



# Revisions to Drinking Water Public Notice Regulations

**What action is EPA taking?** EPA is proposing to revise the general public notification regulations for public water systems to implement new requirements enacted in the 1996 Safe Drinking Water Act (SDWA) Amendments. The proposed regulations were signed by the Administrator on April 27, 1999 and were published in the **Federal Register** on May 13, 1999 (64 FR 25963). EPA is also issuing for public comment a draft *Public Notification Handbook*, which will assist water systems in implementing the revised regulations. EPA has scheduled four public meetings to take comment on the proposed regulation and draft *Handbook*: May 26, 1999 in Madison, Wisconsin; June 3, 1999 in Washington, D.C.; June 8-9 in Allentown, Pennsylvania; and June 23-24 in Phoenix, Arizona. The comment period on the proposed rule closes on July 12, 1999. Comments on the *Handbook* will be accepted through July 31, 1999. The final rule and *Handbook* should be published in December 1999.

**Why are the existing regulations being modified?** EPA is required under Section 1414(c)(1) and (c)(2) of SDWA to issue regulations to define the form, manner, frequency, and content of public notices. Public notification regulations were first issued in 1976 and revised in 1987. The 1996 SDWA Amendments made significant changes to the public notification provisions to better target notices for serious violations posing a short-term risk to health and to make the existing notification process less burdensome and more effective.

**What are the benefits of the revised regulation?** The rule will make significant improvements to the existing public notice process by:

- Tailoring the form, manner, and content of public notification to the health risk from each violation.
- Encouraging water systems to use annual consumer confidence reports to give public notice for those violations without an immediate health risk.
- Giving greater latitude to States to develop alternative programs to meet their unique needs.
- Providing greater flexibility to public water systems to tailor the way they reach all persons served.

## Background to Public Notification Requirements

**What is public notification?** The purpose of public notification is to alert consumers in a timely manner to potential risks to their health from violations of drinking water standards and the steps they should take (if any) to avoid or minimize such risks. Public notification of violations is an integral part of the public health protection and consumer right-to-know provisions of the 1996 Safe Drinking Water Act (SDWA) Amendments. The proposed public notification regulations complement the Consumer Confidence Report (CCR) regulations published on August 19, 1998, which require community water systems to prepare and distribute annual reports on water quality to customers.

**When is a public notice required?** A public water system is required to give public notice when it fails to comply with existing drinking water regulations, has been granted a variance or exemption from the regulations, or is facing other situations posing a potential risk to public health. Public water systems are required to provide such notices to all persons served by the water system.

**How often do violations occur that require a public notice?** In FY 1996, there were more than 230,000 violations of drinking water standards involving over 25 percent of the 170,000 public water systems. Over 90 percent of the violations were for failure to fully meet the monitoring or testing procedure requirements. Less than 1.5 percent of the violations in FY 1996 were for violations of standards that could result in an acute health risk from short-term exposure.

## Key Elements of Revised Public Notification Regulation

**How does the proposed regulation work?** EPA is proposing to divide violations of drinking water standards into three tiers:

- **Tier 1**, for violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure. Notice is required within 24 hours of the violation.
- **Tier 2**, for other violations and situations with potential to have serious adverse effects on human health. Notice is required within 30 days, with extension up to three months at the discretion of the State or primacy agency.
- **Tier 3**, for all other violations and situations requiring a public notice not included in Tier 1 and Tier 2. Notice is required within 12 months of the violation, and may be included in the consumer confidence report at the option of the water system.

**What types of violations and situations are covered under each tier?** The proposal outlines the types of violations that fall under each tier and describes the situations that require public notification. For example, a total coliform violation where fecal coliform is present falls under Tier 1, which requires notification within 24 hours. *See Table 1 for proposed list of violation types and situations under each tier.*

**How is the public notice structured?** The form, manner, and frequency of the public notice is determined by the tier to which the violation or situation is assigned. The proposed rule requires that public water systems include 10 elements in the content of the notice, including mandatory health effects language for Maximum Contaminant Level (MCL) and treatment technique violations and standard language for monitoring violations. EPA has developed samples of how a public notice can be structured. *See the sample notice below illustrating a complete notice for a fecal coliform violation.*

### **Implementation of the New Requirements**

**Which public water systems are affected by the regulation?** The proposed rule will affect all public water systems with violations of drinking water regulations. It will also require States with primary enforcement authority to revise their approved primacy programs to adopt regulations no less stringent than the revised EPA regulations. Under the proposal, States are allowed to develop alternative public notification provisions related to the form and content of the notice as long as the same type and amount of information is provided.

**How is EPA helping public water systems with new requirements?** EPA and the Association of State Drinking Water Administrators (ASDWA) are working together to develop a *Public Notification Handbook* to assist water systems in implementing the revised regulation. This *Handbook* will provide templates for notices and other aids to help water systems develop notices for violation situations. The draft *Handbook* is currently available for public review.

Copies of the proposed regulation and the draft *Handbook* may be obtained by calling the Safe Drinking Water Hotline at 1-800-426-4791 or by downloading the documents from EPA's web site ([www.epa.gov/safewater](http://www.epa.gov/safewater)).

**TABLE 1**  
**Violations and Situations Requiring Public Notice Under Proposal**

**Tier 1 Public Notice – Required Within 24 Hours**

- Violation of the maximum contaminant level (MCL) for total coliform, when fecal coliform or *E. coli* are present, or failure to test for fecal coliform or *E. coli* after the presence of coliform bacteria is confirmed.
- Violation of the MCL for nitrate, nitrite, or combined nitrate+nitrite.
- Violation of the maximum residual disinfectant level (MRDL) for chlorine dioxide, when one or more repeat samples taken in the distribution system exceed the MRDL, or when required repeat samples are not taken.
- Occurrence of a waterborne disease outbreak.
- Other violations or situations with significant potential to have serious adverse effects on human health as a result of short term exposure, as determined by the primacy agency.

**Tier 2 Public Notice – Required Within 30 Days (Unless Extended to 90 Days by State)**

- All violations of the MCL, MRDL, and treatment technique requirements not in Tier 1.
- Violations of the monitoring requirements where the primacy agency determines that a Tier 2 public notice is required.
- Failure to comply with the terms and conditions of any variance or exemption in place.

**Tier 3 Public Notice – Required Within 1 Year**

- Monitoring violations, unless the primacy agency determines a Tier 2 notice is required.
- Failure to comply with an established testing procedure.
- Operation under a variance granted under §1415 or exemption granted under §1416 of the Safe Drinking Water Act.
- Any other violations and situations determined by the primacy agency to require a Tier 3 public notice.

# The Required Elements of a Public Notice Fecal Coliform (Tier 1)



