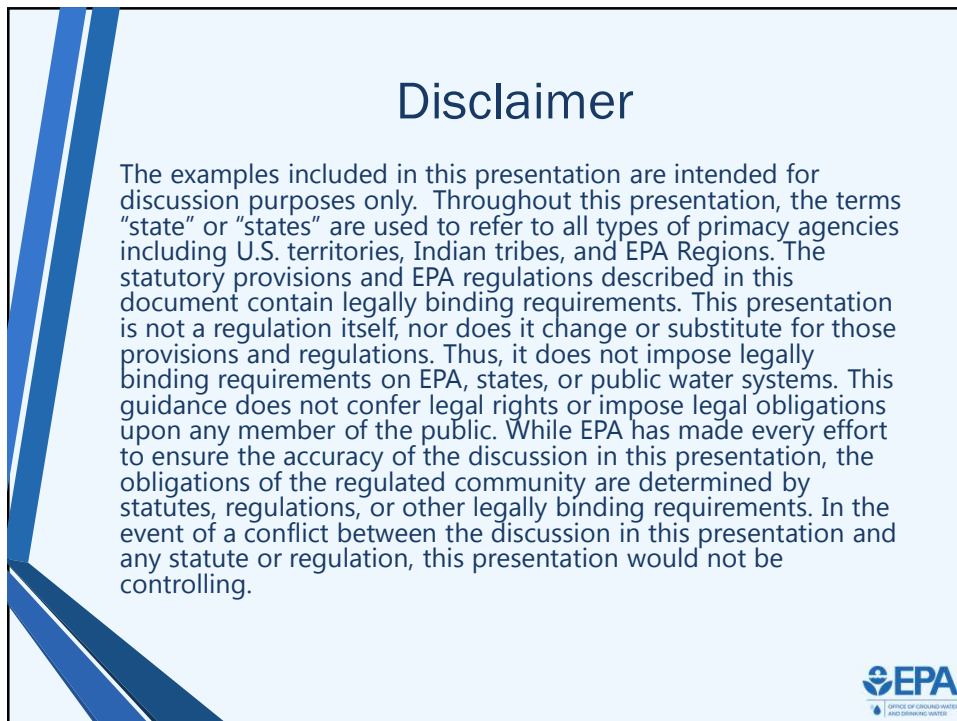


Public Notification (PN) Rule Primacy Agency & EPA Training


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March 31, 2021

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Disclaimer


The examples included in this presentation are intended for discussion purposes only. Throughout this presentation, the terms “state” or “states” are used to refer to all types of primacy agencies including U.S. territories, Indian tribes, and EPA Regions. The statutory provisions and EPA regulations described in this document contain legally binding requirements. This presentation is not a regulation itself, nor does it change or substitute for those provisions and regulations. Thus, it does not impose legally binding requirements on EPA, states, or public water systems. This guidance does not confer legal rights or impose legal obligations upon any member of the public. While EPA has made every effort to ensure the accuracy of the discussion in this presentation, the obligations of the regulated community are determined by statutes, regulations, or other legally binding requirements. In the event of a conflict between the discussion in this presentation and any statute or regulation, this presentation would not be controlling.



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Overview

- Overview of the Rule
- General PN Rule Requirements
- PN Rule Tiers
- PN Content and Elements
- Variances and Exemptions
- Multilingual Requirement
- Special Notices
- Formatting, Reporting, and Recordkeeping Requirements
- Example PN
- PN Rule Violations and Enforcement
- PN Rule Quiz




The slide features a light blue background with a decorative blue and white diagonal graphic on the left side. The EPA logo is located in the bottom right corner.

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Handouts

- [PN Handbook](#)
- [Fact sheet about the PN Rule and revisions](#)
- [Quick Reference Guide](#)
- [State Implementation Guidance for the PN Rule](#)



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- **CCR** - Consumer Confidence Rule
- **CWS** - Community Water System
- **GWR** - Ground Water Rule
- **IESWTR** - Interim Enhanced Surface Water Treatment Rule
- **LCRR** – Lead and Copper Rule Revisions
- **MCL** - Maximum Contaminant Level
- **MRDL** - Maximum Residual Disinfectant Level
- **NCWS** – Non-Community Water System
- **NPDWR** – National Primary Drinking Water Regulations
- **NTNCWS** - Non-Transient Non-Community Water System

List of Acronyms

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- **PN** - Public Notice
- **PWS** - Public Water System
- **RAA** – Running Annual Average
- **RTCR** - Revised Total Coliform Rule
- **SDWIS/Fed** – Safe Drinking Water Information System Federal Reporting System
- **SMCL** - Secondary Maximum Contaminant Level
- **SWTR** - Surface Water Treatment Rule
- **TNCWS** - Transient Non-Community Water System
- **TT** - Treatment Technique
- **UCMR** - Unregulated Contaminant Monitoring Rule

List of Acronyms (cont.)

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Overview of the Rule

- General Reqs**
 - Who must give public notice
 - What type of notice is required for each situation
 - Who must be notified
- PN Tiers**
 - 3 Tier system based on severity of violation or issue
 - Each Tier has core content requirements
 - Each Tier has different time/delivery requirements
- Content**
 - PN must include 10 specific elements to be complete
 - Some variances and exceptions (e.g., special notice for fluoride)

40 CFR 141.201, 141.202, 141.203, 141.204, 141.205



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Overview of the Rule (cont.)


