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 **Final State
Implementation
Guidance
for the
Public Notification
(PN) Rule**

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Acronyms

CCR	Consumer Confidence Report
CWS	Community Water System
DBP	Disinfection Byproduct
EPA	Environmental Protection Agency
GAO	General Accounting Office
HPC	Heterotrophic Plate Count
IESWTR	Interim Enhanced Surface Water Treatment Rule
IOC	Inorganic Chemical
LCR	Lead and Copper Rule
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MRDL	Maximum Residual Disinfectant Level
MRDLG	Maximum Residual Disinfectant Level Goal
NCWS	Non-Community Water System
NPDWR	National Primary Drinking Water Regulation
NTNCWS	Non-Transient Non-Community Water System
NTU	Nephelometric Turbidity Unit
OGWDW	Office of Ground Water and Drinking Water
OW	Office of Water
PN	Public Notification
PWS	Public Water System
RTC	Return to Compliance
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SMCL	Secondary Maximum Contaminant Level
SOC	Synthetic Organic Chemical
SWTR	Surface Water Treatment Rule
TCR	Total Coliform Rule
TT	Treatment Technique
TNCWS	Transient Non-Community Water System
VOC	Volatile Organic Chemical

Introduction

The Public Notification (PN) rule requires public water systems (PWSs) to alert consumers to potential health risks from violations of drinking water standards and to tell them how to avoid or minimize such risks. The revised PN Rule, published in the *Federal Register* on May 4, 2000, modifies the minimum requirements PWSs must meet regarding the form, manner, frequency, and content of public notices. States with primary enforcement responsibility (primacy) must revise their drinking water programs by adopting regulations that are at least as stringent as the revised public notification requirements as soon as possible but no later than two years after promulgation of the final rule (by May 6, 2002). This guidance is designed to assist States in applying for primacy revision for the Public Notification Rule. Information on the primacy revision process—the procedures, timeframes, and content for submission of a State primacy revision application package—are outlined in this document. This guidance is also intended for use by EPA Regions as they review State primacy revision application packages.

Public notification of drinking water violations provides water systems with a means to protect public health, build trust with consumers through open and honest sharing of information, and establish an ongoing, positive relationship with the community. Public notice can also help consumers understand rate increases and support increased funding for drinking water treatment and protection. EPA believes the new requirements make it easier for systems to provide consumers with more accurate and timely information on violations and the seriousness of any potential adverse health effects.

To aid water systems in implementing the revised regulation, EPA and the Association of State Drinking Water Administrators (ASDWA) developed a *Public Notification Handbook* (EPA 816-R-00-010). The *Handbook* contains templates for notices and other aids to help water systems develop notices for violations and other situations. By explaining the revised PN Rule and providing specific examples of notices in the *Handbook*, EPA hopes to streamline the public notification process and enhance water systems' ability to comply with Federal and State requirements. EPA also encourages States to incorporate the *Handbook* into their public notification program.

EPA encourages States, where possible, to adopt and implement the PN Rule together with the Consumer Confidence Report (CCR) rule since these two rules are interrelated public right-to-know provisions. EPA believes that consumers have a right to know what is in their drinking water and where it comes from before they turn on the tap. The PN and CCR Rules provide mechanisms to transmit this information to consumers. The CCR Rule requires community water systems (CWSs) to provide customers with

annual reports explaining the source of their drinking water and the steps taken by the system to deliver safe drinking water to their homes. This includes information on compliance with existing Federal and State standards, likely sources of detected contaminants, and potential health effects of violations. The PN Rule gives water systems the option of providing an annual notice listing all Tier 3 violations occurring during the previous year, as long as the notice is distributed no later than one year after the earliest of the included violations. In some cases, a CWS may be able to use its CCR as the annual report to give the initial public notice for less serious violations identified as Tier 3.

This document provides guidance to EPA Regions and States exercising primary enforcement responsibility under the Safe Drinking Water Act (SDWA) concerning how EPA interprets the Public Notification Rule under SDWA. It also provides guidance to the public and the regulated community on how EPA intends to exercise its discretion in implementing the statute and regulations. This guidance is designed to implement national policy on these issues.

The SDWA provisions and EPA regulations described in this document contain legally binding requirements. This document does not substitute for those provisions or regulations, nor is it a regulation itself. Thus it does not impose legally-binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA and State decisionmakers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance where appropriate. Any decisions regarding a particular facility will be made based on the applicable statutes and regulations. Therefore, interested parties are free to raise questions and objections about the appropriateness of the application of this guidance to a particular situation, and EPA will consider whether or not the recommendations or interpretations in the guidance are appropriate in that situation. EPA may change this guidance in the future.

Section I. Rule Requirements

A. Key Dates

Public notice of drinking water violations and other situations provides a means to protect public health. Public notification regulations were first issued in 1976 and revised in 1987. In 1992 a review of the public notification process by the General Accounting Office (GAO) revealed that the complexity of the rule hindered its successful implementation. Section 114 of the 1996 Amendments to the Safe Drinking Water Act (SDWA), required EPA to amend the existing public notification provisions to better target notices for serious violations posing a short-term exposure risk to health and to make the existing notification process less burdensome and more effective.

EPA published final regulations to revise the minimum requirements PWSs must meet regarding the form, manner, frequency, and content of public notices in the *Federal Register* on May 4, 2000 (65 *FR* 25981). The new regulations under Part 141, Subpart Q apply to public water systems in jurisdictions where EPA directly implements the program as of October 31, 2000. The provisions under Subpart Q will not apply to public water systems in States with primacy for the public water system supervision (PWSS) program until May 6, 2002 or until the State-adopted rule becomes effective, whichever is sooner. Until the new regulations under Part 141, Subpart Q apply, public water systems must continue to comply with the public notification requirements under §141.32.

The revised PN Rule amended the CCR Rule as well as various provisions in 40 CFR Part 141, to make these rules consistent with the final PN Rule. Changes to the CCR Rule became effective on June 5, 2000, the date the PN Rule became effective. Three content changes made to better align the CCR Rule with the PN Rule are:

- ▶ The three Appendices to Subpart O, which contain various pieces of information about the contaminants that EPA regulates, are deleted and the information is combined into a new, comprehensive Appendix A to Subpart O. As a result of this change, a number of references in the CCR Rule to the three appendices are revised to reflect the new Appendix A. As new rules are promulgated that change the information in Appendix A, EPA will maintain an updated version of Appendix A on its website at www.epa.gov/safewater/tables.html. This will eliminate the need to republish the entire appendix in each final rule that changes the information it contains.
- ▶ The new Appendix A to Subpart O contains regulatory and health effects information on each of the disinfectants and disinfection byproducts regulated in the Stage 1 D/DBP rule that EPA published in December 1998. Although systems will not be required to include information on these contaminants in their CCRs until after the effective date of the new Stage 1 D/DBP regulations, some systems may choose to do so earlier.
- ▶ The standard health effects language for fluoride in the current CCR regulations is revised to be identical to the health effects language required for violation of the fluoride maximum contaminant level (MCL) in the PN Rule.

B. Key Elements of the Revised Public Notice Regulation

B.1. Who Must Give Notice [40 CFR 141.201]

The PN Rule applies to all PWSs with violations of national primary drinking water regulations (NPDWRs) or other situations posing a public health risk. Each owner or operator of a PWS must provide a public notice to all persons served when the system fails to comply with certain 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.

B.2. Public Notice Tiers 1, 2, and 3 [40 CFR 141.202(a) & (b), 141.203(a) & (b), and 141.204(a) & (b)]

The PN Rule assigns violations of drinking water standards and other situations into three tiers based upon the risk of adverse health effects:

- **Tier 1**, for NPDWR 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 or situation.
- **Tier 2**, for other NPDWR violations and situations with potential to have serious adverse effects on human health. Notice is required within 30 days of the violation or situation, with an extension of up to three months at the discretion of the primacy agency.
- **Tier 3**, for all other NPDWR violations and situations requiring a public notice not included in Tier 1 and Tier 2. Notice is required within 12 months of the violation or situation.

The tier to which a violation or other situation is assigned determines the form, content, and frequency of the public notice. EPA believes this linkage will allow water systems to effectively tailor the public notice to the health risk from each violation.

In general, public notice is required for any of the following violations:

- Exceedances of MCLs or maximum residual disinfectant levels (MRDLs);
- Violation of treatment techniques;
- Monitoring and testing procedure violations; and
- Failure to comply with the schedule of a variance or exemption.

Other situations (not violations) which require public notice include:

- Operation under a variance or exemption;
- Occurrence of a waterborne disease outbreak or other waterborne emergency;
- Exceedance of the fluoride secondary MCL (SMCL);
- Availability of unregulated contaminant monitoring results; and
- Exceedance of the nitrate MCL in non-community water systems (NCWSs) that have been granted permission by the State to continue to exceed the nitrate MCL of 10 mg/l (although they may not exceed 20 mg/l).

Primacy agencies may require notice for other violations and situations. Table 1 below shows the appropriate tiers for NPDWR violations and other situations. A complete list of contaminants and their appropriate tiers can be found in Appendix A of the PN Rule.

Table 1 - Violations and Situations Requiring Public Notice

Tier 1 Violations and Other Situations Requiring Notice Within 24 Hours*

1. Violation of the MCL for total coliform, when **fecal coliform or E. coli** are present in the water distribution system, or **failure to test** for fecal coliform or *E. coli* when any repeat sample tests positive for coliform;
2. Violation of the MCL for **nitrate, nitrite, or total nitrate and nitrite**; or when a **confirmation sample** is not taken within 24 hours of the system's receipt of the first sample showing exceedance of the nitrate or nitrite MCL;
3. Exceedance of the **nitrate** MCL (10 mg/l) by non-community water systems, **where permitted** to exceed the MCL (up to 20 mg/l) by the primacy agency;
4. Violation of the MRDL for **chlorine dioxide**, when one or more of the samples taken **in the distribution system** on the day after exceeding the MRDL at the entrance of the distribution system, or when required **samples** are not taken in the distribution system;
5. Violation of the **turbidity MCL** of 5 NTU, where the primacy agency determines **after consultation** that a Tier 1 notice is required or where consultation does not occur in 24 hours after the system learns of violation;
6. Violation of the **treatment technique** requirement resulting from a **single exceedance** of the maximum allowable **turbidity limit**, where the primacy agency determines **after consultation** that a Tier 1 notice is required or where consultation does not take place in 24 hours after the system learns of violation;
7. Occurrence of a **waterborne disease outbreak**, as defined in 40 CFR 141.2, or **other waterborne emergency**; and
8. **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** either in its regulations or on a case-by-case basis.

* If the system has any of these violations or situations, in addition to issuing public notice, it must **initiate consultation with the primacy agency as soon as practical but within 24 hours** after learning of the violation or situation.

Note: Initiate consultation means that at a minimum, the system has taken steps to contact the primacy agency. EPA and most States now have voice mail or an emergency hotline, so systems should be able to leave a message. If the system is not able to reach anyone within the 24-hour period, the system must still issue public notice within that timeframe. When consultation does occur, the State or EPA will inform the system of any additional steps they must take as a follow-up to the initial notice.

Table 1 - Violations and Situations Requiring Public Notice

Tier 2 Violations Requiring Notice Within 30 Days**

1. All violations of **MCL**, **MRDL**, and **treatment technique** requirements except where Tier 1 notice is required;
2. Violations of the **monitoring** requirements where the **primacy agency determines** that a Tier 2 public notice is required, taking into account potential health impacts and persistence of the violation; and
3. Failure to comply with the **terms** and **conditions** of any **variance or exemption** in place.

** If the system exceeds the **maximum allowable turbidity level**, as identified in Appendix A of the PN Rule, it must **consult with the primacy agency as soon as practical but no later than 24 hours** after learning of the violation.

Note: Consult with the primacy agency means that the system has a discussion with the primacy agency about the violation. If the system does not have a consultation with the primacy agency within the 24-hour period, a Tier 1 public notice requirement is automatically triggered and the system must issue a public notice within the next 24-hour period. In contrast to the term "initiate consultation" for Tier 1 violations or situations, EPA intends that the system actually have a discussion about the violation or situation.

Tier 3 Violations and Other Situations Requiring Notice Within 1 Year

1. **Monitoring** violations, except where a Tier 1 notice is required or the primacy agency determines that the violation requires a Tier 2 notice;
2. Failure to comply with an established **testing procedure**, except where a Tier 1 notice is required or the primacy agency determines that the violation requires a Tier 2 notice;
3. **Operation under variance** granted under §1415 **or exemption** granted under §1416 of the Safe Drinking Water Act;
4. Availability of **unregulated contaminant** monitoring results; and
5. Exceedance of the secondary maximum contaminant level for **fluoride**.

**B.3. Minimum Delivery Requirements for Public Notice
[40 CFR 141.202(c), 141.203(c), and 141.204(c)]**

The revised PN Rule establishes minimum delivery methods for systems to use in distributing public notices for a Tier 1, 2, or 3 violation or situation. Water systems must select at least one delivery method from the regulatory list and take steps reasonably calculated to reach others served by the system.

Section 141.202(c) of the final rule gives systems the flexibility to choose the specific method of delivery to distribute Tier 1 notices. For Tier 1 notification, a PWS must use, at a minimum, at least one of the following delivery methods: appropriate broadcast media, posting of the notice in conspicuous locations, hand delivery, or another minimum delivery method specified in writing by the primacy agency. The rule also establishes a performance standard requiring the system to use delivery methods reasonably calculated to reach all other persons not reached by the minimum method within the 24-hour period, including all residential, transient, and non-transient users of the water. The added flexibility is a change from the existing rule which required systems to provide an initial notice in all cases by electronic media and subsequent notices were to be delivered first by newspaper and later on by mail.

Delivery requirements for Tier 2 and 3 notices differ depending on whether a system is a CWS or a NCWS. The requirements for delivering Tier 2 notices are specified at §141.203(c); requirements for Tier 3 notification are at §141.204(c). The final rule requires a CWS, at a minimum, to mail or otherwise directly deliver the notice to each customer receiving a bill and to other service connections to which water is delivered. NCWSs must, at a minimum, post the notice in conspicuous locations or mail or directly deliver the notice to each customer and service connection (if known).

If a public notice is posted, it must remain in place for as long as the violation or situation lasts, but in no case less than seven days, even if the violation or situation is resolved [§141.203(b) and §141.204(b)]. Generally, a violation or situation is considered to be resolved when the system has returned to compliance as defined by the regulation in question; however systems may wish to contact their primacy agency to determine whether a violation or situation is resolved.

For both CWSs and NCWSs, there may be a few cases where a system may be able to reach all persons served with the first method chosen. For example, at a gas station posting would be sufficient to reach all persons served. In such cases, the system may not need to use additional methods. Additionally, community water systems must notify every new billing unit or new customer of any ongoing violations for which notice has previously been issued. Section 141.206(b) of the final rule deals specifically with non-community systems, and requires them to post public notices for as long as the violation or situation lasts in order to reach new consumers.

Table 2 on the next page summarizes the minimum delivery requirements prescribed for Tier 1, 2, and 3 notices.

Table 2 - Requirements for Issuing Public Notice	
Violation	Requirements
Tier 1	<p>Deadline for Notice: 24 Hours *</p> <p>Delivery Methods: PWSs are required to use, at a minimum, one or more of the following methods:</p> <ol style="list-style-type: none"> 1) Appropriate broadcast media (radio or television), 2) Posting, 3) Hand delivery, or 4) Another delivery method approved in writing by the primacy agency.
Tier 2	<p>Deadline for Notice: 30 Days **</p> <p>Delivery Methods: Unless directed by the State in writing, a PWS must provide notice by the following methods:</p> <p>CWS: <ol style="list-style-type: none"> 1) Mail or other direct delivery (i.e., hand), <u>and</u> 2) Any other method reasonably calculated to reach other persons regularly served, if they would not normally be reached by the method above. </p> <p>NCWS: <ol style="list-style-type: none"> 1) Posting, or mail, or direct delivery, <u>and</u> 2) Any other method reasonably calculated to reach other persons regularly served, if they would not normally be reached by the method above. </p>
Tier 3	<p>Deadline for Notice: 1 Year ***</p> <p>Delivery Methods: Unless directed by the State in writing, a PWS must provide notice by the following methods:</p> <p>CWS: <ol style="list-style-type: none"> 1) Mail or other direct delivery (i.e., hand), <u>and</u> 2) Any other method reasonably calculated to reach other persons regularly served, if they would not normally be reached by the method above. </p> <p>NCWS: <ol style="list-style-type: none"> 1) Posting, or mail, or direct delivery, <u>and</u> 2) Any other method reasonably calculated to reach other persons regularly served, if they would not normally be reached by the method above. </p>
<p>* Systems must initiate consultation with the primacy agency during this period.</p> <p>** Systems with turbidity MCL violations based on the average of samples over two days or with turbidity single exceedance treatment technique violations must consult with the primacy agency within 24 hours after learning of the violation.</p> <p>*** EPA recommends consolidating all Tier 3 violations and situations occurring within a given year into an annual notice.</p>	

B.4. Who Must be Notified **[40 CFR 141.201(c), 141.206, and 141.210]**

Each PWS must provide public notice to persons served by the water system [141.201(c)]. EPA interprets the obligation of a system to reach persons served to extend beyond bill-paying customers and service connections to all consumers of the system's drinking water. This means that a PWS must take steps reasonably calculated to inform people who drink the water if they would not be reached by the minimum delivery methods. For example, if a CWS mails a notice to its billing customers only, people who do not receive water bills, such as tenants or people who work in the area served by the system but live elsewhere, would not receive a notice. Publishing the notice in the newspaper and providing copies of the notice to landlords to distribute to their tenants would help reach those people. In addition to hand delivery of notices to consumers, a NCWS could post public notices to reach visitors or newcomers who were not present when the initial notices were distributed.

The rule also requires inclusion of standard language in the notice to encourage those receiving the notice to distribute it to other persons who may drink the water [141.205(d)(2)]. EPA believes distribution of the notice to all persons served increases public awareness of the situation. Use of this language does *not* relieve systems of their obligation to notify persons served:

“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.”

Consecutive Systems [141.201(c)(1)]

Public water systems that sell or otherwise provide drinking water to other public water systems are required to give public notice of a violation or situation to the owner or operator of any systems to whom they sell water. (Selling systems are known as “parent” systems; purchasing systems are referred to as “consecutive” systems.) The parent system is not required under the PN Rule to distribute notice to persons served by the consecutive systems. It is the responsibility of the consecutive system to provide public notice to the people it serves. For example, if a PWS supplies water to six other systems, the PN Rule requires the parent system to provide public notice to the owner or operator of each of the other six water systems. Each of the six consecutive systems must, in turn, provide notice to the persons it serves within the appropriate deadline.

The “clock” for public notification (i.e., the point in time from which the deadline for notification is determined) begins for each of the consecutive systems when it is notified of the violation or situation. This could have a “multiplying” effect, for instance, where a system purchases water, then sells some of this water to another system—in a Tier 1 situation, the notification deadline for the third system could be up to three days after the violation was originally identified. In such circumstances, it may be easier and more appropriate for the parent system to notify all consumers of consecutive systems by

broadcasting the notice over television or radio, or for the systems to issue joint notices. In general, parent systems should send copies of the notice to their consecutive systems prior to notifying the media, if time permits. Although the legal obligations are clear under the rule, EPA recommends that in such cases the parent and consecutive systems agree on, and specify in their contracts, the most effective approach for distributing public notices.

Limited Distribution of Notices [141.201(c)(2)]

The PN Rule provides States with the flexibility to allow a water system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance in cases where the 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 State must provide permission for limiting distribution of the notice in writing.

Copy of Notice to Primacy Agency [141.201(c)(3)]

A copy of the notice must also be sent to the primacy agency, in accordance with the requirements under 141.31(d).

Notice to New Billing Units [141.206]

The rule requires community water systems to give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins. Non-community water systems must continuously post the public notice in conspicuous locations to inform new consumers of any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring public notice.

Notice by the Primacy Agency on Behalf of the System [141.210]

The primacy agency may give public notice on behalf of the PWS if all public notification requirements are met. The owner or operator of the PWS remains responsible for ensuring that the public notification requirements are met.

B.5. Content of a Public Notice - Ten Required Elements [40 CFR 141.205(a)]

With the exception of special notices described in Section B.9., all public notices must include a clear and readily understandable explanation of each violation or situation and must address the following ten elements:

- 1) Description of the violation or situation including contaminant(s) of concern and (as applicable) the contaminant level(s);

- 2) When the violation or situation occurred;
- 3) Any potential adverse health effects from the violation or situation, using standard language provided in the rule;
- 4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
- 5) Whether alternate water supplies should be used;
- 6) What actions consumers should take, including when to seek medical help, if known;
- 7) What the system is doing to correct the violation or situation;
- 8) When the system expects to return to compliance or resolve the situation;
- 9) Contact information: name, business address, and phone number of the water system owner, operator, or designee of the PWS that can provide additional information; and
- 10) A statement encouraging notice recipients to distribute the notice to other persons served using standard language from the rule, where applicable.

