MCL Availability of unregulated monitoring results	1 year	Mail or hand delivery for community systems Posting for non-community systems Systems may use the CCR if it meets delivery and content requirements

MCL – maximum contaminant level

MRDL – maximum residual disinfectant level

TT – treatment technique

Systems may also be required to provide the notice utilizing an additional delivery method to ensure all persons affected are aware of the violation. This may include mailing a tier one notice to all customers in addition to the radio and television notification and distributing multiple copies to apartment complexes, schools, office buildings, etc, where all people may not be aware of the violation. Systems with a tier one or two violation are also required to initiate consultation with the state within 24 hours of the violation to determine the exact public notification requirements.

Listed below are the required elements that a public notice must contain. We will be revising our model notices to ensure they include all these elements.

- Description of violation (contaminant name, level if MCL violation, area of system affected)
- Time frame of violation
- Mandatory health affects language (MCL) or mandatory monitoring violation language
- Special population at risk (if applicable)
- Alternate water supplies if needed
- Actions consumers should take
- Corrective actions undertaken and when the violation should be resolved
- System contact (name, address and telephone number)

Systems must also ensure they provide notification to all persons affected by the violation, any new billing units added during the period of time the system is in violation and any consecutive system they provide water to. The system must ensure the notice does not use overly technical language and/or small print that defeats the purpose of the notice and the notice is displayed in a conspicuous manner. After completing the notification, the system must submit a copy of the notice, the manner by which the notification was completed and a certification form to the state as proof the public notification was carried out properly.