Variations & Exemptions

- Systems operating under variance or exemption must provide notice to customers
- Must also provide notice to customers if systems violates the conditions of a variance or exemption

Multilingual Notices

- If large proportion of the population a system serves does not speak English, the system must provide at least partially multilingual notices

40 CFR 141.203, 141.204, 141.205(b), (c)(2)




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Overview of the Rule (cont.)

Violations and situations that have special conditions of form, manner, and/or content:

- Availability of unregulated contaminant monitoring data
- Exceedance of the fluoride SMCL
- Nitrate exceedances above MCL by NCWS (where granted permission)
- Failure to monitor for *Cryptosporidium* for any three months and,
- Failure to determine bin classification or mean *Cryptosporidium* level

40 CFR 141.207, 141.208, 141.209, 141.211



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Overview of the Rule (cont.)


Reporting and Recordkeeping

- PWSs must submit certification and copy of PN to the primacy agency within 10 days of issuing
- Primacy agencies must report PN violations
- Primacy agencies must maintain records for 3 years

Special Primacy Requirements

- Provides primacy agencies the flexibility to augment or otherwise adapt the federal requirements to build a more complete and effective PN program


40 CFR 141.31(d), 142.14(f), 142.15(a), 142.16(a)




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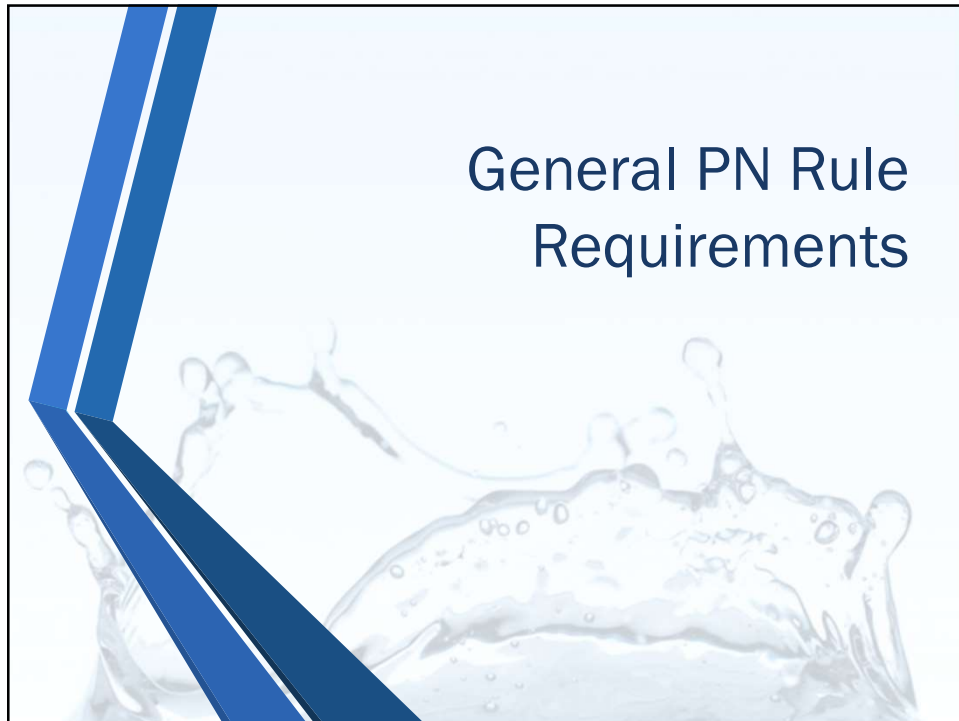
Areas of Primacy Agency Flexibility

- Elevate violations or situations to higher tiers
- Require PN for violations or situations not listed in Appendix A of the PN rule, if they pose a serious health threat
- Tier 1: Set PN requirements as part of mandated consultation
- Tier 2: Extend deadline for initial notice up to 3 months or repeat notice frequency up to 1 year (in certain situations)
- Allow different delivery methods for Tier 1, 2, & 3 notices
- For Tiers 2 and 3, primacy agencies have flexibility to approve alternate delivery methods in writing
- Allow limited distribution of notice

 Indicates primacy agency flexibility



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Who Must Give Notice?

- All PWSs must give notice
 - Each owner or operator of a PWS (including CWS, NTNCWS, and TNCWS) must give notice for NPDWR violations and situations of concern
- PWSs that sell water to consecutive systems must give PN to the owner or operator of the consecutive system
 - Consecutive system is responsible for providing PN to the persons it serves

40 CFR 141.201(a), (c)




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Who Must Give Notice? (cont.)

- Notice by primacy agency on behalf of a system
 - Primacy agency must meet all the requirements the PWS would otherwise need to meet
 - PWS remains responsible for ensuring PN requirements are met

40 CFR 141.210




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Who Must Be Notified?