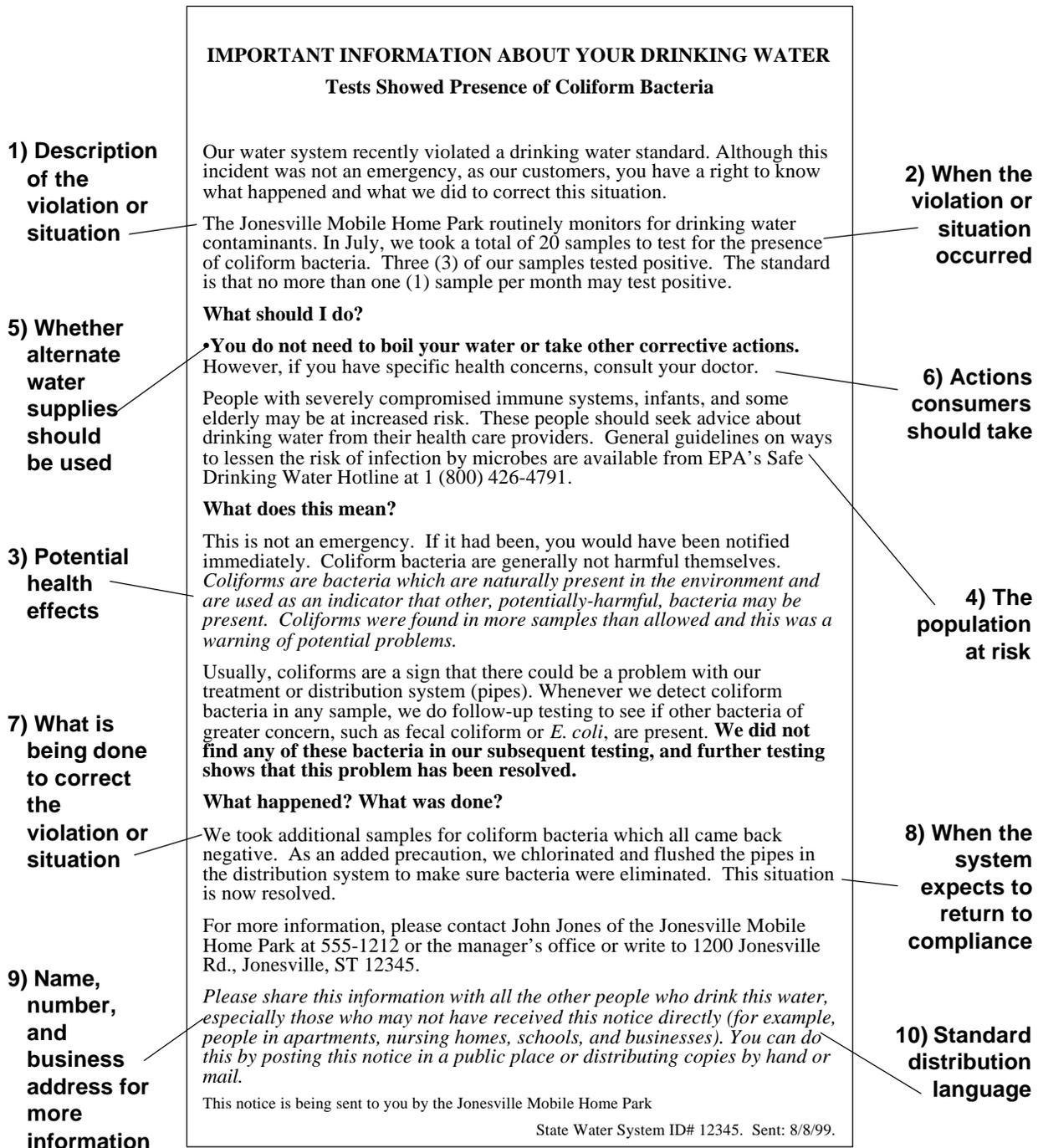
Some required elements may not be applicable to a violation; however, the system must still address these elements in the notice. For example, if it is unnecessary for consumers to boil their water or drink bottled water, the system should tell them they do not need to do so. EPA believes this is especially important for Tier 2 notices, where a violation may have been resolved by the time the notice is issued or may not be an immediate health risk. Systems may consult with their primacy agency or a local health department for the appropriate information for some elements of the notice, such as the actions consumers should take. The local health department also can help identify other system-specific information, such as the population at risk (e.g., children, dialysis patients).

If a system does not know when it will return to compliance, EPA expects the notice to give consumers an idea of how long it will take—for example, a few days for an *E. coli* violation or months for failure to install corrosion control. Public notice is required for as long as the violation or other situation persists. When the problem is resolved, EPA recommends that a system issue a follow-up notice.

Some situations, such as waterborne emergencies, may not have mandatory health effects language, but systems must still describe potential health effects. A PWS may be able to adapt the language from a treatment technique or MCL violation. Figure 1 contains an example showing how all the required content elements fit into a notice for a violation.

Figure 1

The Required Elements of a Public Notice



B.6. Variances and Exemptions

[40 CFR 141.204(b)(1) and 141.205(b)]

Systems operating under a variance or exemption must notify their consumers within one year of obtaining a variance or exemption and repeat the notice annually for as long as the variance or exemption exists. In addition if the notice is posted, it must remain in place for as long as the variance or exemption exists [40 CFR 141.204(b)(1)]. The notice must include the following:

- (i) an explanation of the reasons for the variance or exemption,
- (ii) the date on which the variance or exemption was issued,
- (iii) brief report on the steps the system is taking to comply with the terms of the variance or exemption, and
- (iv) notice of any opportunity for public input of the variance and exemption.

A system that violates the conditions of a variance or exemption must issue a public notice containing the ten elements specified in §141.205(a) of the PN Rule [40 CFR 141.205(b)].

B.7. Multilingual Requirements

[40 CFR 141.205(c)(2)]

The PN Rule also established minimum multilingual requirements for PWSs to meet. If a large proportion of the population a system serves does not speak English, the system must provide at least partially multilingual notices. The notice must, at a minimum, contain information in the appropriate language(s) regarding the importance of the notice, or it must provide a phone number or address where a translated notice or information or assistance in the appropriate language are available. The primacy agency may establish criteria for what constitutes a large proportion of the population served. The PN Rule also requires a PWS to comply with the multilingual requirements, where appropriate, even in those cases where the State does not provide further direction.

EPA expects systems to rely on knowledge of their consumer base or contacts with community representatives. As a guideline in making such a determination, some states have used a threshold of ten percent of the population or 1,000 people, whichever is less, for providing multilingual information in their CCRs. A possible source of information on the languages spoken in a locale is the U.S. Census Bureau's website, factfinder.census.gov, which contains information about local communities. The census database includes answers to questions about what languages besides English are spoken at home and the level of English proficiency.

EPA expects systems to be more proactive in deciding whether to translate PNs than they would for CCRs because public notices are about violations of drinking water standards or other situations that pose a health risk, whereas CCRs are educational. Systems may wish to provide notices in multiple languages if non-English speaking populations are in the service area, whether or not there are a large proportion of such people. Although systems are not required to provide full translations of notices, this is

strongly recommended for Tier 1 notices and for other violations that pose a serious health risk.

B.8. Standard Language for Public Notices [40 CFR 141.205(d)]

The PN Rule contains mandatory health effects language for MCL and treatment technique violations and standard language for monitoring violations and distribution of the notice to all persons served.

- Appendix B of the PN Rule specifies health effects language for MCL and MRDL violations, treatment technique violations, and violations of the conditions of a variance or exemption. A PWS must include in each public notice the health effects language specified in Appendix B. Systems should also describe potential health effects for other situations, if any, even if there is no mandatory language [141.205(d)(1)].
- The following language must be included for all monitoring violations (including testing procedure violations) [141.205(d)(2)]:

“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.”

- The following language to encourage distribution of the notice to all persons served must be included in all notices, where appropriate [141.205(d)(3)]:

“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.”

B.9. Special Notices for Unregulated Contaminant Monitoring, Fluoride SMCL Exceedances, and Nitrate Exceedances Above the MCL by NCWSs [40 CFR 141.207, 141.208, and 141.209]

The PN Rule specifies different content requirements for public notices of the availability of unregulated contaminant monitoring data, for fluoride SMCL exceedances, and for nitrate exceedances above the MCL by NCWSs.

- **Unregulated contaminant monitoring [§141.207]:** If a PWS is required to monitor for unregulated contaminants under the Unregulated Contaminant Monitoring Rule, it must issue a public notice stating that the results of the

monitoring are available and give a phone number to call for those results. The ten elements of a public notice do not need to be included, but the system must follow the Tier 3 schedule to issue a public notice no later than 12 months after the monitoring results are known. Systems also have the option to include this information in an annual notice for Tier 3 situations and violations.

- **Fluoride [§141.208]:** CWSs that exceed the SMCL of 2 mg/l for fluoride but do not exceed the MCL of 4 mg/l must provide public notice containing the special fluoride language shown below. Systems do not need to include the ten elements identified in Section B.5 of this guidance, as these are addressed in the language. Public notice must be provided as soon as practical but no later than 12 months from the day the water system learns of the exceedance.

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/l.

Dental fluorosis, in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

A copy of the notice must also be sent to all new billing units and new customers at the time service begins as well as to the State public health officer or State health department. The water system must repeat the notice annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the primacy agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice specified in §141.204(c) and (d)(1) and (d)(3) of the rule.

- **Nitrate exceedances above the MCL by NCWSs [§141.209]:** The owner or operator of a NCWS granted permission by the State under §141.11(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under §141.202(a) and (b). The NCWS must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under 141.202(c) and the content requirements under §141.205.

B.10. Formatting Requirements for Public Notices [40 CFR 141.205(c)(1)]

All public notices must meet certain formatting standards. These requirements help prevent the notice from being buried in a newspaper and help ensure that consumers can easily understand the notice. Notices must:

- ✓ Be displayed in a conspicuous way (where printed or posted);
- ✓ Not contain overly technical language or very small print;
- ✓ Not be formatted in a way that defeats the purpose of the notice; and
- ✓ Not contain language which nullifies the purpose of the notice.

B.11. Certification [40 CFR 141.31(d)]

The PN Rule requires a PWS, within 10 days of completing the public notification requirements for the initial public notice and any repeat notices, to submit to the State a certification that it has fully complied with the public notification regulations. A PWS must include with the certification a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system and to the media (e.g., press release to TV/radio, mail notices). A sample certification “box” with appropriate language, suitable for checking off required activities as a PWS completes them is provided on the next page. The box is not mandatory (only a statement is); however, it is a useful tool for tracking and noting required activities.

PWS Name: _____ [system name] _____
 -
 PWS-ID #: _____ [PWS number] _____
 -
 For Violation: _____ [describe violation or situation] _____
 occurring on _____ [insert date] _____.

The public water system indicated above hereby affirms that public notice has been provided to consumers in accordance with the delivery, content, and format requirements and deadlines in [regulatory citation].

Consultation with primacy agency (if required) on _____ [insert date] _____.

Notice distributed by _____ [insert method] _____ on _____ [date] _____.

Notice distributed by _____ [insert method] _____ on _____ [date] _____.

Content - 10 elements

Signature of owner or operator _____

Date _____

B.12. Changes to Other Rules

The revised PN Rule amended the CCR Rule as well as various provisions in 40 CFR Part 141, to make these rules consistent with the final PN Rule.

Changes to the CCR Rule

Changes to the CCR Rule became effective June 5, 2000. Four changes made to better align the CCR Rule with the PN Rule are:

- ▶ Appendices A, B, and C to Subpart O, which contain various pieces of information about the contaminants that EPA regulates, are deleted and the information is combined into a new, comprehensive Appendix A to Subpart O. As new rules are promulgated that change the information in Appendix A, EPA will maintain an updated version of Appendix A on its website at www.epa.gov/safewater/tables.html. This will eliminate the need to republish the entire appendix in each final rule that changes the information it contains.
- ▶ The new Appendix A to Subpart O contains regulatory and health effects information on each of the disinfectants and disinfection byproducts regulated in the Stage 1 D/DBP rule that EPA published in December 1998. Although systems will not be required to include

information on these contaminants in their CCRs until after the effective date of the new Stage 1 D/DBP regulations, some systems may choose to do so earlier. EPA added information on the following regulated contaminants to the CCR Rule:

- 1) total organic carbon
- 2) bromate
- 3) chloramines
- 4) chlorine
- 5) chlorine dioxide
- 6) chlorite
- 7) haloacetic acids

- ▶ The standard health effects language for fluoride in the current CCR regulations is revised to be identical to the health effects language required for violation of the fluoride MCL in the PN Rule.
- ▶ The recordkeeping requirement for community water systems specified in 40 CFR 141.155(h), Report Delivery and Recordkeeping, of the current CCR regulation is revised. Community water systems will be required to retain copies of its CCR for three years instead of five years.

Table 3 summarizes the information added to Appendix A of the CCR Rule for fluoride and the seven Stage 1 D/DBP regulated contaminants.

Changes to 40 CFR Part 141

The revised PN Rule consolidated several ongoing public notification requirements into the new public notification regulations in Subpart Q of 40 CFR Part 141. The final Subpart Q now provides in one place a complete and easily referenced set of public notification requirements. The amendments to various provisions in 40 CFR Part 141 included changing the public notification references to the new Subpart Q and modifying the language to be consistent with the final public notification regulations. These changes did not substantively alter the existing requirements. Table 4 summarizes the changes made to 40 CFR Part 141.

**Table 3 - Summary of Changes to the CCR Rule:
Appendix A - Regulated Contaminants**

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Microbiological Contaminants						
Total organic carbon (ppm)	TT	-	TT	n/a	Naturally present in the environment	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Inorganic Contaminants						
Fluoride (ppm)	4	-	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Bromate (ppb)	0.010	1000	10	0	By-product of drinking water chlorination	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Chloramines (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

**Table 3 - Summary of Changes to the CCR Rule:
Appendix A - Regulated Contaminants**

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Chlorine (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite (ppm)	1	-	1	0.8	By-product of drinking water chlorination	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chlorine dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Volatile Organic Contaminants						
Haloacetic Acids (HAA) (ppb)	.060	1000	60	n/a	By-product of drinking water disinfection	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Table 4 - Summary of Other Changes to CFR to Be Consistent With The Final Public Notification Rule (Part 141, Subpart Q)

CFR Section	Subject	Subpart Q Reference (where applicable)	Change
§141.6(c), §141.6(g) Effective dates	“The regulations set forth in . . . §141.32(b)(3) and §141.32(d) shall take effect immediately upon promulgation. . . The regulations contained in §141.32(e)(16), (25-27), and (46) . . . are effective January 1, 1993.”	§141.201	Delete all reference to §141.32. Effective dates for new Subpart Q are contained in §141.201 introductory paragraph.
§141.11(d) Nitrate levels in non-community systems	“At the discretion of the State, nitrate levels not to exceed 20 mg/l may be allowed in a non-community water system if the supplier of water demonstrates. . . that (1) Such water will not be available to children under 6 months of age; and (2) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure; and local and State public health authorities will be notified annually of nitrate levels. . . and (4) No adverse health effects shall result.”	§141.209	Change §141.11(d)(2) to require that systems meet PN requirements under §141.209. Add new special notice (§141.209), require Tier 1 notification and the ten elements required for violations.
§141.21(g)(1) Total coliform MCL	“A public water system which has exceeded the MCL for total coliform in §141.63 must report the violation to the State no later than the end of the next business day after it learns of the violation, and notify the public in accordance with §141.32.”	§141.203 (Tier 2) and §141.204 (Tier 3)	Change reference to “§141.32” to “subpart Q.”
§141.21(g)(2) Coliform monitoring	“A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the State within ten days after the system discovers the violation, and notify the public in accordance with §141.32.”	§141.204 (Tier 3) or §141.202 (Tier 1)	Change reference to “§141.32” to “subpart Q.”
§141.22(b) Turbidity MCL	“If the monthly average of the daily samples exceeds the maximum allowable limit or if the average of 2 samples taken on consecutive days exceeds 5 NTU. . . report to the state and notify the public as directed in §141.31 and §141.32.”	§141.203 (Tier 2)	Change reference to “§141.32” to “subpart Q.”

Table 4 - Summary of Other Changes to CFR to Be Consistent With The Final Public Notification Rule (Part 141, Subpart Q)

CFR Section	Subject	Subpart Q Reference (where applicable)	Change
<p>§141.23(f)(2)</p> <p>Confirmation sample for nitrate and nitrite</p>	<p>“Where nitrate or nitrite sampling results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within 24 hours. . . Systems unable to comply with the 24-hour sampling requirement must immediately notify consumers served . . . in accordance with §141.32. . .”</p>	<p>§141.202 (Tier 1)</p>	<p>Change reference to “§141.32” to “§141.202 and meet other requirements under Subpart Q of this part.”</p> <p>Change “consumers” to “persons.”</p> <p>Add this requirement to §141.202 along with that for nitrate MCLs (item 2 of Table 1).</p>
<p>§141.23(l)(4), §141.24(f)(15)(iii), §141.24(h)(11)(iii)</p> <p>Public notice to the area affected for inorganics, VOCs, and SOCs</p>	<p>“If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the State may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.”</p>	<p>Subpart Q</p>	<p>Delete these sections since parallel requirements are included in §141.201(c)(2).</p>
<p>§141.23(n)</p> <p>Inorganics MCL</p>	<p>“When the average of four analyses. . . exceeds the maximum contaminant level, the supplier of water shall notify the State pursuant to §141.31 and give notice to the public pursuant to §141.32.”</p>	<p>§141.203 (Tier 2)</p>	<p>Change “§141.32” to “Subpart Q.”</p>
<p>§141.23(o)</p> <p>Nitrate MCL</p>	<p>“ . . .When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level, the supplier of water shall report his findings to the State pursuant to §141.31 and shall notify the public pursuant to §141.32.”</p>	<p>§141.202 (Tier 1)</p>	<p>Change “§141.32” to “Subpart Q.”</p>

Table 4 - Summary of Other Changes to CFR to Be Consistent With The Final Public Notification Rule (Part 141, Subpart Q)

CFR Section	Subject	Subpart Q Reference (where applicable)	Change
§141.26(a)(4) Gross alpha or total radium MCL	“If the average annual maximum contaminant level for gross alpha particle activity or total radium . . . is exceeded, the supplier . . . shall give notice to the State pursuant to §141.31 and notify the public as required by §141.32.”	§141.203 (Tier 2)	Change “§141.32” to “Subpart Q.”
§141.26(b)(5) Man-made radiation MCL	“If the average annual maximum contaminant level for man-made radioactivity . . . is exceeded, the supplier . . . shall give notice to the State pursuant to §141.31 and notify the public as required by §141.32.”	§141.203 (Tier 2)	Change “§141.32” to “Subpart Q.”
§141.30(d) TTHM MCL	“If the average of samples covering any 12 month period exceeds the Maximum Contaminant Level, the supplier of water shall report to the State pursuant to §141.31 and notify the public pursuant to §141.32.”	§141.203 (Tier 2)	Change “§141.32” to “Subpart Q.”
§141.63(b) Total coliform MCL (fecal positive repeat sample)	“For purposes of the public notification requirements in §141.32, this is a violation that may pose an acute risk to health.”	§141.202 (Tier 1)	Change “§141.32” to “Subpart Q.”
§141.75(a)(5)(ii) SWTR reporting requirements (unfiltered systems)	“If at any time turbidity exceeds 5 NTU, the system must inform the State as soon as possible, but no later than the end of the next business day.”	§141.203(b)(3)	Change §141.75(a)(5)(ii) to require consultation with the primacy agency after turbidity exceedance above 5 NTU, as soon as practical but no later than 24 hours in accordance with the public notification requirements under §141.203(b)(3).

Table 4 - Summary of Other Changes to CFR to Be Consistent With The Final Public Notification Rule (Part 141, Subpart Q)

CFR Section	Subject	Subpart Q Reference (where applicable)	Change
§141.75(b)(3)(ii) SWTR reporting requirements (filtered systems)	"If at any time turbidity exceeds 5 NTU, the system must inform the State as soon as possible, but no later than the end of the next business day."	§141.203(b)(3)	Change §141.75(b)(3)(ii) to require consultation with the primacy agency after turbidity exceedance above 5 NTU, as soon as practical but no later than 24 hours in accordance with the public notification requirements under §141.203(b)(3).
§141.133(b)(1) TTHMs and HAA5 MCLs	"If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to §141.32. . ."	§141.203 (Tier 2)	Change "§141.32" to "Subpart Q."
§141.133(b)(2) Bromate MCL	"If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to §141.32. . ."	§141.203 (Tier 2)	Change "§141.32" to "Subpart Q."
§141.133(b)(3) Chlorite MCL	"If the arithmetic average of any three sample set exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to §141.32. . ."	§141.203 (Tier 2)	Change "§141.32" to "Subpart Q."
§141.133(c)(1) Chlorine and chloramines MRDL	"If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to §141.32. . ."	§141.203 (Tier 2)	Change "§141.32" to "Subpart Q."

