WHAT IS PUBLIC NOTIFICATION?

Public notification is the process used by public water systems to notify their customers when the water system has violated a drinking water regulation.

The public notification process is required by law. Congress first established these requirements in the **Safe Drinking Water Act of 1974 (SDWA).** On June 19, 1986, Congress enacted the **Safe Drinking Water Act Amendments** (P.L. 99-339). This law modified the existing public notification process, which had originally organized the public notice requirements according to the type of public water system. The amendments allow for the development of different types of notice, based on the nature of the violation.

As a result, the **Environmental Protection Agency (EPA)** published new regulations for public notification in the October 28, 1987 *Federal Register* (52 FR 41534). **Public water systems were required to begin to comply with these rules on April 28, 1989.**

WHY ARE WE NOTIFIED?

Public notice serves several important purposes:

- To announce violations of regulations and standards;
- To explain the frequency and duration of the problem;
- To warn about potential adverse health effects;
- To direct the public to an alternate water supply, if necessary;
- To inform the public of steps being taken to correct the violation;
- To educate consumers about the possible need for improvements in their public water system; and
- To foster community support to finance any needed improvements in the system.

WHO MUST NOTIFY?

All public water systems must notify the public when the system violates a drinking water regulation.

By definition, a **"public water system"** has 15 or more service connections or regularly serves an average of at least 25 people daily at least 60 days each year. Public water systems are split into two categories: community and non-community water systems.

A **"community water system"** has at least 15 service connections used by year-round residents, or regularly serves at least 25 year-round residents. These water systems generally serve cities and towns. They may also serve special residential communities, such as mobile home parks and universities, which have their own drinking water supply.

A **"non-community water system"** can be either a **"transient non-community water system" (TNC)** or a **" non-transient non-community water system" (NTNC).** TNCs typically serve travelers and other transients at locations such as highway rest stops, restaurants, and public parks. The system serves at least 25 people a day for at least 60 days a year, but not the same 25 people. On the other hand, NTNCs do serve the same 25 persons for at least 6 months per year, but not year round. Some common examples of NTNCs are schools and factories (or other workplaces) that have their own supply of drinking water and serve 25 of the same people each day.

Some systems do not meet the definition of "public water system" and are not required to comply with the federal public notification regulations. The two most common examples are (1) private household wells, and (2) small water systems with too few service connections and too few customers or users. However, these systems may be subject to State regulation and State public notification requirements.

If you are not sure whether a small system is regulated as a public water system, check with your state drinking water program. The state agency that regulates public water supplies is usually located in the state capital (or another major city) and is usually part of the State Department of Health or Environmental Regulation. Consult the blue "government pages" in your local phone book. If you need further assistance in locating your state drinking water program, call EPA's Safe Drinking Water Hotline.

WHEN IS A NOTICE GIVEN?

Public water systems must comply with a wide range of federal and state regulations. Whenever a system is in violation of a National Primary Drinking Water Regulation (NPDWR), it must notify the public. The manner of giving notice and the time frame in which notice is required depends on the particular regulation which has been violated (as discussed later). EPA has developed a two-tiered system for classifying violations.

Tier 1 violations are the most serious violations, because they are directly related to potential adverse health effects. They include:

- **Failure to comply with a maximum contaminant level (MCL).** An *MCL* is an enforceable standard that dictates to public water systems the maximum allowable amount of a contaminant in drinking water which is delivered to the consumer.
- Failure to comply with a treatment technique requirement that has been established in place of an MCL. *Treatment techniques* are specified for public water systems when it is not economically or technologically feasible to determine the level of a contaminant in drinking water.
- **Failure to comply with a schedule prescribed under a variance or exemption.** In some instances, public water systems are either unable to or not required to comply with certain aspects of the drinking water regulations. Accordingly, these systems are issued a variance or exemption, which includes a schedule of required activities. Completion of these activities will usually enable the system to comply with the regulations; failure to comply with the schedule is a violation.

Tier 1 violations can be either **"acute"** or **"non-acute."** **"Acute"** violations are those which pose an immediate risk to human health. To date, EPA has defined the violation of the MCL for both nitrates and total coliforms as an acute violation. EPA will specify in future regulations those other violations which it considers acute. In addition, the states may define other violations as acute.