- A PWS must:
 - Provide notice to all persons served (not just billed customers)
 - Notify consecutive systems
 - Wholesale system not required to notified persons served by the consecutive system
 - Provide notice to new billing units (for CWSs only) or to continuously post in conspicuous locations for new consumers (at NCWSs)
 - Send a copy of the PN (along with certification of compliance) to the primacy agency within 10 days of issuing notice

40 CFR 141.201(c), 141.31(d), 141.206




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Who Must Be Notified? (cont.)

- Limited Distribution of Notice
 - If primacy agency allows, PWSs may limit distribution of PN to only persons served by portion of PWS out of compliance
 - ✂ • Primacy agencies may allow limited distribution only if violation is in portion of distribution system that is either physically or hydraulically isolated from other parts of the distribution system
 - Permission must be granted in writing

40 CFR 141.201(c)(2)






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PN Rule Tiers




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PN Tiers

- Tier 1**  Violations and situations with **significant potential for serious adverse impacts on human health from short-term exposure**
Notice required within 24 hours
- Tier 2**  Violations with **potential to have serious, but not immediate, adverse effects on human health**
Notice required within 30 days or as soon as possible*
- Tier 3**  Violations **not included in Tier 1 and Tier 2**
Notice required within 12 months of the violation, and may be part of a single annual report, including the annual CCR


*Primacy agencies have some discretion, see 141.203(b)

40 CFR 141.201 Table 2, 141.202(b), 141.203(b), 141.204(b)



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Tier 1 PN: Violations & Situations



Acute violations or situations with **significant potential to have serious adverse effects on human health**


- Examples include:
 - Violation of the E. coli MCL under RTCR
 - Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite
 - Exceedance of the nitrate MCL by NCWS
 - Violation of the MRDL for chlorine dioxide




40 CFR 141.202(a)




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Tier 1 PN: Violations & Situations

Tier 1



- Examples (cont.):
 -  ■ Violation of the turbidity MCL (when required by the primacy agency)
 -  ■ Violation from exceedance of the maximum allowable turbidity limit (treatment technique) (when required by the primacy agency)
 - Occurrence of a waterborne disease outbreak
 - Detection of a fecal indicator in source water under the GWR
 -  ■ Other violations or situations (as determined by the primacy agency)


40 CFR 141.202(a)




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Tier 1 PN: Timing

Tier 1



- Deadline for notice: 24 hours
 - No later than 24 hours after PWS learns of violation
- Within this time frame, PWS must also initiate consultation with the primacy agency
-  • PWS must comply with any additional PN requirements the primacy agency sets during consultation
 - Repeat notices: Timing, form, manner, frequency, and content
 - Duration of posted notices


40 CFR 141.202(b)




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Tier 1 PN: Delivery

Tier 1



- Delivery methods:
 - PWS must use, at a minimum, one or more of the following:
 - Broadcast media (e.g., radio or television);
 - Posting in conspicuous locations;
 - Hand delivery; or
 -  • Another delivery method approved in writing by the primacy agency

40 CFR 141.202(c)




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Tier 2 PN: Violations & Situations

Tier 2




Other violations or situations with **potential to have serious, but not immediate, adverse effects on human health**

- Violations of MCL, MRDL, and TT requirements except where a Tier 1 notice is required
-  • Violations of the monitoring requirements where the primacy agency determines a Tier 2 PN is required
- Failure to comply with the conditions of a variance or exemption
- Failure to take corrective action or failure to maintain at least 4-log treatment of viruses before or at the first customer

40 CFR 141.203(a)




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Tier 2 PN: Violations & Situations

- A PWS must consult with the primacy agency as soon as practical but no later than 24 hours after learning of the following turbidity violations:
 - TT violations resulting from single exceedances of turbidity limits (5 NTU) under the SWTR
 - TT violations resulting from single exceedances of turbidity limits (1 NTU) under the IESWTR
 - Turbidity MCL violations determined by the average of turbidity measurements over two consecutive days (5 NTU)

40 CFR 141.203(b)(3)




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Tier 2 PN: Timing

- Deadline for notice: 30 days
 - As soon as practical, but no later than 30 days after PWS learns of the violation
- The primacy agency may, in appropriate circumstances, allow additional time for the initial notice of up to 3 months
 - Extensions granted by the primacy agency must be in writing
 - Not appropriate for any unresolved violation
 - Or to allow “across-the-board” extensions by rule or policy for other violations or situations requiring a Tier 2 notice

40 CFR 141.203(b)(1)



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Tier 2
!

Tier 2 PN: Timing

- PWS must repeat the notice every 3 months as long as the violation or situation persists
- ✕
 - Unless primacy agency determines a different frequency
 - Extensions must be in writing
- If PN is posted, it must stay up for a minimum of 7 days
 - Even if the violation or situation is resolved

40 CFR 141.203(b)(1), (b)(2)

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Tier 2
!

Tier 2 PN: Delivery

✕ Systems must use these methods unless directed otherwise by the primacy agency in writing

CWS	NCWS
1) Mail or other direct delivery	1) Posting or by mail or direct delivery
2) Another method as needed to reach other persons regularly served by the system	

Examples of other methods: Local newspaper or newsletter, E mail, multiple copies to central locations, posting in public places or on the internet

40 CFR 141.203(c)


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Tier 3
!