Table 4 - Summary of Other Changes to CFR to Be Consistent With The Final Public Notification Rule (Part 141, Subpart Q)

CFR Section	Subject	Subpart Q Reference (where applicable)	Change
§141.133(c)(2)(i) Chlorine dioxide MRDL	“If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples. . . exceed the MRDL, the system must . . . notify the public pursuant to the procedures for acute health risks in §141.32(a)(1) (iii)(E). Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL. . .will also be considered an MRDL violation and the system must notify . . . in accordance with the provisions for acute violations under §141.32(a)(1)(iii)(E).”	§141.202 (Tier 1)	Change “§141.32(a)(1)(iii)(E)” to “Subpart Q.”
§141.133(c)(2)(ii) Chlorine dioxide MRDL	“If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples are below the MRDL, the system. . . will notify the public pursuant to the procedures for non-acute health risks in §141.32(e)(78). Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system . . .is also an MRDL violation and the system must notify . . . in accordance with the provisions for non-acute violations under §141.32(e)(78).”	§141.203 (Tier 2)	Change “§141.32(e)(78)” to “Subpart Q.”
§141.175(c)(1) IESWTR reporting requirements (filtered systems using conventional or direct filtration treatment)	“If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.”	§141.203(b)(3)	Change §141.175(c)(1) to require consultation with the primacy agency after turbidity exceedance above 1 NTU, as soon as practical but no later than 24 hours in accordance with the public notification requirements under §141.203(b)(3).

Table 4 - Summary of Other Changes to CFR to Be Consistent With The Final Public Notification Rule (Part 141, Subpart Q)			
CFR Section	Subject	Subpart Q Reference (where applicable)	Change
§141.175(c)(2) IESWTR reporting requirements (filtered systems using other than conventional or direct filtration treatment)	"If at any time the turbidity in representative samples of filtered water exceed the maximum level set by the State under §142.173(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the system must inform the State as soon as possible, but no later than the end of the next business day."	§141.203(b)(3)	Change §141.175(c)(2) to require consultation with the primacy agency after turbidity exceedance above the maximum level set by the State, as soon as practical but no later than 24 hours in accordance with the public notification requirements under §141.203(b)(3).

C. Use of an Annual Notice to Meet Tier 3 PN Requirements

C.1. Annual Notice by Non-Community Water Systems

A PWS must issue a notice for a Tier 3 violation or situation within 12 months of learning of the violation or situation and must issue a repeat notice annually thereafter for as long as the violation or situation exists [§141.204(b)]. Tier 3 public notices are required for testing procedure violations, monitoring violations (except for failure to test for fecal coliform or *E. coli*, or for monitoring violations where the primacy agency determines that a Tier 2 notice is required), operation under a variance or exemption, and any other violation or situation the primacy agency determines requires a Tier 3 notice. Systems have the option of providing an annual notice summarizing all Tier 3 violations occurring during the year instead of providing individual Tier 3 public notices. Given that the majority of violations require a Tier 3 public notice, EPA believes the advantages of using an annual notice for Tier 3 violations are reduced cost and more effective communication with consumers.

C.2. Annual Notice by Community Water Systems

The 1996 SDWA Amendments emphasized public accountability and disclosure to consumers of basic information about their drinking water supply. The PN and CCR Rules provide two vehicles by which consumers can obtain information about their drinking water to help them make health decisions for themselves and their families.

Annual reports issued under the CCR Rule will give consumers information on where their water comes from, what is in their drinking water, and the steps necessary to deliver safe drinking water to their homes. The CCR Rule applies only to community water systems.

The PN Rule allows a CWS to consolidate notices for all Tier 3 violations and situations occurring within a given year into an annual notice. A CWS has the option to use the CCR as an annual vehicle for the initial Tier 3 notice and all required repeat notices. States and systems should be aware that the timing and content requirements of the PN Rule are stricter than those of the CCR Rule and any Tier 3 notices inserted in the CCR must meet the PN requirements. For example, if a system chooses to include Tier 3 notices in their CCR, the system must still meet the PN requirement that public notice for Tier 3 violations be issued *no later than 12 months from the date the violation or situation occurred*. This means that the CCR is appropriate for only those violations and situations that occurred within the 12 months preceding the date the CCR is delivered to consumers. In addition, the CCR must be provided to persons served that are not necessarily only the billing customers who would receive the CCR. As specified in §141.204(d), if a CWS chooses to use the CCR for public notification, the CWS must:

- 1) Provide the CCR to all persons served no later than 12 months after the system learns of the violation as required in §141.204(b),
- 2) Distribute the CCR following the PN delivery requirements in §141.204(c), and
- 3) Meet the PN requirements for content of Tier 3 public notices under §141.205.

Section II. State Primacy Revision Applications

A. Primacy Revision Time Frame

The public notification requirements under 40 CFR Part 141, Subpart Q, became effective June 5, 2000. However, public water systems will continue to comply with the public notification requirements under §141.32 until the date the new Subpart Q regulations go into effect in their State, Territory, Tribe, or the District of Columbia. Public water systems in areas where EPA directly implements the drinking water program (Wyoming, Washington DC, and on Indian lands) were required to comply with the revised PN requirements as of October 31, 2000 (180 days after publication of the final rule in the *Federal Register*). Public water systems in primacy States must comply with the final rule no later than two years from the date of publication in the *Federal Register* (May 6, 2002) or on the date the State adopted rule becomes effective, whichever is sooner.

States must submit a primacy revision application following procedures outlined in 40 CFR 142.12 (b) to (d) - Revision of State Programs, by May 6, 2002. EPA encourages States to adopt regulations and submit complete and final primacy revision application packages early to ensure timely approval. For the PN Rule, EPA recommends States submit primacy revision applications to their Regions by February 2002, three months before the required deadline. In certain circumstances, a State may be granted additional time, up to two years, to submit its primacy revision application package. An extension request must be submitted to EPA within the required two-year time frame (by May 6, 2002) for the PN Rule. Section II, C provides additional information on extension requests.

40 CFR 142, Subpart B, contains procedures for States to use as they obtain and/or update primacy for the Public Water System Supervision (PWSS) program. States (including eligible Indian Tribes) must follow these procedures to incorporate the revised public notification regulations into their approved primacy program. Under §142.10(b)(6)(v), each State, as a condition of primacy, must adopt and implement adequate procedures to require public water systems to give public notice that is no less stringent than the EPA public notification requirements.

The Primacy Rule gives States two years (until May 6, 2002) to adopt the revised PN Rule. On April 28, 1998, EPA updated the Primacy Rule to reflect modifications of the procedures for obtaining and updating primacy made by the 1996 SDWA Amendments (63 *FR* 23361). The updated Primacy Rule codified the new process for granting primary enforcement to States while their applications to modify primacy programs are under review (interim primacy). The updated Primacy Rule outlined the timing, process, and contents of the State request for approval of all program revisions to adopt new and revised regulations. New Section 142.12(e) explains that any State already having primacy for all existing NPDWRs is considered to have interim primacy for a new or revised regulation. This interim enforcement authority begins on the date the primacy

revision application is submitted in complete and final form or the effective date of the new or revised State regulation, whichever is later, and ends when EPA makes a final determination. The Primacy Rule also increased the time for a State to adopt a new or revised Federal regulation from 18 months to two years.

A.1 Combining the PN and CCR Rules into One Primacy Revision Application Package

States may combine or bundle primacy revision applications for any drinking water regulations. The PN and CCR Rules are good candidates for bundling because the rules have parallel requirements and bundling may reduce the burden of the primacy revision process.

Examples of parallel requirements in both the PN and CCR Rules include: 1) the same mandatory language to describe potential health effects of violations, 2) the requirement to incorporate multilingual information for a large proportion of non-English speaking residents, 3) the requirement to provide information on unregulated contaminant monitoring data, and 4) the requirement to inform consumers if a PWS is operating under a variance or exemption. Additional areas of overlap, excluding content provisions, include the requirements to adopt the rule as a condition of primacy and for systems to provide certifications of compliance to the State.

States may find submission of a combined primacy application package advantageous because of the reduced paperwork and additional time to develop policies and procedures for similar provisions of both rules. Any State that wanted to bundle the PN and CCR Rules was required to submit either the combined primacy revision application package or a request for an extension by August 21, 2000 - the required submission date for CCR primacy revision applications. EPA recognizes that promulgation of the PN Rule did not occur in sufficient time for some States to bundle both rules and follow the regulatory process dictated by their State laws.

For those States that submitted an extension request by August 21, 2000, a combined primacy application package must address each of the six elements of a primacy revision application package described in Section II, E. Of those six elements, States would only have to submit one State primacy revision checklist, one reporting and recordkeeping checklist, and one Attorney General's statement that addresses both rules. Appendix B provides an example format for a combined primacy revision application package. For States that choose to adopt and submit a separate primacy revision application for the PN Rule, the process detailed in the regulations described in Section II, A and B must be followed.

B. State Program Revision - Review Process

EPA recommends a two-step process including submission of an optional draft and a required complete and final request for program approval. The State and Region should agree to a plan and timetable for submitting the State primacy revision application as soon as possible after rule promulgation.

Draft Request - At its option, the State may submit a draft request for EPA review and tentative determination. The request should contain drafts of all required primacy application materials. EPA recommends that a draft request be submitted within 9 months after rule promulgation or by February 2001. EPA will make a tentative determination within 90 days on whether the draft request is approvable and list any changes that must be made before approval.

Complete and Final Request - This submission must be in accordance with 40 CFR 142.12(c)(1) and(c)(2) and include an Attorney General's statement of enforceability. Submission of a final request that is not preceded by a draft request may result in EPA requiring changes to final State regulations or policies.

The Primacy Rule specifies that rule adoption and submission of a primacy revision application should occur within 2 years after promulgation of the PN Rule (by May 6, 2002). However, EPA suggests that States submit a primacy revision application early (by February 2002) to allow time for any changes needed to make the application "complete and final." This will ensure that States will have interim primacy within 24 months and will prevent States from becoming backlogged with primacy revision applications to adopt future federal requirements.

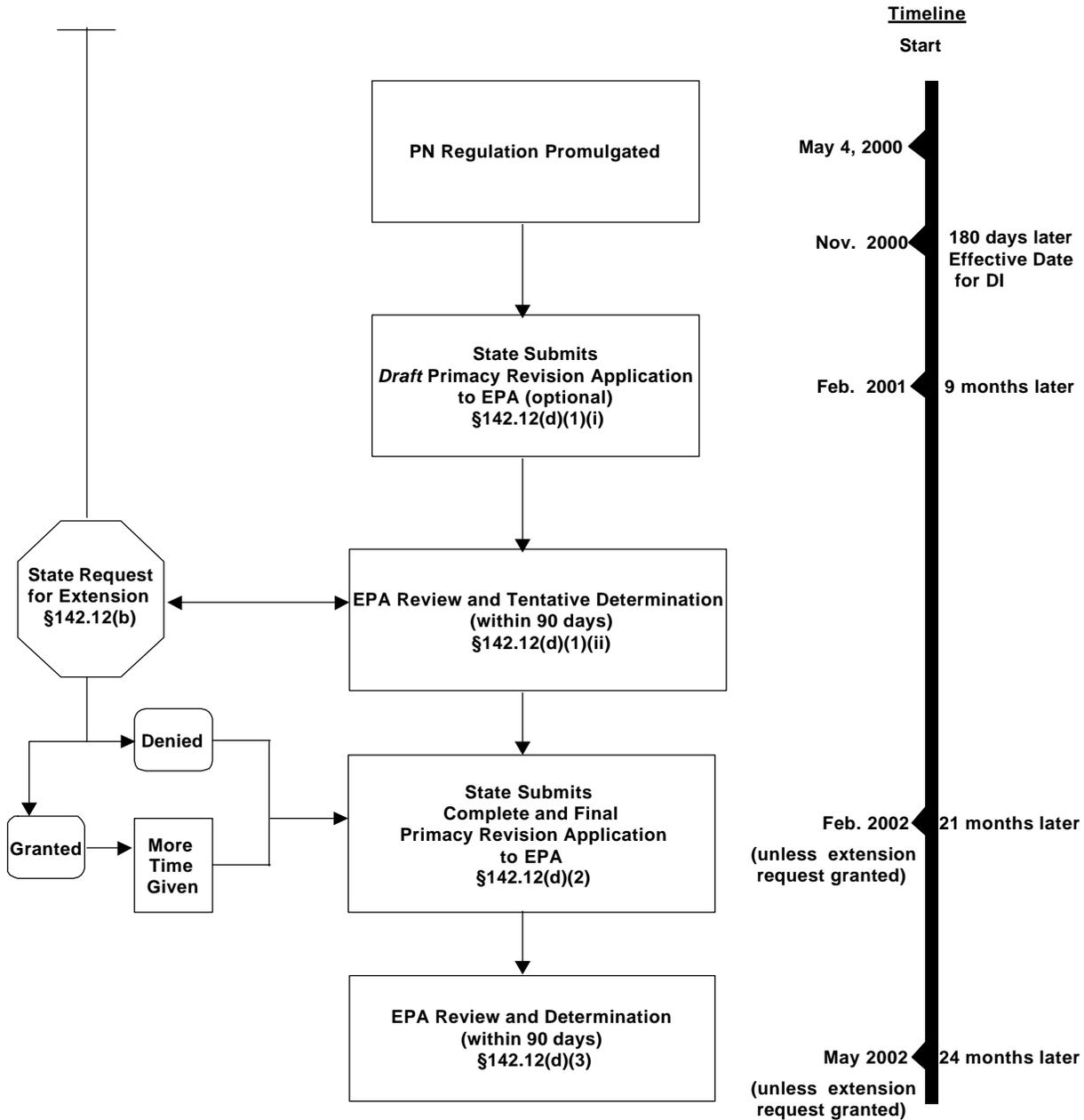
Final Review Process - Once a State application is complete and final, EPA has a regulatory (and statutory) deadline of 90 days to review and either approve or disapprove the revised program. The Office of Ground Water and Drinking Water (OGWDW) will conduct detailed reviews of the first State package submitted to each Region. The Regions should submit their comments with the State package for Headquarters review. Where the Regional review has identified all significant issues, Headquarters will waive the review on the remainder of PN Rule applications in that Region. OGWDW reserves the right to review additional packages for cause. Because the drinking water rules can be complex and raise significant implementation and enforcement issues, Regions are encouraged to consult with Headquarters even on subsequent packages, where the revision contains novel language or unique positions which may impact the national program. The Office of General Counsel (OGC) and the Office of Enforcement and Compliance Assurance (OECA) will not directly review the packages, but will depend on the Office of Regional Counsel (ORC) to conduct detailed reviews.

In order to meet the 90-day deadline for packages undergoing Headquarters review, the review period will be equally split giving the Regions and Headquarters each 45 days to conduct their respective reviews. For the first package in each Region, Regions should forward copies of the primacy revision applications that require Headquarters review to the Implementation and Assistance Division in OGWDW, which will take the role of coordinator of Headquarters review. For all Headquarters reviews, the Regions should send the package to Headquarters as early in the process as possible. Headquarters asks that Regions forward their comments with the primacy revision application.

Figure 2 on the next page diagrams the process and timing for State program revisions.

Figure 2

Review Process for State Request for Approval of Program Revisions for the PN Rule



C. State Program Revision - Extension Procedures

Under §142.12(b), States may request that the two-year deadline for submitting the complete and final request for EPA approval of program revisions be extended for up to two additional years in certain circumstances. The extension request must be submitted to EPA within two years of rule promulgation. States can request an extension for the primacy revision process by submitting a written application to the Regional Administrator, who is delegated authority to approve extension requests. Headquarters concurrence is not required.

For an extension to be granted, the State must demonstrate that it is requesting the extension because it cannot meet the original deadline for reasons beyond its control, despite a good faith effort. The extension application must include a schedule for the submission of a complete and final primacy revision application by a certain time and sufficient information to demonstrate why the State cannot meet the original two-year deadline. The State's proposed schedule for submission of its complete and final request for approval of a revised primacy program is a critical part of the extension application. Table 5, "State Program Revision Extension Procedures," gives the requirements and time frame for States that wish to request an extension to the primacy revision process.

If an extension is granted, the Region and State will negotiate certain conditions that could be met during the extension period. These conditions will be determined during the extension approval process and are decided on a case-by-case basis. The conditions must be included in a Memorandum of Understanding (MOU) between the State and the EPA Regional office. The MOU should cover all aspects of PN Rule implementation, enforcement, and reporting to EPA's Safe Drinking Water Information System (SDWIS). Conditions of an MOU may include:

- Informing PWSs of the new EPA (and upcoming State) requirements and providing technical assistance;
- Collecting, storing, and managing laboratory results, public notices, and other compliance and operation data required by EPA regulations;
- For States whose request is based on a current lack of program capability adequate to implement the new requirements, taking steps agreed upon by the Region and State during the extension period to remedy the deficiency; and
- Providing the Region with all the information required under §142.15 on State reporting.

Table 6, "Extension Request Checklist," provides a checklist the Region can use to review State extension requests.

Table 5 - State Program Revision Extension Procedures

EPA/State Action	Time Frame
<p>1. Under 40 CFR 142.12(b)(2), the State extension request must:</p> <p>1) Include a schedule for the submission of a final request by a certain time; and</p> <p>2) Provide sufficient information to demonstrate (a) and (b) below:</p> <p>(a) The State cannot submit a package because of one of the reasons below:</p> <ul style="list-style-type: none"> ▶ Currently lacks the legislative or regulatory authority to enforce the new or revised requirement; or ▶ Currently lacks the program capability adequate to implement the new or revised requirements; or ▶ Is requesting the extension to group two or more program revisions in a single legislative or regulatory action. <p>(b) The State is implementing the requirements to be adopted by the State in its program revision pursuant to 40 CFR 142.12(b)(3) within the scope of its current authority and capabilities.</p>	<p>By the primacy revision deadline of May 6, 2002</p>
<p>2. EPA Approval/Disapproval of Extension</p>	<p>Completed as soon as possible after submittal of State extension request</p>

Table 6 - Extension Request Checklist

I. Reason for State Request

- Clustering of Program Revisions
- Statutory Barrier
- Regulatory Barrier
- Lack of Program Capability
 - Insufficient Resources
 - Funding Level
 - Staffing
 - Lack of Adequately Trained Staff
 - Inadequate Procedures, Guidelines, and Policies
- Other (Please Explain)

II. Actions Taken by the State to Justify an Extension

- | | Schedule Dates (or attachments) |
|---------------------------------------------------------------------------------|---------------------------------|
| <input type="checkbox"/> Seeking Increases in Program Resources | _____ |
| <input type="checkbox"/> Training Existing Personnel/Revising Training Programs | _____ |
| <input type="checkbox"/> Revising State Regulations or Statutes | _____ |
| <input type="checkbox"/> Developing Revised/New Procedures/Guidelines | _____ |
| <input type="checkbox"/> Other (Please Explain) | _____ |

III. Extension Decision

- Extension Request Approved Date ____/____/____
- Period of Extension Request ____/____/____ to ____/____/____
- Extension Request Denied Date ____/____/____
- Reason Cited: _____

IV. Conditions of the Extension

- During the extension period the State will (check all that apply):
- Inform public water systems of the new requirements and the fact that EPA will be overseeing their implementation until the State's program is approved or submitted if State qualifies for interim primacy
 - Collect and store laboratory results and other compliance data
 - Provide technical assistance to public water systems
 - Provide EPA with the information required under §142.15 of the primacy rule
 - Other (Please Explain)

D. Special State Primacy Requirements

The revised PN Rule contains ten special primacy requirements. EPA believes these requirements are very important to implementation of the PN Rule because they give States the flexibility to augment or otherwise change EPA requirements to build a more complete and effective State public notification program.

In some cases the provisions provide States with the option to tailor the EPA baseline requirements to increase program flexibility and in other cases to be more stringent than the federal rule. Adoption of these provisions is not mandatory, but for any provision a State chooses to adopt and address in the primacy revision application, the State should provide a general explanation of how it intends to implement the provision. For the purpose of satisfying primacy review, EPA does not expect a State to describe detailed technical procedures for evaluations that will be done on a case-by-case basis. Special primacy requirements for the PN Rule are listed in §142.16(a) and described below.

Section 142.16(a)(1) requires States to submit complete and final requests for approval of program revisions to adopt the revised PN requirements. In addition, it allows States to establish alternative public notification requirements with respect to the form and content of the public notice. Alternative requirements for form and content must be designed to provide the same type and amount of information as is required under Subpart Q. Primacy States must adopt the revised PN requirements or develop an alternative public notification program that provides the same type and amount of information as the Federal rule and submit its primacy revision application package or a request for an extension to EPA by May 6, 2002.

Section 142.16(a)(2) requires States to establish enforceable requirements and procedures when a State opts to add to or change the minimum requirements under:

- 1) Table 1 to 40 CFR 141.201(a) (Item 3v) – To require public water systems to give a public notice for violations or situations other than those listed in Appendix A of Subpart Q of Part 141 of the rule.
- 2) 40 CFR 141.201(c)(2) – To allow public water systems, under the specific circumstances listed in §141.201(c)(2), to limit the distribution of the public notice to persons served by the portion of the distribution system that is out of compliance.
- 3) Table 1 of 40 CFR 141.202(a) (Items 5, 6, and 8) – To require public water systems to give a Tier 1 public notice (rather than a Tier 2 or Tier 3 notice) for violations or situations listed in Appendix A of Subpart Q of Part 141 of the rule.
- 4) 40 CFR 141.202(b)(3) – To require public water systems to comply with additional Tier 1 public notification requirements set by the State subsequent to the initial 24-hour Tier 1 notice, as a result of their consultation with the State required under §141.202(b)(2).