Tier 2 violations are less serious, because they do not pose a direct threat to public health. Nonetheless, they are significant enough to warrant public notice. They include:

- **Failure to comply with monitoring requirements;**
- **Failure to use or comply with specified test procedures;** and
- **Issuance of a variance or an exemption** (issuance of a variance or exemption is not a violation, but it is a circumstance in which the public must be notified).

All community water systems must notify new **customers** about any **existing Tier I violations** prior to the time, or at the time, service begins.

HOW IS A NOTICE GIVEN?

Form and Contents

In general, a public notice contains a lot of information. The public notification regulations specify the kind of information that must be included in the public notice. However, the specific format, order, and emphasis of this information may be different for each notice, depending on the circumstances of the violation.

Each notice must contain the following:

- A clear and understandable explanation of the violation;
- Information about potential adverse health effects, including specific mandatory language that must be provided by all systems with Tier 1 violations and by all systems that have been issued a variance or exemption;
- Identification of the population at risk;
- An indication of the steps being taken to correct the problem;
- Information about the need for an alternative water supplies, if any; and
- Preventive measures to be taken until the violation is corrected.

In addition, all public notices must not frustrate the purpose of public notification—which is (1) to inform the public about problems with their drinking water, and (2) to provide notice in a simple, understandable manner. As such, the regulations require the following:

- Notices must be clear and conspicuous (easily seen and read);
- Notices must not contain unduly technical language;
- Notices must not contain unduly small print;
- Notices must include the phone number of the owner, operator, or designee of the public water system; and
- Where appropriate, notices must be multilingual.

Manner of Notice

The owner or operator of the public water system is legally responsible for issuing a public notice. The manner in which the public notice is given may vary, depending on (1) the type of violation, i.e., Tier 1 Acute, Tier 1 Non-Acute, or Tier 2, (2) the type of public water system, i.e., community or non-community, or in some cases, (3) the options available to the system, e.g., the availability of a local newspaper. The ways to issue a notice include:

- Through the local electronic media (radio and TV);
- In the local daily newspaper;
- By direct mail;
- In the customers' water bills;
- By hand delivery; or
- By continuous posting in a conspicuous place.

It is important to note that all systems that serve an area without a daily or weekly newspaper must provide notice by hand delivery or posting.

Further, the **public water system** must provide copies of the notice to the state drinking water program. The state may give notice to the public on behalf of a system, provided the state complies with all the appropriate requirements. **However, the owner or operator of the system remains legally responsible for ensuring that all public notice requirements are met.**

Timing and Frequency

The timing of a public notice must be the same for each type of violation, regardless of the manner of notice. Following is an explanation of when notices are issued:

Within 72 hours

- Notices by all systems via the electronic media for Tier 1 Acute violations; or
- Notices by non-community systems via hand delivery or posting for Tier I Acute violations.

Within 14 days

- Newspaper notices by all systems for all Tier 1 violations; or
- Notices by non-community systems by posting or hand delivery.

Within 45 days

- Notices by all community water systems by direct mail, in water bills, or by hand delivery for all Tier 1 violations.

Within 3 months

- Newspaper notices by all systems for Tier 2 violations; or
- Notices by non-community systems by posting or hand delivery for Tier 2 violations.

Repeated every 3 months

- All notices given by all systems by direct mail or hand delivery for both Tier 1 and Tier 2 violations.

Continuous notice

- All notices given by posting, for as long as the violation exists.

All notices must be provided within the proper time limits, even if the problem has been corrected.

WHAT SHOULD YOU DO?

- If you receive a public notice - READ IT CAREFULLY. If you have any questions or need more information, call your local public water system or your state drinking water program. The name, address, and phone number of your supplier should be on the notice. If you do not receive a water bill, check with your landlord or building manager about recently received notices.
- **If you are moving to a new area,** be sure to inquire about any public notices issued by your new water system. Either the public water system or the state drinking water program should provide this information.
- **If you want information** about your public water system and your state's drinking water regulations, contact your state drinking water program.

FOR MORE INFORMATION

Write: U.S. Environmental Protection Agency
Office of Drinking Water
401 M Street, SW
Washington, DC 20460

Or call: The Safe Drinking Water Hotline
800-426-4791 or 202-382-5533

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