Tier 3 PN: Violations & Situations

Other violations and situations **not requiring
Tier 1 or 2 PN**

- ✕ • Monitoring violations, except where a Tier 1 notice is required, or primacy agency determines a Tier 2 notice is required
- ✕ • Failure to comply with a testing procedure, except where a Tier 1 notice is required, or primacy agency determines a Tier 2 notice is required
- Reporting and recordkeeping violations under RTCR

 EPA
OFFICE OF GROUND-WATER AND DRINKING WATER

40 CFR 141.204(a)


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Tier 3
!

Tier 3 PN: Violations & Situations

Other situations requiring Tier 3 public notice

- Availability of unregulated contaminant monitoring results (under UCMR)
- Operation under a variance or exemption
- Exceedance of the SMCL for fluoride

 EPA
OFFICE OF GROUND-WATER AND DRINKING WATER

40 CFR 141.204(a)

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Tier 3

Tier 3 PN: Timing

- **Deadline for notice: 1 year**
 - Not later than one year after PWS learns of violation or situation or begins operating under a variance or exemption
 - Following the initial notice, PWS must repeat notice annually for as long as violation or situation continues
 - If the notice is posted it must remain in place for as long as the violation or situation exists
 - But in no case less than seven days

EPA
OFFICE OF GROUND-WATER AND DRINKING WATER

40 CFR 141.204(b)

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Tier 3

Tier 3 PN: Delivery

Systems must use these methods unless directed otherwise by the primacy agency in writing

CWS	NCWS
1) Mail or other direct delivery	1) Posting or by mail or direct delivery
2) Another method as needed to reach other persons regularly served by the system	

Examples of other methods: Local newspaper or newsletter, E mail, multiple copies to central locations, posting in public places or on the internet, annual report (or CCR for CWS)*


*Can include all Tier 3 PN from the previous 12 months if report will be distributed no less than 12 months after PWS learns of violation or begins operating under a variance or exemption

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OFFICE OF GROUND-WATER AND DRINKING WATER

40 CFR 141.204(b)(2), 141.204(e)


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Using the CCR as a Vehicle for Tier 3 Notice

Tier 3


- In order to use the CCR as a vehicle for Tier 3 Notices, a CWS must:
 - Provide the CCR to all persons served no later than 12 months after learning of the violation or situation
 - Distribute the CCR following the PN delivery requirements
 - Meet the PN content requirements of Tier 3 public notices
- CWSs can include Tier 3 PN in CCRs that are electronically delivered per the policies in the [delivery options memo](#)

40 CFR 141.204(d)



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Timing for Notifications

- Clock starts for PN **when the PWS learns of the violation**


EXAMPLES

For an MCL violation:
When the PWS receives lab results

For a monitoring violation:
Once the system misses the sampling period

For a reporting violation:
Once the system misses the deadline to submit to the primacy agency

40 CFR 141.202(b)(1), 141.203(b)(1), 141.204(b)(1)




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All PN Tiers: Notice to New Billing Units or New Customers

CWS	NCWS
Must send a copy of the most recent PN to all new billing units for any ongoing violation or situation that required an initial PN or existence of a variance or exemption or to new customers prior to or at the time service begins	Must continuously post any PN in conspicuous locations to inform new customers of any ongoing violation variance, or exemption for as long as the violation, variance, exemption, or situation persists

Examples of "conspicuous locations": Community bulletin board in a campground, on a pump or near a faucet at a gas station

40 CFR 141.206




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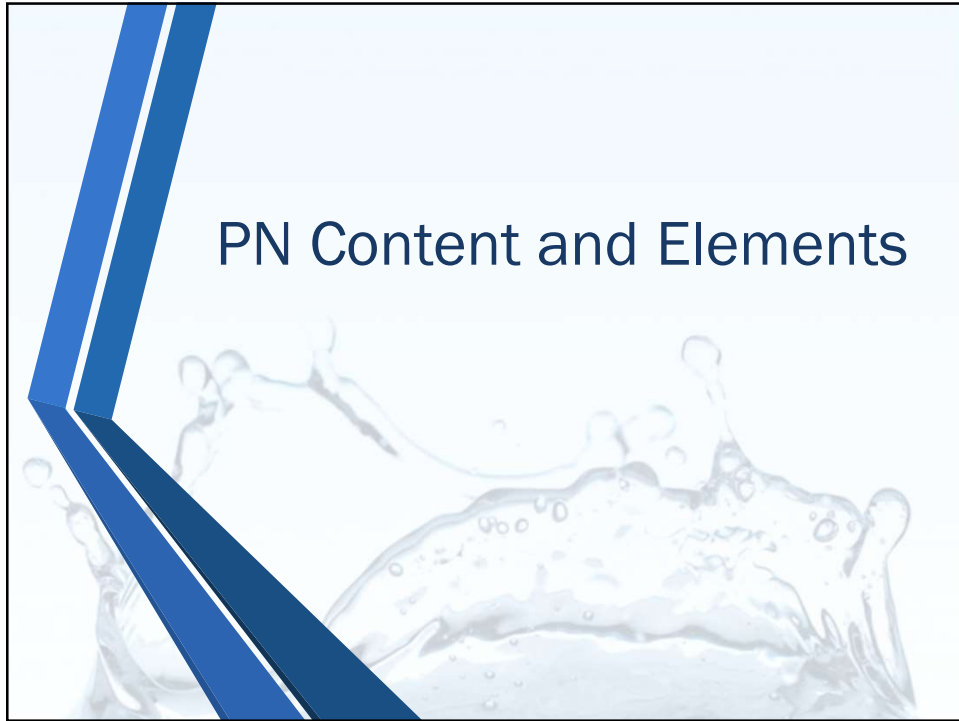
More Primacy Agency Flexibilities