- 5) 40 CFR 141.202(c), 141.203(c) and 141.204(c) – To require a different form and manner of delivery for Tier 1, 2 and 3 public notices.
- 6) Table 1 to 40 CFR 141.203(a) (Item 2) – To require the public water systems to provide a Tier 2 public notice (rather than Tier 3) for monitoring or testing procedure violations specified by the State.
- 7) 40 CFR 141.203(b)(1) – To grant public water systems an extension of up to three months for distributing the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule).
- 8) 40 CFR 141.203(b)(2) – To grant a different repeat notice frequency for the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule), but no less frequently than once per year.
- 9) 40 CFR 141.203(b)(3) – To respond within 24 hours to a request for consultation by the public water system to determine whether a Tier 1 (rather than a Tier 2) notice is required for a turbidity MCL violation under §141.13(b) or a Surface Water Treatment Rule (SWTR)/Interim Enhanced SWTR (IESWTR)/treatment technique (TT) violation due to a single exceedance of the maximum allowable turbidity limit.
- 10) 40 CFR 141.205(c)(2) – To determine the specific multilingual requirement for a public water system, including defining a “large proportion of non-English-speaking consumers.”

Note: States may assign the responsibility for the multilingual requirement determination to the water system. If a State chooses not to set its own criteria, systems must meet the general requirement set in the rule, which is to provide such information when appropriate.

Section III provides further discussion of how States may choose to meet each special primacy requirement.

E. General State Primacy Requirements

Each primacy revision application should contain the documents described below. Appendix A of this guidance contains example formats that can be used for a State Primacy Revision Application package for the PN Rule.

E.1. State Primacy Revision Checklist

The application should contain a checklist of program elements, taken from 40 CFR 142.10. In completing this checklist, the State must identify the program elements that it has revised in response to new federal requirements. The State should mark a “Yes” or “No” in the column next to the list of program elements. If a State indicates “Yes,” EPA asks that they include the specific information/documentation relative to these changes. During the application review process, EPA will insert its findings and comments in the third column.

E.2. Text of the State’s Regulation

Each primacy application package must include the text of the State’s regulation.

E.3. Primacy Revision Crosswalk

The Primacy Revision Crosswalk identifies the State’s statutory or regulatory provisions that correspond to each federal requirement under 40 CFR 141. If the State’s provisions differ from the federal requirements, EPA asks the State to explain how their requirements are “no less stringent.” The Primacy Revision Crosswalk for the PN Rule should be completely filled out and annotated as necessary.

E.4. Checklist of State Reporting and Recordkeeping Policies

The application should contain a checklist of State reporting and recordkeeping requirements. States can use this checklist to explain how State reporting and recordkeeping requirements are consistent with federal requirements for recordkeeping, 40 CFR 142.14, and reporting, 40 CFR 142.15. If State requirements are not the same as federal requirements, the State can use this checklist to explain how their requirements are “no less stringent.”

E.5. Special Primacy Requirements

The application should contain a summary of how a State will address each special primacy requirement identified in 40 CFR 142.16. Section III provides further discussion of how States may choose to meet each special primacy requirement.

E.6. Attorney General’s Statement of Enforceability

The application must contain an Attorney General’s Statement that the State regulations have been duly adopted and can be enforced by the State government.

Section III. Special Primacy Requirements of the Public Notification Rule

This section contains guidance States can use when addressing the ten special primacy requirements listed in §142.16(a)(2) of the PN Rule. As part of a State's revised primacy program, the State must establish enforceable requirements and procedures to meet each special primacy requirement identified in §142.16(a)(2) which the State chooses to adopt. For the areas of State flexibility listed in §142.16(a)(2) which a State chooses to adopt, a State has the option of: 1) identifying in the crosswalk modifications to the Federal rule consistent with §142.16(a); or 2) describing in its primacy revision application the criteria it will use to make allowed modifications on a case-by-case basis.

EPA believes these special primacy requirements are very important to implementation of the PN Rule. These provisions give States the flexibility to augment or otherwise change the federal requirements to build a more complete and effective State public notification program. In some cases the provisions provide States with the option to tailor the EPA baseline requirements to increase program flexibility and in other cases to be more stringent than the federal rule. Adoption of these provisions is not mandatory, but for any provision a State chooses to adopt and address in the primacy revision application, the State should provide a general explanation of how it intends to implement the provision. For the purpose of satisfying primacy review, EPA does not expect a State to describe detailed technical procedures for evaluations that will be done on a case-by-case basis.

Six of the ten special primacy requirements listed in §142.16(a)(2) describe scenarios under which States may elect to be more stringent than the federal rule. For those provisions, EPA requires States to provide a general explanation of how the State will address the provision. EPA is not asking States to provide specific and detailed justification for the scenarios in which they elect to be more stringent than the Federal rule. States are free to establish requirements that are more stringent than the EPA program without including them in their approved primacy program.

States should note that, in several sections, the guidance makes suggestions and offers alternatives that go beyond the minimum requirements indicated by reading the subsections of §142.16. EPA does this to provide States with information and/or suggestions that may be helpful to States' implementation efforts. Such suggestions may be prefaced by "may" or "can" and are considered to be advisory. They are not required elements of States' applications for program revision.

A description of each special primacy requirement listed in §142.16(a) is given on the following pages.

A. §142.16(a)(2)(i) - Requiring Public Notice for Violations or Situations Other Than Those Listed in Appendix A of the PN Rule [141.201(a) (Table 1, Item 3v)]

A State must provide additional information if they require public water systems to give a public notice for violations or situations other than those listed in Appendix A of Subpart Q of Part 141 of the rule.

Guidance

The PN Rule allows States to determine if there are violations or other situations not listed in Appendix A of the rule that should require public notice due to the potential for serious adverse effects on human health. EPA expects that States will wish to use this flexibility to tailor their programs to respond to their unique public notification policies and situations.

A State has the option of identifying in its rules the other violations and situations that may require notice. For example, a State may specify in its rules that a public notice must be issued if the State determines that circumstances exist which may present a potential danger to drinking water consumers, based on information from the water system or other sources. Circumstances could include but are not limited to source contamination, spills, accidents, natural disasters, conditions found during an inspection or sanitary survey, or breakdowns in treatment. A State may also choose to make such determinations on a case-by-case basis. In that circumstance, the State may explain in their primacy revision application either the conditions or process by which the State would require notice. The explanation could be a general statement of the States' intention to require water systems to issue a Tier 1 public notice for other violation or situations, not listed in Appendix A of the PN Rule, with significant potential to have serious adverse health effects from short-term exposure. Evaluation of any violation or situations would be conducted by the State on a case-by-case basis, using the potential danger to drinking water consumers as one criterion.

B. §142.16(a)(2)(ii) - Limited Distribution of Public Notice to Persons Served by the Portion of the Distribution System that is Out of Compliance [141.201(c)(2)]

A State must provide additional information if they allow public water systems, under the specific circumstances listed in §141.201(c)(2), to limit the distribution of the public notice to persons served by the portion of the distribution system that is out of compliance.

Guidance

The PN Rule requires systems to provide public notice to persons served system-wide within a specified timeframe. However, the PN Rule allows States to grant exceptions to the system-wide notice obligation where the violation is clearly contained

within a portion of the distribution system that is either physically or hydraulically isolated from the rest of the distribution system. In those two specific circumstances, States have the flexibility to allow systems to limit the distribution of the public notice to persons served by the portion of the system that is out of compliance. Unless States provide systems with this determination in writing, systems must distribute the notice to persons served by the entire system.

If a State chooses to exercise this flexibility, the State should explain in their primacy revision application how the determination to grant exceptions to the system-wide distribution requirement will be made. For example, if a State opts to make this determination on a case-by-case basis then it should explain that each case will be evaluated on the two regulatory criteria specified in the PN Rule. In order to meet the criterion for physical isolation, a system must show that the affected portion of the distribution system is separated from other parts of the distribution system with no interconnections. Because of the physical separation, elevated contaminant levels contained in only that portion of the system would have no bearing on contaminant levels in a separate area of the system. To meet EPA's criterion for hydraulic isolation, a system must show that design of the distribution system and/or system operation created a situation where water in the affected portion is effectively isolated from the water in all other parts of the distribution system because of projected water flow patterns and water pressure zones.

C. §142.16(a)(2)(iii) - Which Violations or Situations Require a Tier 1 Public Notice [141.202(a) (Items 5, 6, and 8 of Table 1)]

A State must provide additional information if they require public water systems to give a Tier 1 public notice (rather than a Tier 2 or Tier 3 notice) for violations or situations listed in Appendix A of Subpart Q of Part 141 of the rule.

This special primacy requirement addresses State flexibility to require systems to give a Tier 1 public notice (rather than a Tier 2 or Tier 3 notice) for violations or situations not explicitly listed by EPA in Appendix A of the PN Rule as requiring Tier 1 notice. EPA authorized and expects States to elevate either violations or situations when necessary to protect public health. State flexibility to elevate the status of a violation to Tier 1, EPA believes, is critical to the successful implementation of the PN Rule. Therefore, EPA anticipates that most States will respond to this special primacy requirement in their primacy revision applications.

The PN Rule identified the following three situations where States may exercise flexibility to require a Tier 1 notice:

- 1) Violation of the turbidity MCL, under §141.13(b), where the State determines after consultation whether a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation [141.202(a)-Item 5 of Table 1].

- 2) Violation of the SWTR or , treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A) [141.202(a)-Item 6 of Table 1]
- 3) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure [141.202(a)-Item 8 of Table 1].

Although EPA recognizes that the majority of situations are best determined on a case-by-case basis, the Agency believes there are certain situations that should be elevated to Tier 1 status. All Tier 2 violations with significant potential to cause serious adverse health effects as a result of short-term exposure should be elevated to Tier 1 status. For example, EPA believes violations of the maximum turbidity level are serious situations requiring immediate consultation to determine the best course of action. In some cases, violation of the maximum turbidity level, combined with other site-specific information, might indicate that pathogens may have passed through to the finished water. In those situations, the public needs to be alerted quickly to the high potential for short-term health risk. However, EPA does not believe that all maximum turbidity excursions will require a Tier 1 notice and expects States to evaluate the merits of each case during the consultation.

Since turbidity exceedance by itself, without other supporting information, has not been shown to date to be a predictable indicator of pathogen loading in the finished water, EPA expects most turbidity exceedances will require a Tier 2 notice. A single exceedance of the maximum allowable turbidity limit, although a treatment technique violation, may also prove to be a false reading because of a testing equipment malfunction. For these reasons, EPA classified all turbidity violations as Tier 2, but added the new requirement that PWSs consult with the State within 24 hours when exceedances of the maximum allowable turbidity limit occur. After consultation with the system, a State could direct the system to issue a Tier 1 notice. EPA believes the requirement for immediate consultation for these situations will ensure that Tier 1 notices will be required when supported by the evidence. If a system cannot consult with the State within the 24-hour time period, the rule requires an automatic Tier 1 notice.

In addition to violations of the maximum allowable turbidity limit, EPA recognizes that there may be other violations or situations where elevation to a Tier 1 notice may be required. For example, a Total Coliform Rule (TCR) or SWTR violation may create a significant and immediate health risk. In those situations, a Tier 1, 24-hour public notice is necessary to immediately alert consumers to the potential risk rather than a Tier 2 notice.

A State can identify in its rules the violations or other situations not listed in Appendix A of the PN Rule that would require Tier 1 notice or describe the criteria it will use to make that determination on a case-by-case basis in its primacy revision application. EPA is not asking States to provide specific and detailed justification for the scenarios in which the State elects to be more stringent than the Federal rule. Rather, a general description of either the conditions or process by which the State would make the determination to elevate to Tier 1 status is sufficient. For example, a State may explain that the determination to elevate to Tier 1 will be made on a case-by-case basis because

the potential health risk associated with some violations or situations are dependent on a combination of factors. Some factors that might play into the decision-making process to elevate a turbidity violation include but are not limited to: if turbidity is significantly higher than the limit; if turbidity is above the limit for multiple measurements; what type of treatment occurs after the turbidity measuring point; and whether the source water quality is good. In addition the type of system, limits the system is subject to, and the type of filtration need to be considered.

D. §142.16(a)(2)(iv) - Requiring Additional Public Notice for Tier 1 Violations [141.202(b)(3)]

A State must provide additional information if they require public water systems to comply with additional Tier 1 public notification requirements set by the State subsequent to the initial 24-hour Tier 1 notice, as a result of the water system's consultation with the State required under §141.202(b)(2).

Guidance

EPA believes Tier 1 violations have a significant potential to cause serious adverse health effects from short-term exposure and has mandated consultation between the water system and the State. Systems have 24 hours after learning of the violation to initiate consultation with the State and determine if the State will establish subsequent public notification requirements. Systems must comply with any additional public notification requirements established during that consultation. This special primacy requirement addresses State flexibility to determine under what circumstances additional public notice should be given by the system to make sure all persons served are informed of the seriousness of the violation.

EPA encourages States to require additional notice in situations where: 1) there was inadequate delivery of the initial notice, 2) special populations need to be informed, and 3) the system returned to compliance. For example, if the methods used to deliver Tier 1 public notice were insufficient, inadequate, or inappropriate, additional notices may be necessary to reach other persons served who may not have seen the initial notice and to emphasize the seriousness of the public health risk from drinking the water. Additional notices may also be needed if new information becomes available, or to target special populations such as hospitals, schools, day-care facilities and/or other healthcare professionals. A supplemental notice announcing that the violation has been resolved and the risk from the drinking water has been abated can bring closure to the emergency situation. Although the final rule does not require systems to send such notice, EPA believes it is a good idea.

Additional notice requirements may also address the timing, manner, frequency, and content of repeat notices as well as other actions designed to reach all persons served. EPA expects States to use this authority to ensure effective, enforceable follow-up to the initial Tier 1 notice. In order to satisfy this special primacy requirement, a State has the option of identifying in its rules specific situations where additional notice would be required. If States wish to address this on a case-by-case basis, States should explain

how they would establish procedures to determine when additional notice is needed and to require systems to comply with the additional notification requirements in their privacy revision applications.

E. §142.16(a)(2)(v) - Different Form, Manner, and Delivery for Tier 1, 2, and 3 Public Notices [141.202(c), 141.203(c), & 141.204(c)]

A State must provide additional information if they allow systems to use a different form and manner of delivery for Tier 1, 2 and 3 public notices not already listed in EPA's rule.

Guidance

Under the rule, a PWS must use at a minimum one of the delivery methods specified for the appropriate Tier and use any additional methods “reasonably calculated” to reach all persons served. This means that water systems have a responsibility to use any method reasonably calculated to reach other persons served by the system if they would not be reached by minimum methods specified in the rule. This special primacy requirement addresses State flexibility to approve in writing the use of a substitute delivery method not already listed in the PN Rule. EPA recognizes the need to tailor any additional methods of delivery used to the specific situation and believes States will make this determination on a case-by-case basis. For example, the minimum list of delivery methods (broadcast media, posting, and hand delivery) may be too limiting and inappropriate for some Tier 1 situations. Additional methods a State may wish to substitute include newspaper, postal patron mailings, e-mail or priority mail.

A State has the option of identifying in its rules the alternate form and manner requirements or describing, in its primacy revision application, the criteria it will use to make that determination on a case-by-case basis.

F. §142.16(a)(2)(vi) - Requiring Tier 2 Public Notice (Rather Than Tier 3 Notice) for Specific Monitoring or Testing Procedure Violations [141.203(a)]

A State must provide additional information if they plan to require public water systems to provide a Tier 2 public notice (rather than Tier 3) for monitoring or testing procedure violations specified by the State.

Guidance

Under the PN Rule, States can determine that a Tier 2 public notice (rather than a Tier 3 notice) is required for certain violations of monitoring and testing procedure requirements. This special primacy requirement gives States the flexibility to address cases where persistent monitoring violations could disguise potentially serious drinking water quality violations and the lack of a timely notice may pose a risk to public health.

A State has the option of identifying in its rules the specific monitoring and testing procedure violations listed in Appendix A of the rule that require Tier 2 notice or describing the criteria it will use to make that determination on a case-by-case basis in its primacy revision application. Criteria may include but are not limited to potential health impacts and the persistence of the violation. EPA expects States to build this additional authority into their approved programs to ensure that notices for monitoring violations posing potential serious adverse health effects are delivered within 30 days. EPA is not asking States to provide specific and detailed justification for the scenarios in which the State elects to be more stringent than the Federal rule. Rather a general description of either the conditions or process by which the State would make the determination to elevate to Tier 2 status is sufficient.

G. §142.16(a)(2)(vii) - Extending the Initial Tier 2 Public Notice Distribution Deadline [141.203(b)(1)]

A State must provide additional information if they plan to grant public water systems an extension up to three months for distributing the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule).

Guidance

The PN Rule allows States, in appropriate circumstances, to extend the time period of the Tier 2 initial notice from 30 days up to three months. This special primacy requirement addresses State flexibility to determine when deviations from the minimum required timeframe for Tier 2 notices are warranted. These determinations must be made in writing.

Circumstances that may warrant an extension include but are not limited to: coordination with billing cycles and return to compliance. An extension for up to three months may allow a system to include the initial notice in the same mailing as the quarterly bill. For violations that were quickly resolved and no longer pose any risk to persons served (e.g., some TCR and SWTR violations), an extension may be appropriate so the system can report a return to compliance.

Although there may be a number of reasons to grant an extension, there are two circumstances where EPA believes extending the Tier 2 deadline is clearly inappropriate: 1) extensions for unresolved violations posing potential risk from short-term exposure (i.e., unresolved TCR or SWTR violations), and 2) “across-the-board” extensions or reductions in the repeat notice frequency for all other violations, (i.e., blanket extensions for all violations of a certain type, e.g., all VOC MCL violations). EPA strongly believes that in order to meet the public health objectives of the PN Rule, the Tier 2 deadline of 30 days is sufficient for water systems to notify their consumers of unresolved violations with potential for serious risk. EPA does not intend for extensions to be automatic, but to be reviewed on a case-by-case basis. Therefore, EPA views blanket extensions as contrary to the goals of the rule.

Note: *This special primacy requirement applies only to extensions of the Tier 2 notice deadline. The rule gives States broad flexibility to deviate from the required timeframe. This includes being more stringent than the rule. For example, if a State wants to keep the deadline for monthly coliform violations at 14 days instead of 30 days that is acceptable. A State does not need to submit documentation when shortening the timeframe.*

A State may identify in its rules the appropriate circumstances under which the Tier 2 notice distribution deadline may be extended or describe the criteria it will use to make that determination on a case-by-case basis in its primacy revision application.

H. §142.16(a)(2)(viii) - Extending the Tier 2 Notice Repeat Frequency [141.203(b)(2)]

A State must provide additional information if they grant a different repeat notice frequency for the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule), but no less frequently than once per year.

Guidance

The PN Rule gives States the flexibility to allow in writing a less frequent repeat notice frequency than every three months (but no less than once per year) for unresolved Tier 2 violations. However, the final rule specifically disallows less frequent repeat notices for unresolved violations posing potential risk from short-term exposure (e.g., unresolved TCR violations or treatment technique violations under the SWTR or IESWTR rules) or for all unresolved violations of a certain violation type. The State can require a different repeat notice frequency for the Tier 2 public notice (to be no less frequent than once per year), for appropriate circumstances defined in the State's primacy program. Similar to extending the Tier 2 initial notice distribution deadline, a State may identify in its rules the circumstances under which extensions may be given or describe the criteria it will use to make that determination on a case-by-case basis in its primacy revision application.

I. §142.16(a)(2)(ix) - Requiring a Tier 1 Public Notice (Rather Than Tier 2 Notice) for a Turbidity MCL Violation under §141.13(b) or a SWTR/IESWTR TT Violation Due to a Single Exceedance of the Maximum Allowable Turbidity Limit [141.203(b)(3)]

A State must provide information on any process developed to respond within 24 hours to a request for consultation by the public water system to determine whether a Tier 1 (rather than a Tier 2) notice is required for a turbidity MCL violation under §141.13(b) or a SWTR/IESWTR TT violation due to a single exceedance of the maximum allowable turbidity limit.

Guidance

This special primacy requirement addresses the ability of the State to respond within 24-hours to a request for consultation by a PWS to determine whether a Tier 1 notice is required for a turbidity violation under §141.13(b) or a SWTR/IESWTR TT violation due to single exceedance of the maximum allowable turbidity limit. If a system cannot consult with the State within the 24-hour time period, the rule requires an automatic Tier 1 notice.

EPA believes the ability of a State to respond to a system's request for consultation is critical to the successful implementation of the PN Rule. EPA expects States to establish a process that would lead to determination within the 24-hour window to avoid a "no action" default to a Tier 1 notice on every turbidity single exceedance violation. As discussed for special primacy requirement §142.16(a)(2)(iii), EPA believes violations of the maximum turbidity level are serious situations requiring immediate consultation to determine the best course of action. EPA does not believe that all turbidity excursions will require a Tier 1 notice and expects States to evaluate the merits of each case during the consultation.

In order to address this special primacy requirement, a State should describe the process it has developed to respond within the 24-hour time frame to a PWS request for consultation. Some States already have emergency hotlines for systems to use.

J. §142.16(a)(2)(x) - Multilingual Notice Requirement [141.205(c)]

A State must provide additional information if they determine the specific multilingual requirement for a public water system, including defining "large proportion of non-English-speaking consumers."

Guidance

The PN Rule requires systems serving a large proportion of non-English speaking consumers, as determined by the State, to include in their notices, in the appropriate languages, information on the importance of the notice or a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate languages. This special primacy requirement addresses State flexibility to determine the specific multilingual requirement for systems, including defining a large proportion of non-English speaking populations.