- Primacy agencies can require PN for situations not listed in Appendix A
- Primacy agencies can elevate PN tiers
- Primacy agencies can allow alternate delivery methods on a case-by-case basis (in writing) or in regulations
- Primacy agencies may give notice on behalf of a PWS if necessary

40 CFR 141.201(a), 141.202(a), 141.202(c)(4), 141.203(c)(1), 141.204(c)(1), 141.210








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Content Requirements – 10 Elements



-  1. Description of violation or situation
-  2. When violation or situation occurred
-  3. Potential adverse health effects
-  4. Population at risk, including subpopulations that may be particularly vulnerable if exposed
-  5. Whether alternate water supplies should be used

40 CFR 141.205(a)



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Content Requirements – 10 Elements



-  6. Actions consumers should take
-  7. Corrective actions being taken
-  8. When PWS will resolve problem
-  9. Name, number, and address for additional information
-  10. Standard distribution language – encouraging notice recipients to distribute notice to others



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40 CFR 141.205(a)

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Content Elements 1 & 2


	1 Description of violation or situation	Contaminant(s) of concern Levels at which contaminants are detected Area of distribution system affected, if applicable
	2 When violation or situation occurred	For example: • Date sample above MCL was taken • Date when scheduled sample was missed


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40 CFR 141.205(a)(1), (a)(2)

40

Content Element 3




3
Standard health effects language or language for monitoring or testing violations

PWSs must include any potential adverse health effects from the violation or situation

- For MCL, MRDL, TT, and violations from a variance or exemption: language included in Appendix B of 40 CFR 141 Subpart Q for each contaminant


PWSs must include the standard language for a monitoring or testing violation

40 CFR 141.205(a)(3), 141.205(d)(1)&(2), Appendix B of 40 CFR 141 Subpart Q




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Content Elements 4 & 5



4
Population at Risk

For example, infants below the age of 6 months drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die




5
Whether alternate water supplies should be used

For example:


- Bottled water

40 CFR 141.205(a)(4), (a)(5), Appendix B of 40 CFR 141 Subpart Q




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Content Element 6



6
Actions consumers should take

For example:

- Boil water notice (should include specific instructions)
- Specify between “do not use” and “do not drink”
- When to seek medical attention




All content elements must be addressed in the PN even if there is no action that should be taken. For example, if an issue has already been resolved, you must still include Element 6 and should note that no action is required.


40 CFR 141.205(a)(6) 

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Content Elements 7 & 8


7
What is being done to correct the violation or situation

For example: a system that took negative coliform bacteria samples may include they are now flushing pipes in the distribution system as a precaution



8
When the system expects to return to compliance

For example: a system may say that the situation is now resolved after running the added precautions, or they may include a prediction of when the system will return to compliance

40 CFR 141.205(a)(7), (a)(8) 


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Content Elements 9 & 10



9

Name, number, and business address for additional information




10

Standard language to encourage distribution of notices

"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."

40 CFR 141.205(a)(9), (a)(10)



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Standard Language for PN

- Health Effects Language for MCL, MRDL, TT violations, and violations of variance/exemption
 - Appendix B of the rule contains mandatory language
- Language to encourage distribution of notices

"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."

40 CFR 141.205(d)(3)



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Standard Language for PN (cont.)

- Standard language for monitoring and testing procedure violations

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 your drinking water meets health standards. During [compliance period], we [did not monitor or test or did not complete all monitoring or testing] for [contaminant(s)] and therefore cannot be sure of the quality of your drinking water during that time.

40 CFR 141.205(d)(2)



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Variations and Exemptions




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Tier 3 PN for Variances and Exemptions

Tier 3
!

- PWS operating under a variance or exemption must:
 - Notify consumers within one year of obtaining variance or exemption, and
 - Repeat notice annually for as long as the variance or exemption exists
- Different content requirements for PN for operation under a variance or exemption

40 CFR 141.204(b), 205(b)



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Content Requirements

Tier 3
!


- Content requirements for variances and exemptions:
 - Explanation of the reasons for variance or exemption;
 - Date on which the variance or exemption issued;
 - Status on steps being taken to comply with the terms and schedules of the variance or exemption; and
 - Notice of any opportunity for public input in review of variance or exemption

40 CFR 141.205(b)




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Tier 2 PN for Variances and Exemptions

Tier 2


- If a system violated the conditions for the variance or exemption, notify customers within 30 days
- Notice must include the 10 required content elements
 - Including applicable mandatory health effects language

40 CFR 141.205(b)



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Multilingual Requirement




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Multilingual Requirement

- For a PWS serving a large proportion of non-English speaking consumers, as determined by the primacy agency, the PN must contain:
 - Information in the appropriate language(s) regarding the importance of the notice, or
 - A phone number or address where persons served may contact the PWS to obtain a translated copy of the notice or to request assistance in the appropriate language

40 CFR 141.205(c)(2)




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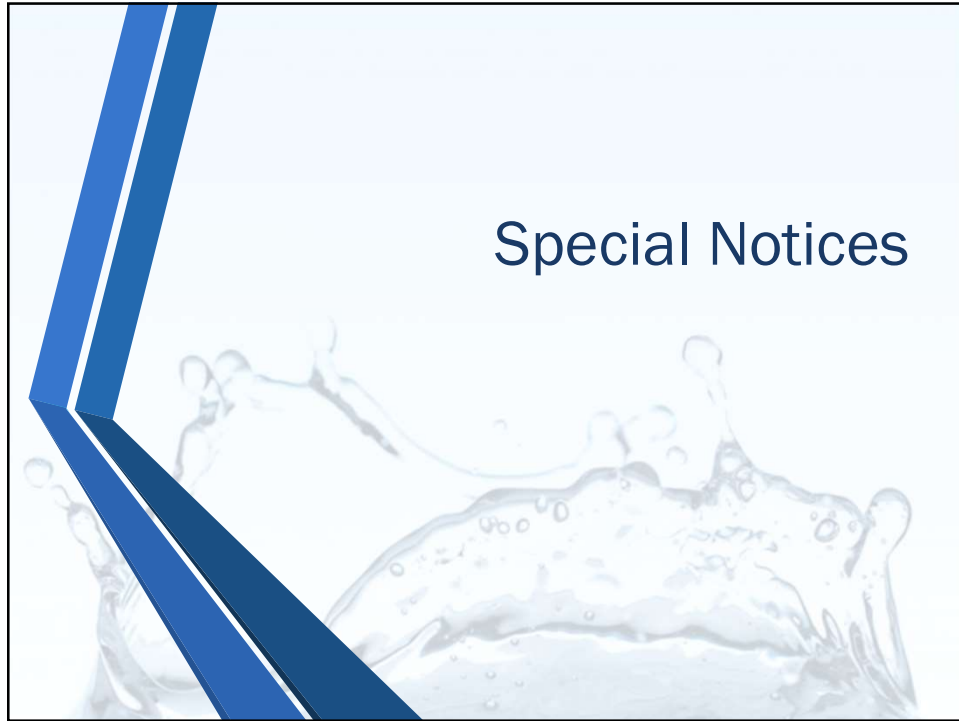
Multilingual Requirement

- In cases where the primacy agency has not provided further guidance on what constitutes a large proportion of non-English speaking consumers, the PWS must include:
 - The same type of information, where appropriate, to reach a large proportion of non-English speaking consumers

40 CFR 141.205(c)(2)




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Availability of Unregulated Contaminant Monitoring Data Tier 3 !


- CWS or NTNCWS required to monitor must notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known
- Must follow Tier 3 PN delivery method requirements
- Must identify a contact person and provide the phone number for information on the monitoring results
- 10 content elements are not required

40 CFR 141.207 


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Exceedance of the Fluoride SMCL

Tier 3



- CWSs that exceed the fluoride SMCL of 2 mg/l but do not exceed the MCL of 4 mg/l must provide PN
- Notice must be provided as soon as practical but no later than 12 months from the day the system learns of the exceedance
-  Primacy agencies may require first notice sent sooner and repeated more frequently
- Must follow Tier 3 PN delivery requirements
- Additional mandatory language

40 CFR 141.208




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Nitrate MCL Exceedance (NCWSs)

Tier 1


- NCWS granted permission by the primacy agency to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice
- Must provide continuous posting of the fact that nitrate levels exceed MCL and the potential health effects of exposure

40 CFR 141.209




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Tier 2
!

LT2ESWTR Special Notices

- 1) Repeated failure to conduct monitoring of the source water for *Cryptosporidium*
 - Must provide notice 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
- 2) Failure to determine bin classification or mean *Cryptosporidium* level
 - Must provide notice that determination has not been made as required, no later than 30 days after PWS failed to report the determination

40 CFR 141.211




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Tier 2
!

LT2ESWTR Special Notices (cont.)

- Notice must be repeated as specified
- Notice is not required if PWS is complying with primacy agency-approved schedule to address violation
 - Only applicable to failure to determine bin classification or mean *Cryptosporidium* level
- Additional mandatory language
 - Including what the PWS is doing to correct the violation and when it expects to resolve the situation

40 CFR 141.211




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Uncorrected Significant Deficiency

- Under GWR, significant deficiency that is not corrected after specified amount of time requires special notice
 - Deficiency is identified by primacy agency
- NOT a PN requirement
- Must include nature of the significant deficiency, date it was identified by the primacy agency, and the primacy agency-approved plan and schedule for correction
- Delivery: CWS use CCRs, and NCWS use manner as directed by primacy agency
- Notice must be repeated annually
- Multilingual requirements apply for systems with large proportion of non-English speaking customers

40 CFR 141.403(a)(7), 141.153(h)(6)



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Formatting, Reporting, and Recordkeeping Requirements




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Formatting Requirements for PN

- ❖ Display in a conspicuous way when posting
- ❖ No overly technical language or very small print
- ❖ Not formatted in a way that defeats the purpose of the notice
- ❖ No language which nullifies the purpose of the notice