States can choose to set their own criteria for determining whether there is a large proportion of non-English speaking consumers. For example, a State could specify a population threshold such as 10 percent, so that when over 10 percent of the population served use a language or languages other than English as their first language, multilingual information must be included in the notice. If a State chooses not to set its own criteria, water systems must meet the general requirement set in the rule, which is providing such information when appropriate. Information on whether there is a significant

non-English speaking population in a community can be found through the U.S. Census Bureau's website at factfinder.census.gov.

EPA strongly encourages the use of multilingual notification if non-English speaking populations are in the system's service area, whether or not there is a large proportion of non-English speaking people, because public notification of drinking water violations and other situations is an important means of protecting public health. Although full translations of notices are not required, EPA strongly encourages systems to go beyond the minimum multilingual requirements in the rule, particularly for Tier 1 notices and other situations that pose a serious health risk, and provide a translated copy of the notice on request or offer telephone assistance in the appropriate language. The *Public Notification Handbook* issued with the rule contains additional hints on implementing this requirement.

A State has the option of identifying in its rule the more specific multilingual requirement or describing the criteria it will use to make such determinations on a case-by-case basis in its primacy revision application.

Section IV. PN Violation Determination and SDWIS Reporting

A. PN Violation Determination

One of the important keys to making the public notification process work is the timely and complete reporting of PN violations by the States. A 1992 review of the public notification process by the General Accounting Office (GAO) provided strong evidence that the program was not working as intended. Problems cited included: high rates of non-compliance, even when contaminants pose a health risk; limited non-compliance tracking by both EPA and the States; and the complexity of the rule. In order to address those problems, EPA revised the public notification regulatory requirements to be less complex, clear, and self-implementing. EPA believes these streamlined requirements will encourage more water systems to comply with the rule and will be less burdensome than the current rule for State tracking and reporting of violations. However, the program will not succeed without compliance monitoring and follow-up actions by the State and EPA.

Flowcharts 1, 2, and 3 starting on the next page provide timelines for actions PWSs must take under the PN Rule, once a system learns of a Tier 1, 2, or 3 violation.

A.1. What are the PN Violations?

The trigger point for public notification is when a system learns that a violation or other situation posing a health risk exists. From that point on, the rule prescribes specific time lines a PWS must meet to: 1) distribute the notice to persons served, 2) provide the State with a representative copy of the initial and any repeat notices, and 3) certify to the State that all applicable PN requirements were met. The rule also prescribes the form, manner, and content of the public notices. Failure of the PWS to take any of those actions indicates a PN violation.

A PN violation occurs when the system fails to provide notice of a violation or situation following the requirements for time, form, manner, and delivery prescribed in the rule.

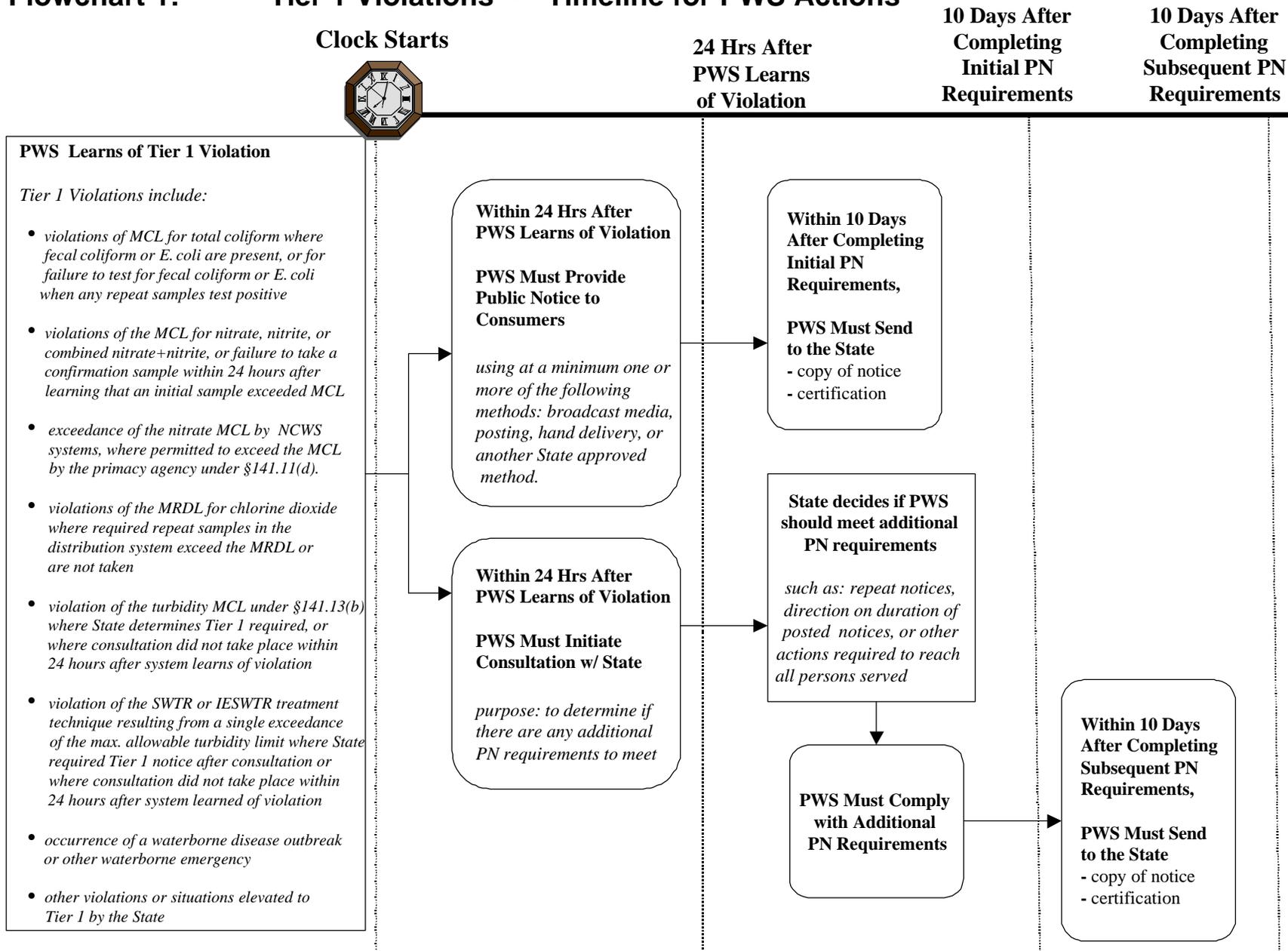
A system can incur a PN Rule violation for failing to:

- ▶ Prepare and deliver public notice in accordance with the rule.

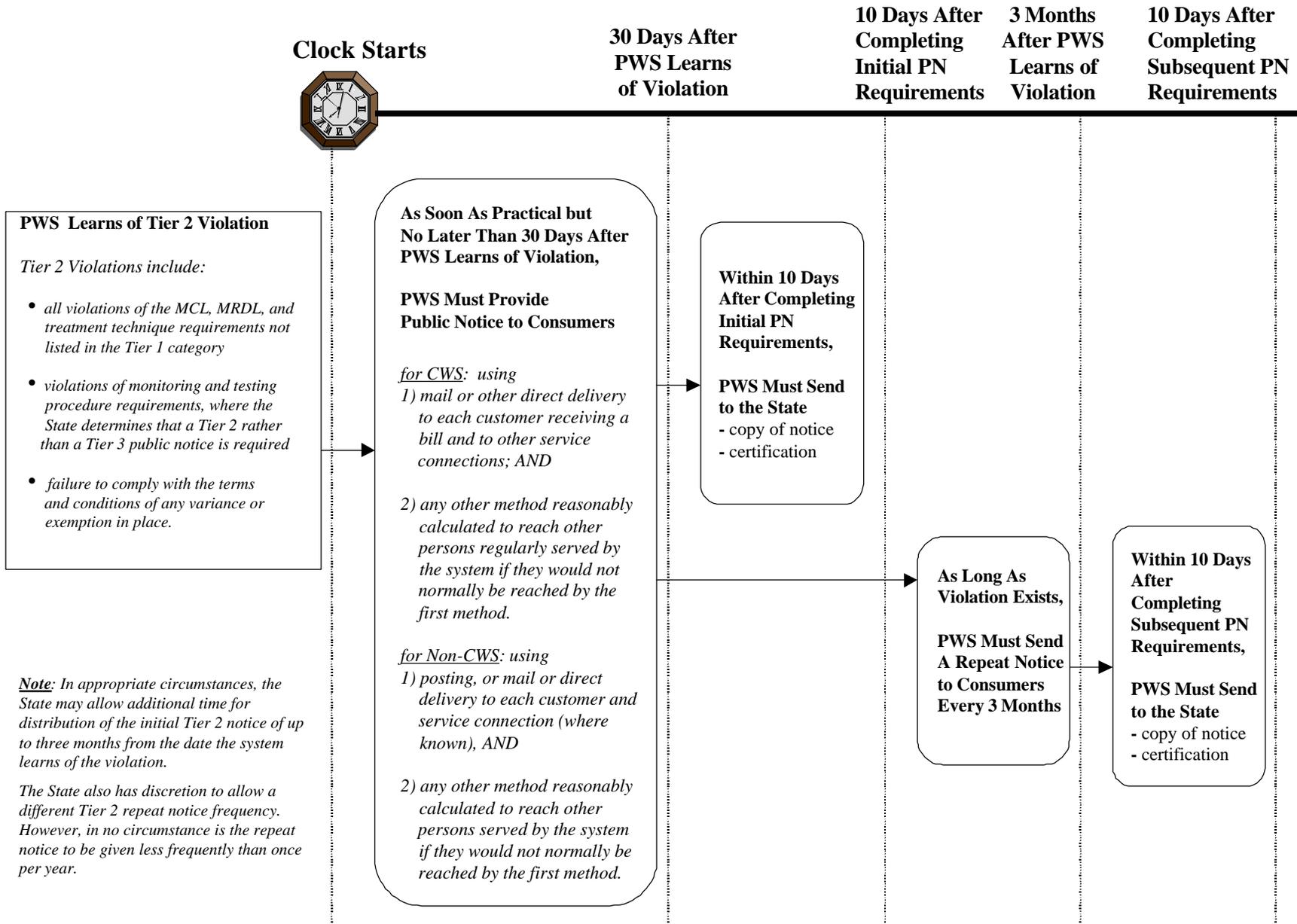
(Examples of violations of the PN Rule for Tier 1, 2, and 3 violations and situations are outlined in Table 7. All violations may not be reflected in this table.)

- ▶ Submit to the State within 10 days of completing the public notification requirements, a certification that it has fully complied with the PN Rule and a representative copy of the notice.

Flowchart 1: Tier 1 Violations -- Timeline for PWS Actions



Flowchart 2: Tier 2 Violations -- Timeline for PWS Actions



Flowchart 3: Tier 3 Violations -- Timeline for PWS Actions

Clock Starts



12 Months
After PWS
Learns of
Violation

10 Days After
Completing
Initial PN
Requirements

12 Months
After PWS
Sends Initial
Notice

10 Days After
Completing
Subsequent PN
Requirements

PWS Learns of Tier 3 Violation

Tier 3 Violations include:

- monitoring violations under 40 CFR part 141, except where a Tier 1 notice is required under §141.202(a) or where the State determines that a Tier 2 notice is required
- failure to comply with a testing procedure established in 40 CFR part 141, except where a Tier 1 notice is required under §141.202(a) or where the State determines that a Tier 2 notice is required.
- operation under a variance granted under Section 1415 or exemption granted under Section 1416 of SDWA
- availability of unregulated contaminant monitoring results, as required under §141.207
- exceedance of the fluoride SMCL as required under 141.208

Note: Instead of individual Tier 3 public notices, a PWS may use an annual report to detail all violations and situations that occurred during the previous twelve months, as long as the timing requirements of §141.204(b)(1) are met.

Within 12 Months After PWS Learns of Violation

PWS Must Provide Public Notice to Consumers

- for CWS: using*
- 1) mail or other direct delivery to each customer receiving a bill and to other service connections, AND
 - 2) any other method reasonably calculated to reach other persons regularly served by the system if they would not normally be reached by the first method.
- for Non-CWS: using*
- 1) posting, or by mail or direct delivery to each consumer and service connection (where known), AND
 - 2) any other method reasonably calculated to reach other persons regularly served by the system if they would not normally be reached by the first method.

Within 10 Days After Completing Initial PN Requirements,

PWS Must Send to the State
- copy of notice
- certification

As Long As Violation Exists,

PWS Must Send A Repeat Notice to Consumers Every 12 Months

Within 10 Days After Completing Subsequent PN Requirements,

PWS Must Send to the State
- copy of notice
- certification

Table 7 - PN Violations	
Tier	A PWS Can Incur a Violation of the PN Rule for:
Tier 1	<ul style="list-style-type: none"> ▶ Failure to provide notice to all persons served not later than 24 hours after learning of a violation or other situation posing a health risk. ▶ Failure to initiate consultation with the primacy agency within 24 hours and comply with any additional requirements established as a result of consultation with the primacy agency. ▶ Failure to deliver notice using one of the methods below: <ol style="list-style-type: none"> 1) Broadcast media (radio or television), 2) Hand delivery, 3) Posting, or 4) Another method approved by the primacy agency in advance or during consultation
Tier 2	<ul style="list-style-type: none"> ▶ Failure to provide notice to all persons served no later than 30 days after learning of a violation or, if the primacy agency granted the PWS an extension, failure to provide notice by the new deadline. ▶ Failure to provide repeat notice every 3 months for as long as the violation or situation exists, or failure to provide repeat notice at a repeat notice frequency specified by the primacy agency. ▶ Failure to keep a posted notice in place for as long as the violation or situation exists but not less than 7 days (even if the violation is resolved). ▶ Failure to distribute notice using one of the methods below: <p>CWS: 1) Mail or hand delivery, <u>and</u></p> <p> 2) Another method as needed to reach others</p> <p>NCWS: 1) Posting, hand delivery, or mail, <u>and</u></p> <p> 2) Another method as needed to reach others</p>
Tier 3	<ul style="list-style-type: none"> ▶ Failure to provide notice to all persons served not later than 1 year after learning of a violation or situation posing health risk or after a PWS begins operating under a variance or exemption. ▶ Failure to repeat notice annually for as long as the violation or situation exists. ▶ Failure to keep a posted notice in place for as long as the violation, variance, exemption, or situation exists but not less than 7 days (even if the violation is resolved). ▶ Failure to distribute notice using one of the methods listed below: <p>CWS: 1) Mail or hand delivery, <u>and</u></p> <p> 2) Another method as needed to reach others</p> <p>NCWS: 1) Posting, hand delivery, or mail, <u>and</u></p> <p> 2) Another method as needed to reach others</p>

Table 7 - PN Violations

Tier	A PWS Can Incur a Violation of the PN Rule for:
All Tiers	<ul style="list-style-type: none"> ▶ Failure to include each of the required 10 elements shown below in the public notice (where applicable): <ol style="list-style-type: none"> 1) Description of the violation or situation including contaminant(s) of concern and (as applicable) the contaminant level(s); 2) When the violation or situation occurred; 3) Any potential adverse health effects from the violation or situation, including standard language provided in the rule; 4) The population at risk; including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water; 5) Whether alternate water supplies should be used; 6) What actions consumers should take, including when to seek medical help, if known; 7) What the system is doing to correct the violation or situation; 8) When the system expects to return to compliance or resolve the situation; 9) Contact information: name, business address, and phone number of the water system owner, operator, or designee of the PWS that can provide additional information; and 10) A statement encouraging notice recipients to distribute the notice to other persons served, using standard language from the rule, where applicable. ▶ Failure to include the standard language specified in the rule for: <ul style="list-style-type: none"> - MCL, MRDL, and TT violations - Monitoring and testing procedure violations - Encouraging distribution of notice to all persons served - Special notice of fluoride SMCL exceedance. ▶ Failure to send a copy of the notice and certification to the State within ten days, even if the system prepares and distributes a notice in accordance with the rule.

A.2. How is a PN Violation Identified?

EPA anticipates that States will primarily rely on the certification to track whether a PWS has met all applicable PN requirements, unless the State chooses to use additional tracking methods or believes that the certification is not reliable. Section 141.31(d) of the PN Rule requires water systems to submit a copy of the notice and a certification to the State within 10 days of completing the public notification requirements for the initial public notice and any repeat notices. If a State has not received a copy of the notices and a certification from a PWS within the 10-day time frame, States should assume notice was not given and record a PN violation for that PWS in its own tracking system, and in its quarterly reporting to EPA. States should also record a PN violation, if after State review, the State determines the notice was inadequate.

States are expected to record a PN violation for a PWS:

- ▶ If the State did not receive copies of the notices and certifications.
- ▶ If the State received any notice or certification late.
- ▶ If after review, the State concluded that the form, delivery or content of an initial or repeat notice was inadequate or otherwise determined the timing or distribution requirements were not met (despite the certification).

A.3. State Enforcement, Compliance Monitoring and Assistance, or Other Follow-up

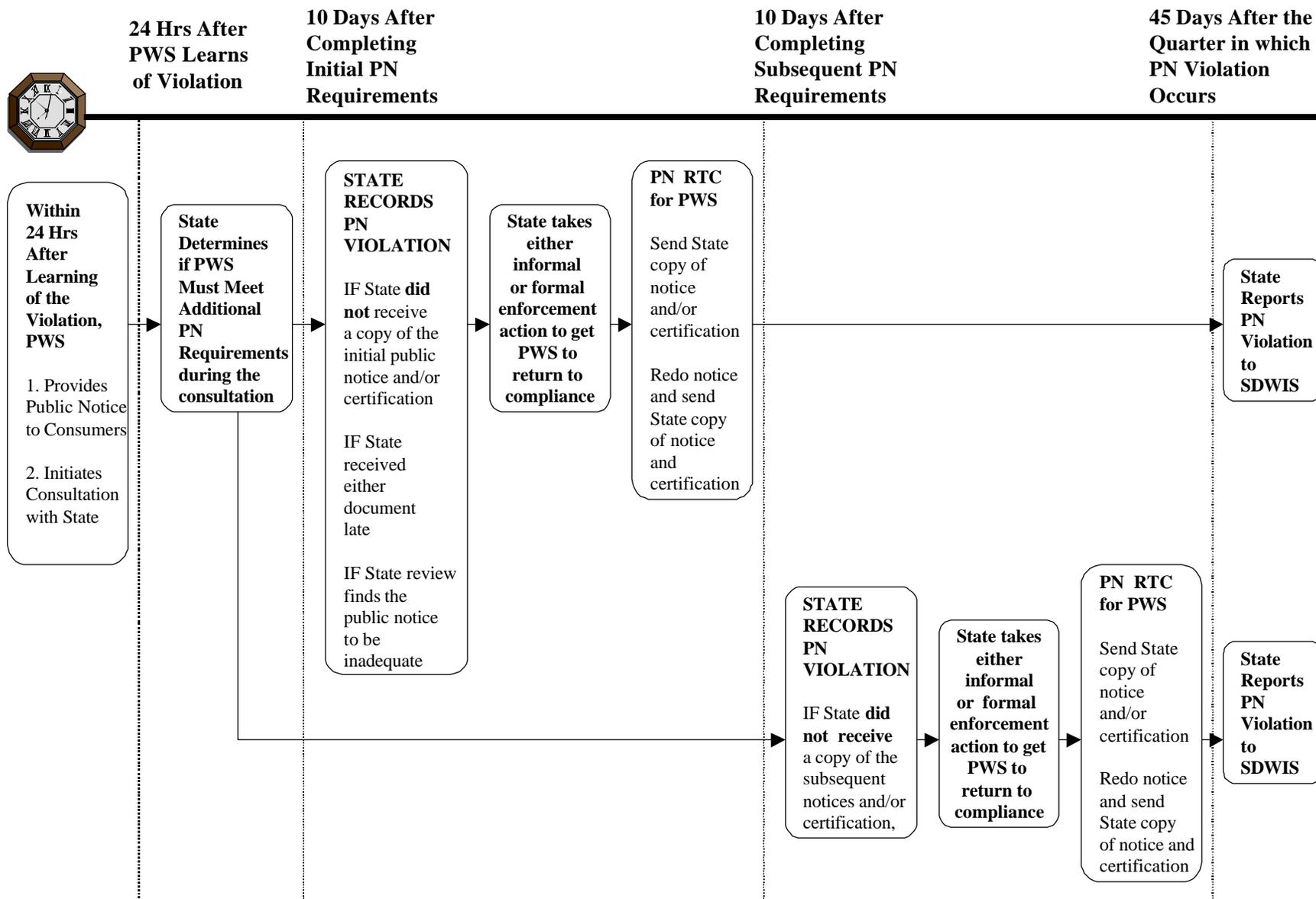
Primacy states will have statutory or regulatory enforcement authority adequate to compel compliance with the public notification requirements that conforms to the requirements in 40 CFR 142.10(b)(6). When public notification violations occur in addition to an underlying violation for which the State brings an enforcement action, the State should include the public notification violations as part of the enforcement action for the underlying violation. The State should also enforce public notification requirements independently from enforcement of underlying violations and should enforce the public notification requirements for situations where there is no underlying violation. State and EPA compliance monitoring and tracking programs, as well as the linkages in their databases between the public notice violations and underlying violations, will help States and EPA to identify, address, and ensure the correction of violations of the PN Rule. States should take any informal or formal measures necessary to return a PWS to compliance with the PN Rule as quickly as possible.

EPA encourages States to develop compliance assistance programs in order to help PWSs comply with the PN Rule and, in the event of a violation, to return to compliance with the rule. For example, when a State learns of an NPDWR violation or other situation, the State may remind the PWS of its obligation to provide public notice and may inform the PWS of the public notice form, manner, content, and delivery requirements. The State may also choose to give notice to the public on behalf of the PWS, in accordance with 40 CFR 141.210; however, the owner or operator of the PWS remains legally responsible for ensuring that the PN requirements are met.

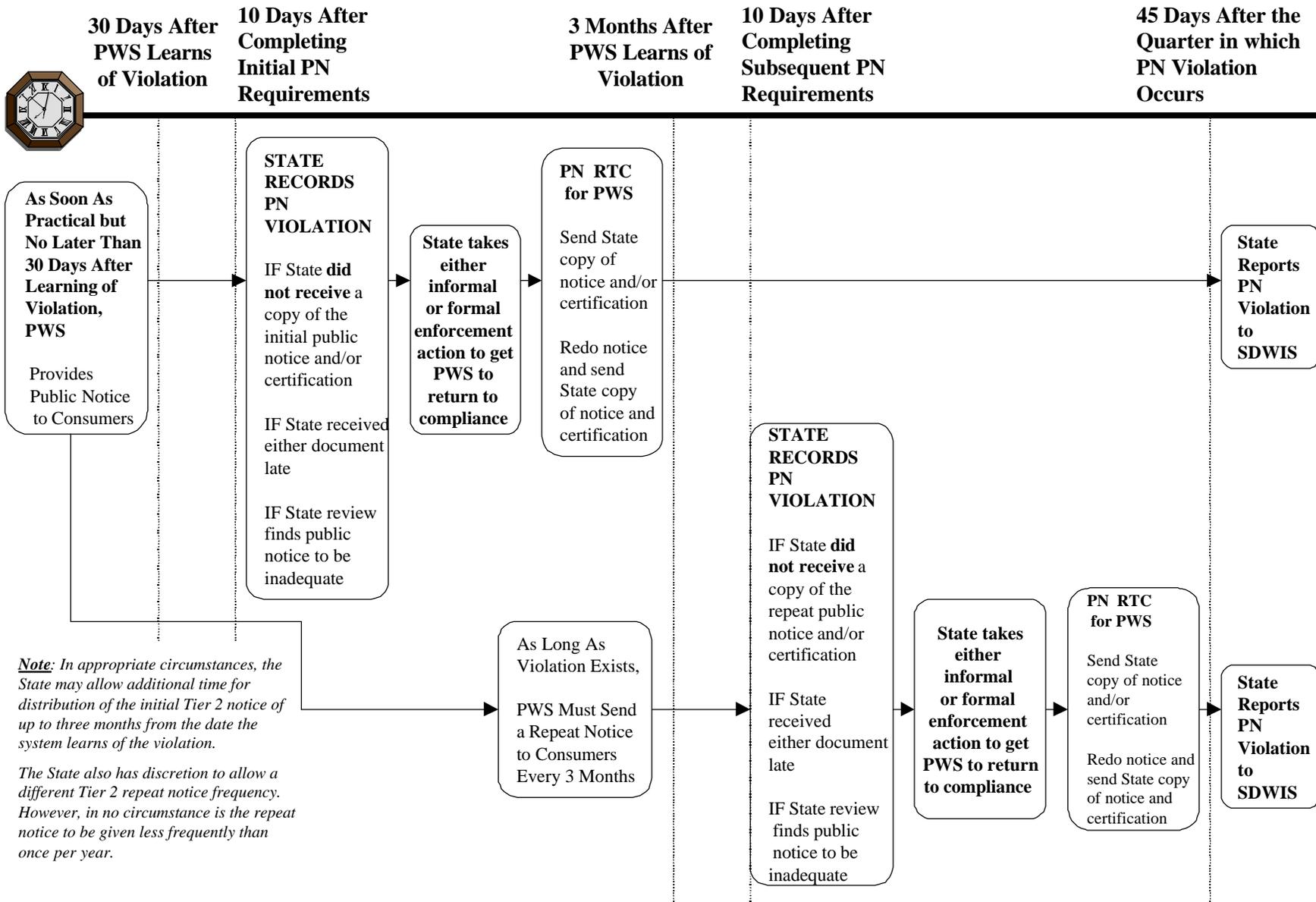
As part of its compliance assistance efforts, a State may also provide the PWS with templates and other reference materials. States are also encouraged to direct water system operators to EPA's website or reference EPA's website on their own Internet sites.

Flowcharts 4, 5, and 6 starting on the next page provide timelines for State actions, once a State learns of a Tier 1, 2, or 3 violation.

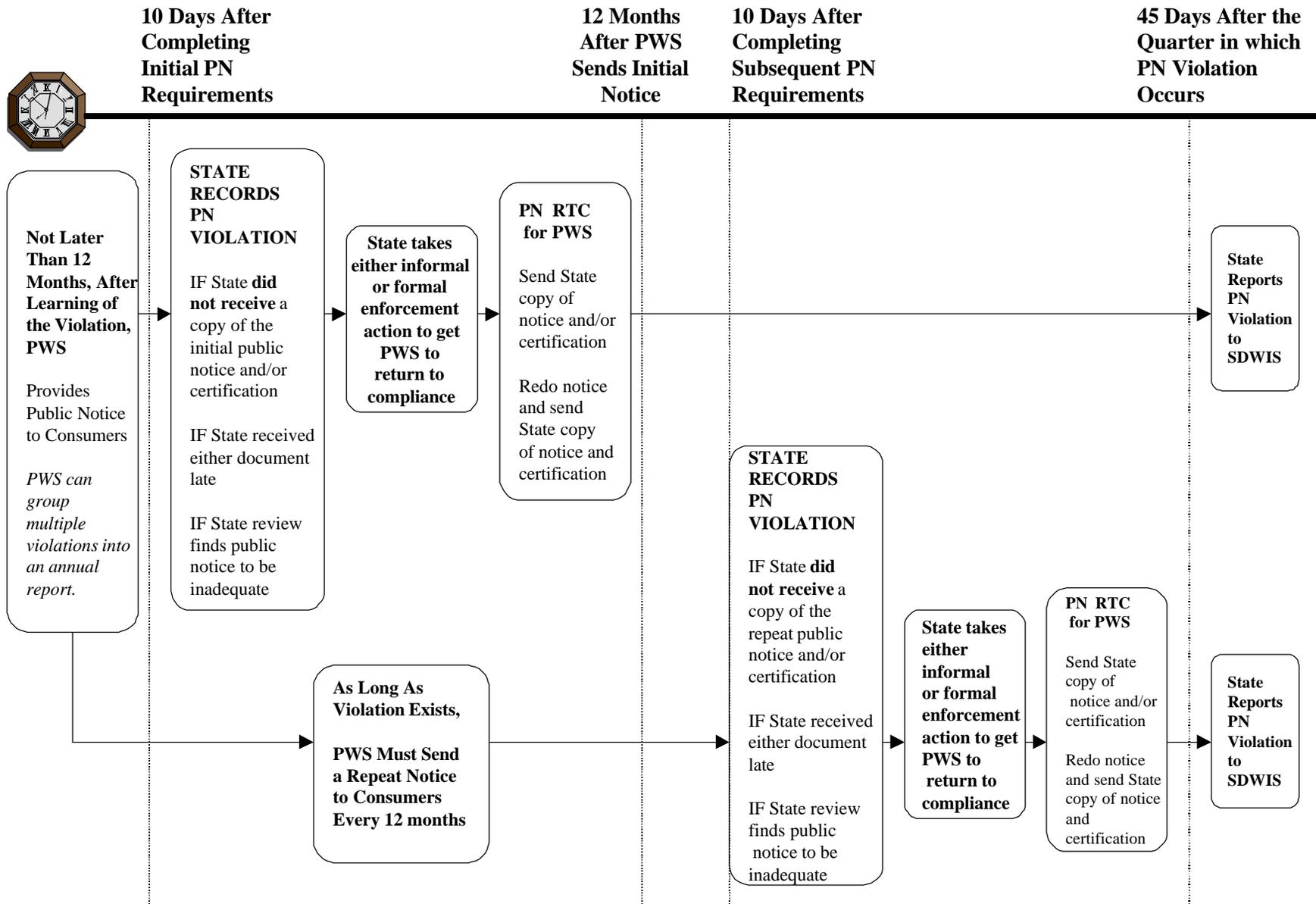
Flowchart 4: Tier 1 Violations -- Timeline for State Actions



Flowchart 5: Tier 2 Violations -- Timeline for State Actions



Flowchart 6: Tier 3 Violations -- Timeline for State Actions



A.4. Return to Compliance

Generally, a PWS that has violated the PN Rule returns to compliance with the rule when it performs the action required under the rule. The following provides some examples of what a PWS should do to return to compliance. These examples may not include all return to compliance situations:

- ▶ If the system did not prepare and distribute the public notice in accordance with the rule, the system has subsequently prepared and distributed the notice, as well as provided a copy of the notice and a certification to the State.
- ▶ If the system did not submit either a copy of the notice or the certification by the required deadline, the system has subsequently sent the State the required documents.
- ▶ If the system prepared an inadequate notice, the system has subsequently prepared a notice that addresses all deficiencies identified by the State, delivered it to the State with a certification and distributed it to persons served in accordance with the rule.

Return to compliance with the PN Rule does not relieve the PWS from liability for public notice or NPDWR violations.

B. SDWIS Reporting and EPA Follow-up

The State and EPA compliance monitoring and tracking systems help the States and EPA to identify, address, and ensure the correction of violations of the PN Rule. Under the new PN Rule, States must maintain copies of public notices and records of public notification violations for three years [40 CFR 142.14(f)]. States must also report to EPA's SDWIS/FED database system, on a quarterly basis, information about public notification violations in the State during the previous quarter and new enforcement actions taken by the State during the previous quarter against PWSs for public notification violations.

In order to help States and EPA to track public notification violations and to ensure that those violations are included in enforcement actions for the underlying SDWA violations or otherwise, SDWIS/FED will have a mechanism to link the record for the public notification violation to the record for the underlying NPDWR violation. The underlying NPDWR violation drives the severity of the public health risk and is the basis for the new requirement to link the PN violation to the related NPDWR violation.

EPA expects that violations of public notification requirements will be included as part of enforcement action for the underlying NPDWR violation. EPA also anticipates there will be enforcement of public notice requirements independent from enforcement of underlying violations and for situations where there is no underlying violation.

When the State records a PN violation in its database, the State should also report the PN violation to SDWIS/FED. Under the revised PN Rule, States will have to report the following information to SDWIS/FED:

- 1) Whether there is a PN violation for the public notice (initial or repeat notice, certification, etc.).
- 2) Date of the PN violation.
- 3) Link to the underlying NPDWR violation.
- 4) When the system has returned to compliance for the PN violation.
- 5) If the State brought formal enforcement action, the type of action, the date it was initiated, and the date the violation was resolved.

The revised PN Rule requires States to report the information specified above to SDWIS/FED within 45 days after the quarter in which the PN violation occurred, or in which the system returned to compliance. Appendix C of this guidance contains detailed information on SDWIS reporting requirements for the PN Rule.

EPA will use this information on public notification violations to track PWS compliance with the PN Rule and to review the adequacy of State implementation, compliance monitoring and enforcement of the PN requirements. Based upon a review of this information, EPA may provide compliance assistance suggestions and additional guidance to the State or directly to the PWS. When appropriate, EPA may also decide to pursue federal enforcement.

Table 8 summarizes the SDWIS reporting requirements for the PN Rule. A detailed list of violations is provided in Appendix C, which is intended for use by programmers and for enforcement. A user can reference Appendix C to understand how violations of the rule can be entered into SDWIS.

Table 8 - Proposed Federal Reporting for the PN Rule
(States Report Only When Violations Occur)

Violation Code	Rule Code	PN Section Reference	Description
75	7500	§141.201 (b)	<p>PN violation for a NPDWR violation</p> <p>(i.e., failure to notify public via initial or repeat notice, failure to required documents [initial or repeat notice or certification] to state)</p>

76	7500	§141.202 (a) §141.205 (b) §141.207 §141.208 §141.209	Other Potential Health Risk Situation Violations (i.e., for those situations where there is no underlying NPDWR violation such as waterborne disease outbreak/other waterborne emergency, variance or exemption, availability of unregulated contaminant monitoring data, fluoride SMCL exceedance, and nitrate exceedances above the MCL by NCWS, where granted permission by the State)
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Appendix A. State Primacy Revision Application Package for the PN Rule - Example Format

This Appendix describes the elements of a State's Primacy Revision Application package for the PN Rule. A State Primacy Revision Application package should contain the following sections:

- Section I. State Primacy Revision Checklist
 - Listing of program elements from 40 CFR 142.10 that the State may have revised in response to the new rule.
- Section II. Text of the State's Regulation
- Section III. Primacy Revision Crosswalk
 - Identification of how State regulations correspond to each requirement prescribed of the federal PN Rule.
- Section IV. State Reporting and Recordkeeping Checklist
 - Explanation of how State reporting and recordkeeping requirements are consistent with federal requirements.
- Section V. Special Primacy Requirements
 - Explanation of how a State will address the special primacy requirements identified in 40 CFR 142.16.
- Section VI. Attorney General's Statement of Enforceability
 - Statement that State regulations can be enforced by the State government.

Example formats for these sections are presented on the following pages.

After a State's primacy revision application has been approved, the Regional Administrator must provide public notice and opportunity for hearing on EPA's determination. The Regional Administrator is required to publish in the *Federal Register* the proposed determination, along with a statement of supporting reasons, and notification that a public hearing may be requested.

**Review of State Primacy Revision Application
for the
Public Notification (PN) Rule**

CONTENTS:

- 1. § 142.10 Requirements - State Primacy Revision Checklist
- 2. Text of the State's Regulation
- 3. § 141 Requirements - Primacy Revision Crosswalk
- 4. § 142.14 and 15 - State Reporting and Recordkeeping Requirements
- 5. § 142.16 - Special Primacy Requirements
- 6. Attorney General's Statement of Enforceability

State: _____

Date Application Submitted: _____

Date Review Completed: _____

EPA Region: _____

Review Staff: _____

Section I. State Primacy Revision Checklist - Example Format

The State Primacy Revision Checklist is a listing of program elements from 40 CFR 142.10 that the State may have revised in response to the new rule. For the PN Rule, most States will revise only §141.10(b)(6)(v) authority to require public water systems to issue public notices.

State Primacy Revision Checklist		
Required Program Elements	Revision to State Program (Yes or No)	EPA Findings/Comments
§142.10 Primary Enforcement		
§142.10(a) Regulations No Less Stringent		
§142.10(b)(1) Maintain Inventory		
§142.10(b)(2) Sanitary Survey Program		
§142.10(b)(3) Laboratory Certification Program		
§142.10(b)(4) Laboratory Capability		
§142.10(b)(5) Plan Review Program		
§142.10(b)(6)(i) Authority to Apply Regulations		
§142.10(b)(6)(ii) Authority to Sue in Courts of Competent Jurisdiction		
§142.10(b)(6)(iii) Right of Entry		
§142.10(b)(6)(iv) Authority to Require Records		
§142.10(b)(6)(v) Authority to Require Public Notification		
§142.10(b)(6)(vi) Authority to Assess Civil and Criminal Penalties		
§142.10(b)(6)(vii) Authority to Require CWSs to Provide CCRs		
§142.10(c) Maintenance of Records		
§142.10(d) Variance/Exemption Conditions		
§142.10(e) Emergency Plans		

Section II. Text of State's Regulation

The text of the State's regulation should be included in this section.

Section III. Primacy Revision Crosswalk - Example Format

The Primacy Revision Crosswalk will be used by EPA in determining, section by section, whether the State regulations are as stringent as the federal regulations.

The revised PN Rule amended the Consumer Confidence Report (CCR) rule as well as various provisions in 40 CFR Part 141 to be consistent with the final Public Notification Regulation. All of the sections in 40 CFR Part 141 affected by these changes are listed first in the PN crosswalk beginning on the following page.

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
SUBPART B - MAXIMUM CONTAMINANT LEVELS			
§141.11 - Maximum Contaminant Levels for Inorganic Chemicals			
The non-community water system is meeting the public notification requirements under §141.209, including continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure; and	§141.11(d)(2)		
SUBPART C - MONITORING AND ANALYTICAL REPORTING REQUIREMENTS			
§141.21 - Coliform Sampling; and §141.22 - Turbidity Sampling and Analytical Requirements			
Amended by revising "§141.32" to read "Subpart Q" in §141.21(g)(1) and (g)(2) and §141.22(b)	§141.21(g)(1) §141.21(g)(2) §141.22(b)		
§141.23 - Inorganic Chemical Sampling and Analytical Requirements			
Amended by revising "§141.32" to read "Subpart Q" in §141.23(n) and (o)	§141.23(n) §141.23(o)		
Where nitrate or nitrite sampling results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within 24 hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify persons served by the public water system in accordance with §141.202 and meet other Tier 1 public notification requirements under Subpart Q of this part. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.	§141.23(f)(2)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
§141.24 - Organic Chemicals Other Than Total Trihalomethanes, Sampling and Analytical Requirements			
Amended by removing §141.24(f)(15)(iii) and §141.24(h)(11)(iii)	§141.24(f)(15)(iii) §141.24(h)(11)(iii)		
§141.26 - Monitoring Frequency for Radioactivity in Community Water Systems; and §141.30 - Total Trihalomethanes Sampling, Analytical, and Other Requirements			
Amended by revising "§141.32" to read "Subpart Q"	§141.26(a)(4) §141.26(b)(5) §141.30(d)		
SUBPART D - REPORTING AND RECORDKEEPING			
§141.31- Reporting Requirements			
The public water system, within 10 days of completing the public notification requirements under Subpart Q of this part for the initial public notice and any repeat notices, must submit to the primacy agency a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to persons served by the system and to the media.	§141.31(d)		
§141.33 - Record Maintenance			
Copies of public notices issued pursuant to Subpart Q and certifications made to the primacy agency pursuant to §141.31 must be kept for three years after issuance.	§141.33(e)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
SUBPART G - NATIONAL REVISED PRIMARY DRINKING WATER REGULATIONS: MAXIMUM CONTAMINANT LEVELS AND MAXIMUM RESIDUAL DISINFECTANT LEVELS			
§141.63 - Maximum Contaminant Levels for Microbiological Contaminants			
Amended by revising “§141.32” to read “Subpart Q” in §141.63(b)	§141.63(b)		
SUBPART H - FILTRATION AND DISINFECTION			
§141.75 - Reporting and Recordkeeping Requirements			
If at any time the turbidity exceeds 5 NTU, the system must consult with the primacy agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under §141.203(b)(3).	§141.75(a)(5)(ii)		
If at any time the turbidity exceeds 5 NTU, the system must consult with the primacy agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under §141.203(b)(3).	§141.75(b)(3)(ii)		
SUBPART L - DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS			
§141.133 - Compliance Requirements			
Amended by revising “§141.32” to read “Subpart Q” in §141.133(b)(1)(i), (b)(1)(iii), (b)(2), (b)(3), and (c)(1)(i)	§141.133(b)(1)(i) §141.133(b)(1)(iii) §141.133(b)(2) §141.133(b)(3) §141.133(c)(1)(i)		
Amended by revising “§141.32(a)(1)(iii)(E)” (which appears twice) to read “Subpart Q” in §141.133(c)(2)(i)	§141.133(c)(2)(i)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
Amended by revising “§141.32(e)(78)” to read “Subpart Q” in §141.133(c)(2)(ii)	§141.133(c)(2)(ii)		
SUBPART O - CONSUMER CONFIDENCE REPORTS			
§141.153 - Content of the Reports			
A report that contains data on contaminants that EPA regulates using any of the following terms must include the applicable definitions: ***	§141.153(c)(3)		
Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.	§141.153(c)(3)(iii)		
Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.	§141.153(c)(3)(iv)		
Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique (regulated contaminants).	§141.153(d)(1)(i)		
The likely source(s) of detected contaminants to the best of the operator’s knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix A to this subpart that are most applicable to the system.	§141.153(d)(4)(ix)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
§141.155 - Report Delivery and Recordkeeping			
Any system subject to this subpart must retain copies of its Consumer Confidence Report for no less than 3 years	§141.155(h)		
Appendix A to Subpart O			
<p>Appendices A, B, and C to Subpart O (published with the final CCR Rule) contained various pieces of information about the contaminants EPA regulates. Those 3 appendices are deleted and the information is combined into a new, comprehensive Appendix A to Subpart O.</p> <p>The new Appendix A to Subpart O contains:</p> <ul style="list-style-type: none"> - New regulatory and health effects language from the Stage 1 D/DBP rule that EPA published in December 1998. - Revised health effects language for fluoride and fecal coliform/<i>E. coli</i> MCL violations. <p><i>Revised Appendix A to Subpart O can be found on page A-47, after the PN crosswalk.</i></p>	Appendices A, B, and C to Subpart O		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
SUBPART P - ENHANCED FILTRATION AND DISINFECTION			
§141.175 - Reporting and Recordkeeping Requirements			
If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must consult with the primacy agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under §141.203(b)(3).	§141.175(c)(1)		
If at any time the turbidity in representative samples of filtered water exceed the maximum level set by the State under §141.173(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the system must consult with the primacy agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under §141.203(b)(3).	§141.175(c)(2)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
SUBPART Q - PUBLIC NOTIFICATION RULE			
§141.201- General Public Notification Requirements			
<p>Who Must Give Public Notice?</p> <p>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 to §141.201 of the federal rule.</p> <p>The term NPDWR violations is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in part 141.</p> <p>(From Table 1 to §141.201 - Violation Categories and Other Situations Requiring a Public Notice)</p> <p>(1) NPDWR violations</p> <ul style="list-style-type: none"> (i) Failure to comply with an applicable MCL or MRDL. (ii) Failure to comply with a prescribed 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. 	§141.201(a)		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>(2) Variances and exemptions under §§1415 and 1416 of SDWA.</p> <ul style="list-style-type: none"> (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. <p>(3) Special public notices</p> <ul style="list-style-type: none"> (i) Occurrence of a waterborne disease outbreak or other waterborne emergency. (ii) Exceedance of the nitrate MCL by non-community water systems (NCWSs), 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. 			