40 CFR 141.205(c)(1)



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PWS Certification and Recordkeeping



PWSs HAVE 10 DAYS TO SEND A CERTIFICATION OF COMPLIANCE AND A COPY OF THE COMPLETED NOTICE TO THE PRIMACY AGENCY




PWS MUST KEEP NOTICES ON FILE FOR 3 YEARS AFTER ISSUANCE

40 CFR 141.31(d), 141.33(e)




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Primacy Agency Reporting and Recordkeeping




PRIMACY AGENCY MUST REPORT PN VIOLATIONS TO SDWIS/FED 45 DAYS AFTER THE QUARTER IN WHICH THE VIOLATION OCCURRED



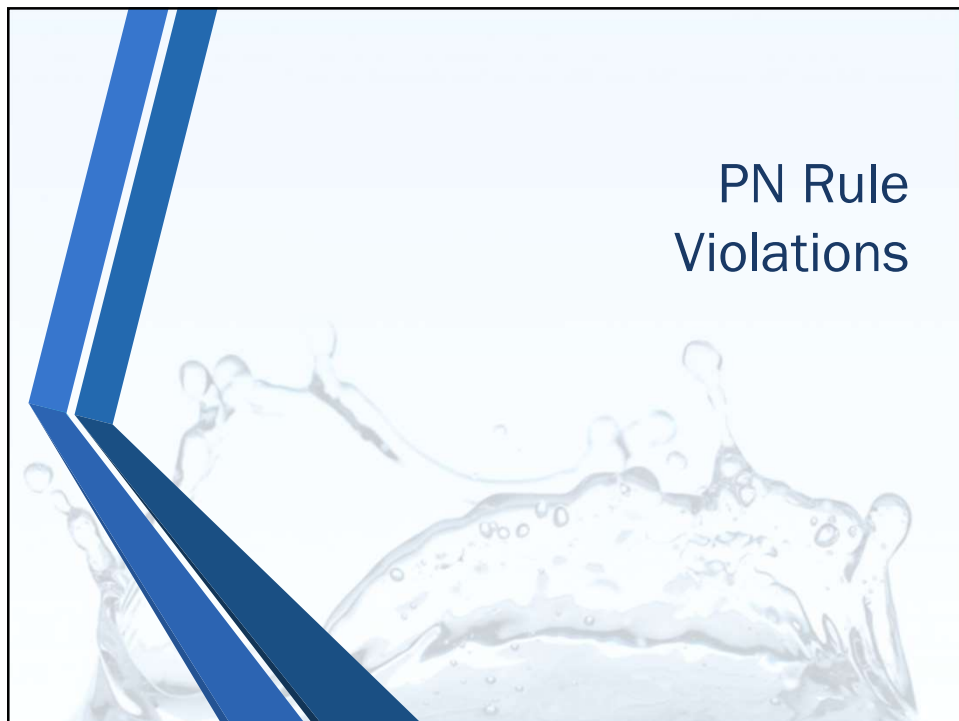
PRIMACY AGENCY MUST KEEP NOTICES ON FILE FOR 3 YEARS

40 CFR 142.14(f), 142.15(a)(1)



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PN Rule Violations



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What are the PN Violations?


- Trigger for PN:
 - When PWS learns of the violation or other situation posing a health risk exists
- Rule prescribes specific actions PWS must take to:
 - Distribute the notice (including form, manner, and frequency)
 - Provide primacy agency with a copy of notice
 - Certify that all PN requirements were met
- If a PWS fails to take specified actions, there is a PN violation



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How is a PN Violation Identified?

- In general, primacy agencies rely on certification to track whether a PWS has met all PN requirements
 - Primacy agencies and/or EPA may use additional methods to identify PN violations
- Primacy agencies are expected to record a PN violation if:
 - Did not receive copies of the PN (initial or repeat) or certification
 - Or received documents late
 - After review, primacy agency concludes that:
 - Form, delivery, or content of notice was inadequate; or
 - Otherwise determines the timing or distribution requirements were not met



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Reporting and Follow-Up

- Primacy agencies must report PN violations to SDWIS/FED on quarterly basis:
 - Whether there is a violation for the public notice (initial, repeat, certification);
 - Date of PN violation;
 - Link to underlying NPDWR violation;
 - When PWS returned to compliance; and
 - Whether primacy agency brought formal enforcement action

40 CFR 142.15(a)



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Return to Compliance (RTC) Definition

- Return to Compliance (RTC):
 - A PWS that has violated the PN Rule returns to compliance with the rule when it performs the action required under the rule (i.e., issuing the PN)



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Is the system required to do PN?

1. A system detects fluoride at 1 mg/l.
2. A system failed to take a confirmation sample after exceeding the MCL for Nitrate.
3. A system failed to comply with variance or exemption conditions.
4. A system detected Beryllium above the MCL in one sample, but the RAA was below the MCL.
5. A system has a monitoring violation.

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Is the system required to do PN?