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>What Type of Public Notice Is Required for Each Violation or Situation?</p> <p>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.</p> <p>(From Table 2 to §141.201 - Definition of Public Notice Tiers)</p> <p>(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.</p> <p>(2) Tier 2 public notice - required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.</p> <p>(3) Tier 3 public notice - required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.</p>	<p align="center">§141.201(b)</p>		
<p>Who Must Be Notified?</p> <p>(1) Each PWS must provide public notice to persons served by the water system, in accordance with this subpart.</p> <p>PWSs that sell or otherwise provide drinking water to other PWSs (i.e., to</p>	<p align="center">§141.201(c)</p> <p align="center">§141.201(c)(1)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
<p>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.</p> <p>(2) If a PWS 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 must be granted in writing.</p> <p>(3) A copy of the notice must also be sent to the primacy agency, in accordance with the requirements under §141.31(d).</p>	<p>§141.201(c)(2)</p> <p>§141.201(c)(3)</p>		
§141.202 - Tier 1 Public Notice Requirements - Form, Manner, and Frequency of Notice			
<p>Which Violations or Situations Require a Tier 1 Public Notice?</p> <p>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.</p> <p>(From Table 1 to §141.202 - Violation Categories and Other Situations Requiring a Tier 1 Public Notice)</p> <p>(1) Violations of the MCL for total coliforms when fecal coliform or <i>E. coli</i> are present in the water distribution system</p>	§141.202(a)		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>(as specified in §141.63(b)), or when the water system fails to test for fecal coliforms or <i>E. coli</i> when any repeat sample tests positive for coliform (as specified in §141.21(e));</p>			
<p>(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);</p> <p>(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;</p> <p>(4) Violation of the MRDL for chlorine dioxide, as defined in §141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in §141.133(c)(2)(i);</p> <p>(5) Violation of the turbidity MCL under §141.13(b), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;</p>			

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>(6) Violation of the Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment Rule (IESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;</p> <p>(7) Occurrence of a waterborne disease outbreak, as defined in §141.2, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);</p> <p>(8) 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 either in its regulations or on a case-by-case basis.</p>			

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
<p>When is the Tier 1 Public Notice to be Provided? What Additional Steps Are Required?</p> <p>PWSs must:</p> <p>(1) Provide public notice as soon as practical but no later than 24 hours after the system learns of the violation;</p> <p>(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the PWS learns of the violation or situation, to determine additional public notice requirements; and</p> <p>(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of posted notices) that are established as a result of the consultation with the primacy agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.</p>	<p>§141.202(b)</p> <p>§141.202(b)(1)</p> <p>§141.202(b)(2)</p> <p>§141.202(b)(3)</p>		
<p>What is the Form and Manner of the Public Notice?</p> <p>PWSs must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system.</p>	<p>§141.202(c)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
<p>In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:</p> <p>(1) Appropriate broadcast media (such as radio and television);</p> <p>(2) Posting of the notice in conspicuous locations throughout the area served by the water system;</p> <p>(3) Hand delivery of the notice to persons served by the water system; or</p> <p>(4) Another delivery method approved in writing by the primacy agency.</p>	<p>§141.202(c)(1)</p> <p>§141.202(c)(2)</p> <p>§141.202(c)(3)</p> <p>§141.202(c)(4)</p>		
§141.203 - Tier 2 Public Notice Requirements - Form, Manner, and Frequency of Notice			
<p>Which Violations or Situations Require a Tier 2 Public Notice?</p> <p>Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.</p> <p>(From Table 1 to §141.203 - Violation Categories and Other Situations Requiring a Tier 2 Public Notice)</p> <p>(1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under §141.202(a) or where the primacy agency determines that a Tier 1 notice is required;</p> <p>(2) Violations of the monitoring and testing procedure requirements, where the primacy agency determines that a Tier 2</p>	<p>§141.203(a)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and			
(3) Failure to comply with the terms and conditions of any variance or exemption in place.			
<p>When is the Tier 2 Public Notice to be Provided?</p> <p>(1) PWSs must provide public notice as soon as practical, but no later than 30 days after the system learns of the violation.</p> <p>If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The primacy agency may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. Extensions granted by the primacy agency must be in writing.</p> <p>(2) The PWS must repeat the notice every three months, as long as the violation or situation persists, unless the primacy agency determines that appropriate circumstances warrant a different repeat notice frequency.</p> <p>In no circumstance may the repeat notice be given less frequently than once per year. Primacy agency determinations allowing repeat notices to be given less frequently than once every three months must be in writing.</p>	<p>§141.203(b)</p> <p>§141.203(b)(1)</p> <p>§141.203(b)(2)</p>		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>(3) For the turbidity violations specified in this paragraph, PWSs must consult with the primacy agency as soon as practical but no later than 24 hours after the PWS learns of the violation, to determine whether a Tier 1 public notice under §141.202(a) is required to protect public health.</p> <p>When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the system learns of the violation), following the requirements under §141.202(b) and (c).</p> <p>Consultation with the primacy agency is required for:</p> <ul style="list-style-type: none"> (i) Violation of the turbidity MCL under §141.13(b); or (ii) Violation of the SWTR or IESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit. 	<p>§141.203(b)(3)</p>		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>What is the Form and Manner of the Tier 2 Public Notice?</p> <p>PWSs must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:</p> <p>(1) Unless directed otherwise by the primacy agency in writing, a CWS must provide notice by:</p> <p>(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS; and</p> <p>(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section.</p> <p>Such persons may include those who do not pay water bills or do not have service connection addresses (e.g. house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.)</p>	<p>§141.203(c)</p> <p>§141.203(c)(1)</p> <p>§141.203(c)(1)(i)</p> <p>§141.203(c)(1)(ii)</p>		

Primacy Revision Crosswalk for the PN Rule

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<p>Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide drinking water to others (e.g. apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.</p> <p>(2) Unless otherwise directed by the primacy agency in writing, a NCWS must provide notice by:</p> <p>(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and</p> <p>(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section.</p> <p>Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).</p>	<p>§141.203(c)(2)</p> <p>§141.203(c)(2)(i)</p> <p>§141.203(c)(2)(ii)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
§141.204 - Tier 3 Public Notice Requirements - Form, Manner, and Frequency of Notice			
<p>Which Violations or Situations Require a Tier 3 Public Notice?</p> <p>Table 1 of this section list the violation categories and other situations requiring a Tier 3 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.</p> <p>(From Table 1 to §141.204 - Violation Categories and Other Situations Requiring a Tier 3 Public Notice)</p> <p>(1) Monitoring violations under 40 CFR part 141, except where a Tier 1 notice is required under §141.202(a) or where the primacy agency determines that a Tier 2 notice is required;</p> <p>(1) Failure to comply with a testing procedure established in 40 CFR part 141, except where Tier 1 notice is required under §141.202(a) or where the primacy agency determines that a Tier 2 notice is required;</p> <p>(2) Operation under a variance granted under section 1415 or exemption granted under section 1416 of the Safe Drinking Water Act;</p> <p>(3) Availability of unregulated contaminant monitoring results, as required under §141.207; and</p> <p>(4) Exceedance of the fluoride SMCL, as required under §141.208.</p>	§141.204(a)		

Primacy Revision Crosswalk for the PN Rule

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<p>When is the Tier 3 Public Notice to be Provided?</p> <p>(1) PWSs must provide the public notice not later than one year after the PWS learns of the violation or situation or begins operating under a variance or exemption.</p> <p>Following the initial notice the PWS must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists.</p> <p>If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).</p> <p>(2) Instead of individual Tier 3 public notices, a PWS may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of paragraph (b)(1) of this section are met.</p>	<p>§141.204(b)</p> <p>§141.204(b)(1)</p> <p>§141.204(b)(2)</p>		
<p>What is the Form and Manner of the Tier 3 Public Notice?</p> <p>PWSs must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:</p>	<p>§141.204(c)</p>		
<p>(1) Unless directed otherwise by the primacy</p>	<p>§141.204(c)(1)</p>		

Primacy Revision Crosswalk for the PN Rule

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<p>agency in writing, community water systems must provide notice by:</p> <p>(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS; and</p> <p>(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section.</p> <p>Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc..).</p> <p>Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.</p>	<p>§141.204(c)(1)(i)</p> <p>§141.204(c)(1)(ii)</p>		

Privacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>(2) Unless otherwise directed by the privacy agency in writing, a NCWS must provide notice by:</p> <p>(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and</p> <p>(ii) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section.</p> <p>Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by.</p> <p>Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).</p>	<p>§141.204(c)(2)</p> <p>§141.204(c)(2)(i)</p> <p>§141.204(c)(2)(ii)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
(8) When the water system expects to return to compliance or resolve the situation;	§141.205(a)(8)		
(9) The name, business address, and phone number of the water system owner, operator, or designee of the PWS as a source of additional information concerning the notice; and	§141.205(a)(9)		
(10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under paragraph (d)(3) of this section, where applicable.	§141.205(a)(10)		
What Elements Must Be Included in the Public Notice for PWSs Operating Under a Variance or Exemption?	§141.205(b)		
(1) If a PWS has been granted a variance or an exemption, the public notice must contain:			
(i) An explanation of the reasons for the variance or exemption;	§141.205(b)(1)(i)		
(ii) The date on which the variance or exemption was issued;	§141.205(b)(1)(ii)		
(iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and	§141.205(b)(1)(iii)		
(iv) A notice of any opportunity for public input in the review of the variance or exemption.	§141.205(b)(1)(iv)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
(2) If a PWS violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in paragraph (a) of this section.	§141.205(b)(2)		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>How is the Public Notice to be Presented?</p> <p>(1) Each public notice required by this section:</p> <ul style="list-style-type: none"> (i) Must be displayed in a conspicuous way when printed or posted; (ii) Must not contain overly technical language or very small print; (iii) Must not be formatted in a way that defeats the purpose of the notice; and (iv) Must not contain language which nullifies the purpose of the notice. <p>(2) Each public notice required by this section must comply with multilingual requirements, as follows:</p> <ul style="list-style-type: none"> (i) For PWSs serving a large proportion of non-English speaking consumers, as determined by the primacy agency, the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language. 	<p>§141.205(c)</p> <p>§141.205(c)(1)(i)</p> <p>§141.205(c)(1)(ii)</p> <p>§141.205(c)(1)(iii)</p> <p>§141.205(c)(1)(iv)</p> <p>§141.205(c)(2)</p> <p>§141.205(c)(2)(i)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
(ii) In cases where the primacy agency has not determined what constitutes a large proportion of non-English speaking consumers, the PWS must include in the public notice, the same information as in paragraph (c)(2)(i) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.	§141.205(c)(2)(ii)		
<p>What Standard Language Must PWSs Include in Their Public Notice?</p> <p>PWSs are required to include the following standard language in their public notice:</p> <p>(1) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption.</p> <p>PWSs must include in each public notice the health effects language specified in Appendix B to this subpart corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix A to this subpart, and for each violation of a condition of a variance or exemption.</p>	<p>§141.205(d)</p> <p>§141.205(d)(1)</p>		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>(2) Standard language for monitoring and testing procedure violations.</p> <p>PWSs must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix A to this subpart:</p> <p><i>“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.”</i></p>	<p>§141.205(d)(2)</p>		
<p>(3) Standard language to encourage the distribution of the public notice to all persons served.</p> <p>PWSs must include in their notice the following language (where applicable):</p> <p><i>“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.”</i></p>	<p>§141.205(d)(3)</p>		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
§141.206 - Notice to New Billing Units or New Customers			
What is the Requirement for Community Water Systems? CWSs must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring public notice to all new billing units or new customers prior to or at the time service begins.	§141.206(a)		
What is the Requirement for Non-Community Water Systems? NCWSs must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.	§141.206(b)		
§141.207- Special Notice of the Availability of Unregulated Contaminant Monitoring Results			
When is the Special Notice to be Given? The owner or operator of a community water system or non-transient, non-community water system required to monitor under §141.40 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.	§141.207(a)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
<p>What is the Form and Manner of the Special Notice?</p> <p>The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in §§141.204(c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.</p>	§141.207(b)		
§141.208- Special Notice for Exceedance of the SMCL for Fluoride			
<p>When is the Special Notice to be Given?</p> <p>CWSs that exceed the fluoride SMCL of 2 mg/l as specified in §143.3 (determined by the last single sample taken in accordance with §141.23), but do not exceed the MCL of 4 mg/l for fluoride (as specified in §141.62), must provide the public notice in paragraph (c) of this section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the water system learns of the exceedance.</p> <p>A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the State public health officer. The PWS must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the primacy agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.</p>	§141.208(a)		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p>What is the Form and Manner of the Special Notice?</p> <p>The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in §§141.204(c), (d)(1), and (d)(3).</p>	<p align="center">§141.208(b)</p>		
<p>What Mandatory Language Must Be Contained in the Special Notice?</p> <p>The notice must contain the following language, including the language necessary to fill in the blanks:</p> <p><i>“This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/l.</i></p>	<p align="center">§141.208(c)</p>		

Primacy Revision Crosswalk for the PN Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement note here and explain on separate sheet</p>
<p><i>Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.</i></p> <p><i>Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.</i></p> <p><i>For more information, please call [name of your water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-NSF-HELP."</i></p>			

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
§141.209 - Special Notice for Nitrate Exceedances Above MCL by Non-Community Water Systems (NCWS), Where Granted Permission by the Primacy Agency under §141.11(d)			
<p>When is the Special Notice to be Given?</p> <p>The owner or operator of a non-community water system granted permission by the primacy agency under §141.11(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under §141.202(a) and (b).</p>	§141.209(a)		
<p>What is the Form and Manner of the Special Notice?</p> <p>Non-community water systems granted permission by the primacy agency to exceed the nitrate MCL under §141.11(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under §141.202(c) and the content requirements under §141.205.</p>	§141.209(b)		

Primacy Revision Crosswalk for the PN Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement note here and explain on separate sheet
§141.210 - Notice By Primacy Agency On Behalf of the Public Water System			
<p>May the Primacy Agency Give Notice on Behalf of the PWS?</p> <p>The primacy agency may give the notice required by this subpart on behalf of the owner and operator of the PWS if the primacy agency complies with the requirements of this subpart.</p>	§141.210(a)		
<p>What is the Responsibility of the PWS When Notice is Given by the Primacy Agency?</p> <p>The owner or operator of the PWS remains responsible for ensuring that the requirements of this subpart are met.</p>	§141.210(b)		

Section IV. State Reporting and Recordkeeping Checklist - Example Format

States can use this form to explain how State reporting and recordkeeping requirements are consistent with federal requirements for recordkeeping, 40 CFR 142.14, and reporting 40 CFR 142.15. If the State's provisions differ from federal requirements, the State can use this form to explain how their requirements are no less stringent.

State Reporting and Recordkeeping Checklist	
Requirement	Are State Policies Consistent with Federal Requirements? If Not, Explain
§142.14(f) - Records Kept by States	
Public notification records under Subpart Q of Part 141 received from public water systems (including the certifications and copies of the public notice) and any State determinations establishing alternative public notification requirements for the water systems must be retained for three years.	
§142.15(a)(1)	
New violations by public water systems in the State during the previous quarter of State regulations adopted to incorporate the requirements of national primary drinking water regulations, including violations of the public notification requirements under Subpart Q of Part 141.	

Section V. Special Primacy Requirements - Example Format

In this section, States must describe how they will address each special primacy requirement. To complete the special primacy requirements section, the State should fill out the first blank column with a “Yes” or “ No” answer, to indicate whether those provisions are being adopted at the State level. For all “Yes” answers, further explanation should be provided. (Refer to Section III, Special Primacy Requirements of the PN Rule, in the main body of the Implementation Guidance for additional information on how States may choose to meet these requirements.)

Special Primacy Requirements Checklist	
Requirement	Applicable to State? (Yes or No)
	If Yes, Provide Further Description
<p>§142.16(a)(1):</p> <p>At its option, a State may, by rule, and after notice and comment, establish alternative public notification requirements with respect to the form and content of the public notice required under subpart Q of part 141.</p> <p>The alternative requirements must provide the same type and amount of information required under subpart Q and must be designed to achieve an equivalent level of public notice of violations as would be achieved under subpart Q of part 141.</p>	
<p>§142.16(a)(2):</p> <p>As part of the revised primacy program, a State must also establish enforceable requirements and procedures when the State opts to add to or change the minimum requirements under:</p> <p>(i) <u>Table 1 to 40 CFR 141.201(a) (Item 3v)</u> - To require public water systems to give a public notice for violations or situations other than those listed in Appendix A of Subpart Q of Part 141 of the rule.</p>	

Special Primacy Requirements Checklist	
Requirement	Applicable to State? (Yes or No)
	If Yes, Provide Further Description
(ii) <u>40 CFR 141.201(c)(2)</u> - To allow public water systems, under the specific circumstances listed in §141.201(c)(2), to limit the distribution of the public notice to persons served by the portion of the distribution system that is out of compliance.	
(iii) <u>Table 1 of 40 CFR 141.202(a) (Items 5, 6, and 8)</u> – To require public water systems to give a Tier 1 public notice (rather than a Tier 2 or Tier 3 notice) for violations or situations listed in Appendix A of Subpart Q of Part 141 of the rule.	
(iv) <u>40 CFR 141.202(b)(3)</u> - To require public water systems to comply with additional Tier 1 public notification requirements set by the State subsequent to the initial 24-hour Tier 1 notice, as a result of their consultation with the State required under §141.202(b)(2).	
(v) <u>40 CFR 141.202(c), 141.203(c) and 141.204(c)</u> -- To require a different form and manner of delivery for Tier 1, 2 and 3 public notices.	
(vi) <u>Table 1 to 40 CFR 141.203(a) (Item 2)</u> – To require the public water systems to provide a Tier 2 public notice (rather than Tier 3) for monitoring or testing procedure violations specified by the State.	

Special Primacy Requirements Checklist	
Requirement	Applicable to State? (Yes or No)
	If Yes, Provide Further Description
(vii) <u>40 CFR 141.203(b)(1)</u> - To grant public water systems an extension up to three months for distributing the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule).	
(viii) <u>40 CFR 141.203(b)(2)</u> – To grant a different repeat notice frequency for the Tier 2 public notice in appropriate circumstances (other than those specifically excluded in the rule), but no less frequently than once per year.	
(ix) <u>40 CFR 141.203(b)(3)</u> – To respond within 24 hours to a request for consultation by the public water system to determine whether a Tier 1 (rather than a Tier 2) notice is required for a turbidity MCL violation under §141.13(b) or a SWTR/IESWTR TT violation due to a single exceedance of the maximum allowable turbidity limit.	
(x) <u>40 CFR 141.205(c)(2)</u> – To determine the specific multilingual requirement for a public water system, including defining “large proportion of non-English-speaking consumers.”	

Section VI. Attorney General's Statement of Enforceability - Example Format

Model Language

I hereby certify, pursuant to my authority as _____(1)_____ and in accordance with the Safe Drinking Water Act as amended, and _____(2)_____, that in my opinion the laws of the [State/Commonwealth] of _____(3)_____ [or Tribal ordinances of _____(4)_____] to carry out the program set forth in the "Program Description" submitted by the _____(5)_____ have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved.

Guidance and Model Language For States on Audit Privilege and/or Immunity Laws

In order for EPA to properly evaluate the State's request for approval, the State Attorney General or independent legal counsel should certify that the State's environmental audit immunity and/or privilege and immunity law does not affect its ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act. This certification should be reasonably consistent with the wording of the State audit laws and should demonstrate how State program approval criteria are satisfied.

EPA will apply the criteria outlined in its "Statement of Principles" memo issued on February 14, 1997 in determining whether States with audit laws have retained adequate enforcement authority for any authorized federal programs. The principles articulated in the guidance are based on the requirements of federal law, specifically the enforcement and compliance and State program approval provisions of environmental statutes and their corresponding regulations. The Principles provide that if provisions of State law are ambiguous, it will be important to obtain opinions from the State Attorney General or independent legal counsel interpreting the law as meeting specific federal requirements. If the law cannot be so interpreted, changes to State laws may be necessary to obtain federal program approval. Before submitting a package for approval, States with audit privilege and/or immunity laws should initiate communications with appropriate EPA Regional offices to identify and discuss the issues raised by the State's audit privilege and/or immunity law.