- 1. A system detects fluoride at 1 mg/l.**
 - No, the level of fluoride detected is below both the SMCL of 2 mg/l and the MCL of 4 mg/l. If it were in between those levels, a special notice under Tier 3 standards would be required.
- 2. A system failed to take a confirmation sample after exceeding the MCL for Nitrate.**
 - Yes, this would require Tier 1 PN.
- 3. A system failed to comply with variance or exemption conditions.**
 - Yes, this would require Tier 2 PN.

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Is the system required to do PN?

- 4. A system detected Beryllium above the MCL in one sample, but the RAA was below the MCL.**
 - No, this would not require a PN because the RAA is intended to encompass all samples, and if it is below the MCL there is no need for PN.
- 5. A system has a monitoring violation.**
 - Yes, this would require Tier 3 PN.

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What other PN rule topics would you like more information about?

- PN for specific violations/situations
- Best practices
- Delivery methods
- SDWIS reporting
- Other (use chat box to explain)



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Questions?



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Important Links

- EPA's PN Rule Website: <https://www.epa.gov/dwreginfo/public-notification-rule>
- PN Rule (40 CFR Part 141, Subpart Q): <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=9f5c57bf8caebe121762f8b76925c11f&mc=true&n=pt40.25.141&r=PART&ty=HTML#sp40.25.141.q>
- Public Notification Compliance Help for Primacy Agencies: <https://www.epa.gov/dwreginfo/public-notification-compliance-help-primacy-agencies>
- Public Notification Rule Compliance Help for Water System Owners and Operators: <https://www.epa.gov/dwreginfo/public-notification-rule-compliance-help-water-system-owners-and-operators>
- Drinking Water Training: <https://www.epa.gov/dwreginfo/drinking-water-training>



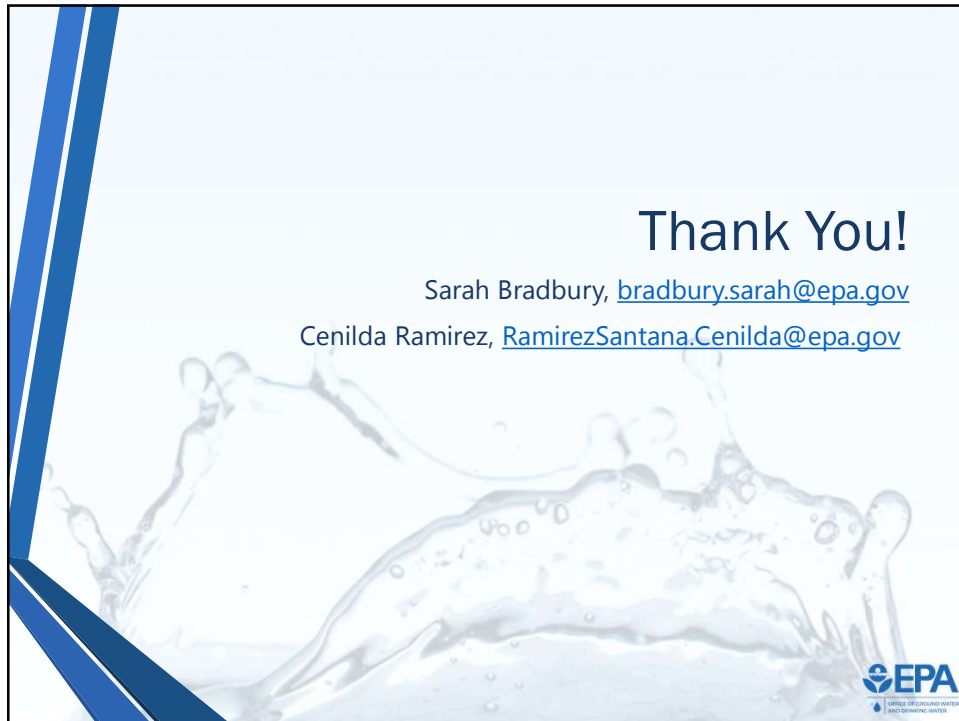
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Recent EPA Memos

- *Implementation of the Public Notification Rule under the Safe Drinking Water Act (9/16/2020):*
<https://www.epa.gov/dwreginfo/wsg-212-public-notification-implementation-memo>
- *Changes to Enforcement Targeting Tool Point Assessments for Safe Drinking Water Act Public Notification Violations that are More than Five Years Old (12/18/2020):*



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Example PN for Nitrate

Drinking Water Warning

- 1 [System] water has high levels of nitrate –
DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR USE IT TO MAKE INFANT FORMULA
- 2 Water sample results received [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of [state/federal MCL].
- 3 Nitrate in drinking water is a serious health concern for
- 4 infants less than six months old.



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Example PN for Nitrate


What should I do?

DO NOT GIVE THE WATER TO INFANTS. *Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.* Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.

Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.

DO NOT BOIL THE WATER. Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.

- 5
- 6 Adults and children older than six months can drink the tap water (nitrate is a concern for infants because they can't process nitrates in the same way adults can). However, if you are pregnant or have specific health concerns, you may wish to consult your doctor.




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Example PN for Nitrate

7 What happened? What is being done?
Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We'll let you know when the amount of nitrate is again below the limit.

8 [Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

9 For more information, please contact [name of contact] at [phone number] or [mailing address].




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Example PN for Nitrate

10 *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 notice is being sent to you by [system]. Primacy Agency Water System ID#: _____. Date distributed: _____



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