Model Language for States with No Audit Privilege and/or Immunity Laws

Furthermore, I certify that [State/Commonwealth] of _____(3)_____ has not enacted any environmental audit privilege and/or immunity laws.

Model Language For States with Audit Laws that Do Not Apply to the State Agency Administering the Safe Drinking Water Act

Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State/ Commonwealth] of _____(3)_____ does not affect _____(3)_____ ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity law] does not apply to the program set forth in the “Program Description.” The Safe Drinking Water Act program set forth in the “Program Description” is administered by _____(5)_____; the [audit privilege and/or immunity law] does not affect programs implemented by _____(5)_____, thus the program set forth in the “Program Description” is unaffected by the provisions of [State/Commonwealth] of _____(3)_____ [audit privilege and/or immunity law].

Model Language For States with Audit Privilege and/or Immunity Laws that Worked with EPA to Satisfy Requirements for Federally Authorized, Delegated or Approved Environmental Programs.

Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State / Commonwealth] of _____(3)_____ does not affect _____(3)_____ ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because [State/Commonwealth] of _____(3)_____ has enacted statutory revisions and/or issued a clarifying Attorney General’s statement to satisfy requirements for federally authorized, delegated or approved environmental programs.

Seal of Office

Signature

Name and Title

Date

- (1) Attorney General or attorney for primacy agency if it has independent legal counsel
- (2) 40 CFR 142.12(c)(1)(iii) for final requests for approval of program revisions
- (3) Name of State or Commonwealth
- (4) Name of Tribe
- (5) Name of Primacy Agency

Appendix A to Subpart O – Regulated Contaminants

Key

AL=Action Level

MCL=Maximum Contaminant Level

MCLG=Maximum Contaminant Level Goal

MFL=million fibers per liter

MRDL=Maximum Residual Disinfectant Level

MRDLG=Maximum Residual Disinfectant Level Goal

mrem/year=millirems per year (a measure of radiation absorbed by the body)

N/A=Not Applicable

NTU=Nephelometric Turbidity Units
(a measure of water clarity)

pCi/l=picocuries per liter (a measure of radioactivity)

ppm=parts per million, or milligrams per liter (mg/l)

ppb=parts per billion, or micrograms per liter (µg/l)

ppt=parts per trillion, or nanograms per liter

ppq=parts per quadrillion, or picograms per liter

TT=Treatment Technique

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Microbiological Contaminants						
Total Coliform Bacteria	MCL: (systems that collect ≥40 samples/ month) 5% of monthly samples are positive; (systems that collect < 40 samples/ month) 1 positive monthly sample			0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and <i>E. coli</i>	0			0	Human and animal fecal waste	Fecal coliforms and <i>E. coli</i> are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Total organic carbon (ppm)	TT	-	TT	n/a	Naturally present in the environment	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU)	TT	-	TT	n/a	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
Radioactive Contaminants						
Beta/photon emitters (mrem/yr)	4 mrem/yr	-	4	0* <i>Effective 12/8/03</i>	Decay of natural and man-made deposits	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters (pCi/l)	15 pCi/l	-	15	0* <i>Effective 12/8/03</i>	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Combined radium (pCi/l)	5 pCi/l	-	5	0* <i>Effective 12/8/03</i>	Erosion of natural deposits	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (µg/l)	30 µg/l*	-	30*	0*	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
Inorganic Contaminants						
Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb)	0.01*	1000	10*	0*	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
	* Arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/l (50 ppb) and there is no MCLG.					
Asbestos (MFL)	7 MFL	-	7	7	Decay of asbestos cement water mains; Erosion of natural deposits	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm)	2	-	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
Bromate ¹ (ppb)	.010	1000	10	0	By-product of drinking water chlorination	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chloramines ¹ (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

¹ The PN Rule published in the *Federal Register* on May 4, 2000 updated Appendix A of the CCR Rule. Information for this contaminant was incorrectly placed in the volatile organic contaminants section of Appendix A instead of the inorganic contaminants section. EPA will publish a technical correction to the rule to correct this error.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Chlorine ¹ (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorine dioxide ¹ (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorite ¹ (ppm)	1	-	1	0.8	By-product of drinking water chlorination	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp mills; Erosion of natural deposits	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

¹ The PN Rule published in the *Federal Register* on May 4, 2000 updated Appendix A of the CCR Rule. Information for this contaminant was incorrectly placed in the volatile organic contaminants section of Appendix A instead of the inorganic contaminants section. EPA will publish a technical correction to the rule to correct this error.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Copper (ppm)	AL=1.3	-	AL=1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb)	.2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
Fluoride (ppm)	4	-	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
Nitrate (ppm)	10	-	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	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.
Nitrite (ppm)	1	-	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Synthetic Organic Contaminants including Pesticides and Herbicides						
2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex] (ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT	-	TT	0	Added to water during sewage/ wastewater treatment	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
Benzo(a)pyrene [PAH] (nanograms/l)	.0002	1,000,000	200	0	Leaching from linings of water storage tanks and distribution lines	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb)	.4	1000	400	400	Discharge from chemical factories	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement, or possible reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb)	.006	1000	6	0	Discharge from rubber and chemical factories	Some people who drink water containing di (2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
Dioxin [2,3,7,8-TCDD] (ppq)	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin	TT	-	TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
Hexachloro-cyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
PCBs [Polychlorinated biphenyls] (ppt)	.0005	1,000,000	500	0	Runoff from landfills; Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
Volatile Organic Contaminants						
Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical factories	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
trans-1,2-Dichloroethylene (ppb)	.1	1000	100	100	Discharge from industrial chemical factories	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb)	.060	1000	60	n/a	By-product of drinking water disinfection	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories; Leaching from landfills	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
1,1,2-Trichloroethane (ppb)	.005	1000	5	3	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb)	0.10/.080	1000	100/80	n/a	By-product of drinking water chlorination	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1	-	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from plastics factories	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Xylenes (ppm)	10	-	10	10	Discharge from petroleum factories; Discharge from chemical factories	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Appendix B. State Primacy Revision Application Package for the PN and CCR Rules - Example Format

This Appendix describes the elements of a combined primacy revision package for both the PN and CCR Rules. If a State wishes to submit a combined application package, the following elements should be included and address both rules:

Section I. State Primacy Revision Checklist

- ▶ Listing of program elements from 40 CFR 142.10 that the State may have revised in response to the new rule.

Section II. Text of the State's Regulation

Section III. Primacy Revision Crosswalk

- ▶ Identification of how State regulations correspond to each requirement prescribed of the federal rules.

Section IV. State Reporting and Recordkeeping Checklist

- ▶ Explanation of how State reporting and recordkeeping requirements are consistent with federal requirements.

Section V. Special Primacy Requirements

- ▶ Explanation of how a State will address the special primacy requirements identified in 40 CFR 142.16.

Section VI. Attorney General's Statement of Enforceability

- ▶ Statement that State regulations can be enforced by the State government.

Appendix A provides example formats for these six elements for the PN Rule. Additional information needed for the CCR Rule is presented in this Appendix.

Review of State Primacy Revision Application
for the
Public Notification (PN)
and
Consumer Confidence Report (CCR) Rules

CONTENTS:

1. § 142.10 Requirements - State Primacy Revision Checklist
2. Text of the State's Regulation
3. § 141 Requirements - Primacy Revision Crosswalk
4. § 142.14 and 15 - State Reporting and Recordkeeping Requirements
5. § 142.16 - Special Primacy Requirements
6. Attorney General's Statement of Enforceability

State:

Date Application Submitted:

Date Review Completed:

EPA Region:

Review Staff:

Section I. State Primacy Revision Checklist - Example Format

The State Primacy Revision Checklist is a listing of program elements from 40 CFR 142.10 that the State may have revised in response to the new rule. For these two rules, most States will revise §§142.10(b)(6)(v) and (vii) authority to require public notification and to require community water systems to issue CCRs.

State Primacy Revision Checklist		
Required Program Elements	Revision to State Program (Yes or No)	EPA Findings/ Comments
§142.10 Primary Enforcement		
§142.10(a) Regulations No Less Stringent		
§142.10(b)(1) Maintain Inventory		
§142.10(b)(2) Sanitary Survey Program		
§142.10(b)(3) Laboratory Certification Program		
§142.10(b)(4) Laboratory Capability		
§142.10(b)(5) Plan Review Program		
§142.10(b)(6)(i) Authority to Apply Regulations		
§142.10(b)(6)(ii) Authority to Sue in Courts of Competent Jurisdiction		
§142.10(b)(6)(iii) Right of Entry		
§142.10(b)(6)(iv) Authority to Require Records		
§142.10(b)(6)(v) Authority to Require Public Notification		
§142.10(b)(6)(vi) Authority to Assess Civil and Criminal Penalties		
§142.10(b)(6)(vii) Authority to Require CWSs to Provide CCRs		
§142.10(c) Maintenance of Records		
§142.10(d) Variance/Exemption Conditions		
§142.10(e) Emergency Plans		
§142.10(f) Administrative Penalty Authority		

Section II. Text of State's Regulation

The text of the State's regulations for the PN and CCR Rules should be included in this section.

Section III. Primacy Revision Crosswalk - Example Format

The Primacy Revision Crosswalk will be used by EPA in determining, section by section, whether the State regulations are as stringent as the federal regulations. Appendix A, page A-5, contains a crosswalk for the PN Rule. The crosswalk for the CCR Rule is given on the following pages.

Note: This crosswalk has been updated to reflect all of the technical corrections and amendments to the CCR Rule published in the Federal Register from 1998 to 2001.

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>DEFINITIONS</p> <p>Customers: <i>Billing units or service connections to which water is delivered by a community water system.</i></p> <p>Detected: <i>At or above the levels prescribed by §141.23(a)(4) for inorganic contaminants, at or above the levels prescribed by §141.24(f)(7) for the contaminants listed in §141.61(a), at or above the level prescribed by §141.24(h)(18) for the contaminants listed in §141.61(c), and at or above the levels prescribed by §141.25(c) for radioactive contaminants.</i></p> <p>Maximum Contaminant Level Goal or MCLG: <i>The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.</i></p> <p>Maximum Contaminant Level or MCL: <i>The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.</i></p> <p>Variances and Exemptions: <i>State or EPA permission not to meet an MCL or a treatment technique under certain conditions.</i></p> <p>Treatment Technique (TT): <i>A required process intended to reduce the level of a contaminant in drinking water.</i></p>	<p>§141.151(c)</p> <p>§141.151(d)</p> <p>§141.153(c)(1)(i)</p> <p>§141.153(c)(1)(ii)</p> <p>§141.153(c)(2)</p> <p>§141.153(c)(3)(i)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>Action Level (AL): <i>The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.</i></p> <p>Maximum Residual Disinfectant Level Goal or MRDLG: <i>The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.</i></p> <p>Maximum Residual Disinfectant Level or MRDL: <i>The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.</i></p>	<p>§141.153(c)(3)(ii)</p> <p>§141.153(c)(3)(iii)</p> <p>§141.153(c)(3)(iv)</p>		
§141.152 - General Requirements			
EFFECTIVE DATES			
<p>Each existing CWS must deliver its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report must contain data collected during, or prior to, calendar year 1998 as prescribed in §141.153(d)(3). Each report thereafter must contain data collected during, or prior to, the previous calendar year.</p>	§141.152(b)		
<p>A new CWS must deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.</p>	§141.152(c)		

Primacy Revision Crosswalk for the CCR Rule

FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>A CWS that sells water to another CWS must deliver the applicable information required in §141.153 to the buyer system:</p> <ul style="list-style-type: none"> ▶ No later than April 19, 1999, by April 1, 2000, and by April 1 annually thereafter or ▶ On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties. 	<p>§141.152(d)</p> <p>§141.152(d)(1)</p> <p>§141.152(d)(2)</p>		
§141.153; §141.154 - Content of the CCRs			
<p>Each CWS must provide to its customers an annual report that contains the information specified in this section and §141.154.</p>	<p>§141.153(a)</p>		
<p>Information on the source of the water delivered:</p> <p>Each report must identify the source(s) of the water delivered by the CWS by providing information on:</p> <ul style="list-style-type: none"> ▶ The type of water: e.g., surface water, ground water; and ▶ The commonly used name (if any) and location of the body (or bodies) of water. 	<p>§141.153(b)</p> <p>§141.153(b)(1)</p> <p>§141.153(b)(1)(i)</p> <p>§141.153(b)(1)(ii)</p>		
<p>If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to</p>	<p>§141.153(b)(2)</p>		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the primacy agency, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the primacy agency or written by the operator.</p>			
<p>INFORMATION ON DETECTED CONTAMINANTS</p> <p>This sub-section specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except <i>Cryptosporidium</i>). It applies to:</p> <ul style="list-style-type: none"> ▶ Contaminants subject to a MCL, action level, maximum residual disinfectant level or a treatment technique (regulated contaminants). ▶ Contaminants for which monitoring is required by §141.40 (unregulated contaminants); and ▶ Disinfection by-products or microbial contaminants for which monitoring is required by §141.42 and §141.43, except as provided under paragraph (e)(1) of this section, and which are detected in the finished water. 	<p>§141.153(d)(1)</p> <p>§141.153(d)(1)(i)</p> <p>§141.153(d)(1)(ii)</p> <p>§141.153(d)(1)(iii)</p>		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results which a CWS chooses to include in its report must be displayed separately.</p>	<p>§141.153(d)(2)</p>		
<p>The data must be derived from data collected to comply with EPA and State monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter except that:</p> <ul style="list-style-type: none"> ▶ Where a system is allowed to monitor for regulated contaminants less than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with regulations. No data older than 5 years need be included. ▶ Results of monitoring in compliance with §141.142 and §141.143 need only be included for 5 years from the date of the last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first. 	<p>§141.153(d)(3)</p> <p>§141.153(d)(3)(i)</p> <p>§141.153(d)(3)(ii)</p>		

Primacy Revision Crosswalk for the CCR Rule

FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<p>For detected regulated contaminants (listed in Appendix A to this subpart) the table(s) must contain:</p> <ul style="list-style-type: none"> ▶ The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A to this subpart); 	<p>§141.153(d)(4)</p> <p>§141.153(d)(4)(i)</p>		
<ul style="list-style-type: none"> ▶ The MCLG for that contaminant expressed in the same units as the MCL; 	<p>§141.153(d)(4)(ii)</p>		
<ul style="list-style-type: none"> ▶ If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique (TT), or specify the action level (AL), applicable to that contaminant, and the report must include the definitions for TT and/or AL, as appropriate, specified in paragraph (c)(3) of this section; 	<p>§141.153(d)(4)(iii)</p>		
<ul style="list-style-type: none"> ▶ For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR and the range of detected levels, as follows: <ul style="list-style-type: none"> – When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same 	<p>§141.153(d)(4)(iv)</p> <p>§141.153(d)(4)(iv)(A)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
units as the MCL.			
<ul style="list-style-type: none"> - When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL. - When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL. 	<p>§141.153(d)(4)(iv)(B)</p> <p>§141.153(d)(4)(iv)(C)</p>		
<p>Turbidity Data Requirements</p> <p>When it is reported pursuant to:</p> <ul style="list-style-type: none"> ▶ §141.13: the highest average monthly value. ▶ §141.71: the highest monthly value. The report should include an explanation of the reasons for measuring turbidity. ▶ §141.73 or §141.173: the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits 	<p>§141.153(d)(4)(v)</p> <p>§141.153(d)(4)(v)(A)</p> <p>§141.153(d)(4)(v)(B)</p> <p>§141.153(d)(4)(v)(C)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
specified in §141.73 or §141.173 for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.			
Lead and Copper Data Requirements For lead and copper: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level.	§141.153(d)(4)(vi)		
Total Coliform Data Requirements ▶ The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or ▶ The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;	§141.153(d)(4)(vii) §141.153(d)(4)(vii)(A) §141.153(d)(4)(vii)(B)		
Fecal Coliform Data Requirements For Fecal Coliform: the total number of positive samples.	§141.153(d)(4)(viii)		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>Likely Source(s) of Detected Contaminants</p> <p>The likely source(s) of detected contaminants to the best of the operator’s knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix A to this subpart that are most applicable to the system.</p>	<p>§141.153(d)(4)(ix)</p>		
<p>If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area (Not Required but Recommended).</p>	<p>§141.153(d)(5)</p>		
<p>The table(s) must clearly identify any data indicating violations of MCLs, MRDLs, or TTs, and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects the system must use the relevant</p>	<p>§141.153(d)(6)</p>		

Primacy Revision Crosswalk for the CCR Rule

FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
language of Appendix A to this subpart.			
For detected unregulated contaminants for which monitoring is required (except <i>Cryptosporidium</i>), the table(s) must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.	§141.153(d)(7)		
<p>Information on <i>Cryptosporidium</i>, Radon, and Other Contaminants</p> <p>If the system has performed any monitoring for <i>Cryptosporidium</i>, including monitoring performed to satisfy the requirements of §141.143, which indicates that <i>Cryptosporidium</i> may be present in the source water or the finished water, the report must include:</p> <ul style="list-style-type: none"> ▶ a summary of the results of the monitoring; and ▶ an explanation of the significance of the results. 	<p>§141.153(e)</p> <p>§141.153(e)(1)</p> <p>§141.153(e)(1)(i)</p> <p>§141.153(e)(1)(ii)</p>		
<p>If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:</p> <ul style="list-style-type: none"> ▶ the results of the monitoring; and ▶ an explanation of the significance of the results. 	<p>§141.153(e)(2)</p> <p>§141.153(e)(2)(i)</p> <p>§141.153(e)(2)(ii)</p>		
If the system has performed additional	§141.153(e)(3)		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>▶ Filtration and disinfection prescribed by Subpart H of this part (40 CFR 141). For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects:</p> <p>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</p>	<p>§141.153(f)(2)</p>		
<p>▶ Lead and copper control requirements prescribed by Subpart I of this part. For systems that fail to take one or more actions prescribed by §§ 141.80(d), 141.81, 141.82, 141.83, or 141.84, the report must include the applicable language of Appendix A to this subpart for lead, copper, or both.</p>	<p>§141.153(f)(3)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<ul style="list-style-type: none"> ▶ Treatment techniques for Acrylamide and Epichlorohydrin prescribed by Subpart K of this part. For systems that violate the requirements of subpart K of this part, the report must include relevant language from Appendix A to this subpart. 	§141.153(f)(4)		
<ul style="list-style-type: none"> ▶ Recordkeeping of compliance data. 	§141.153(f)(5)		
<ul style="list-style-type: none"> ▶ Special monitoring requirements prescribed by §141.40 (for inorganic and organic contaminants) and §141.41 (for sodium); and 	§141.153(f)(6)		
<ul style="list-style-type: none"> ▶ Violation of the terms of a variance, an exemption, or an administrative or judicial order. 	§141.153(f)(7)		
<p>Variations and Exemptions</p> <p>If a system is operating under the terms of a variance or an exemption issued under §1415 or §1416 of SDWA, the report must contain:</p>	§141.153(g)		
<ul style="list-style-type: none"> ▶ An explanation of the reasons for the variance or exemption; 	§141.153(g)(1)		
<ul style="list-style-type: none"> ▶ The date on which the variance or exemption was issued; 	§141.153(g)(2)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
<ul style="list-style-type: none"> ▶ A brief status report on the steps the system is taking to install treatment, find alternative sources of water or otherwise comply with the terms and schedules of the variance or exemption; and 	§141.153(g)(3)		
<ul style="list-style-type: none"> ▶ A notice of any opportunity for public input in the review, or renewal, of the variance or exemption. 	§141.153(g)(4)		
<p>Additional Information</p> <p>The report must contain a brief explanation regarding contaminants which may reasonably expected to be found in drinking water, including bottled water. This explanation may include the language of paragraphs (h)(1)(i) through (iii) or systems may use their own comparable language. The report must also include the language of paragraph (h)(1)(iv) of this section.</p> <p>The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.</p>	<p>§141.153(h)</p> <p>§141.153(h)(1)</p> <p>§141.153(h)(1)(i)</p>		

Primacy Revision Crosswalk for the CCR Rule

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<p>Contaminants that may be present in source water include:</p> <p><i>Microbial contaminants</i>, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.</p> <p><i>Inorganic contaminants</i>, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.</p> <p><i>Pesticides and herbicides</i>, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.</p> <p><i>Organic chemical contaminants</i>, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production and can also come from gas stations, urban stormwater runoff, and septic systems.</p> <p><i>Radioactive contaminants</i>, which can be naturally-occurring or be the result of oil and gas production and mining activities.</p>	<p>§141.153(h)(1)(ii)</p> <p>§141.153(h)(1)(ii)(A)</p> <p>§141.153(h)(1)(ii)(B)</p> <p>§141.153(h)(1)(ii)(C)</p> <p>§141.153(h)(1)(ii)(D)</p> <p>§141.153(h)(1)(ii)(E)</p>		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p>If different than federal requirement, note here and explain on a separate sheet</p>
<p>report or assistance in the appropriate language.</p>			
<p>The report must include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.</p>	<p>§141.153(h)(4)</p>		
<p>The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.</p>	<p>§141.153(h)(5)</p>		
<p>REQUIRED ADDITIONAL HEALTH INFORMATION</p>	<p>§141.154</p>		

Primacy Revision Crosswalk for the CCR Rule

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<p>All reports must prominently display the following language:</p> <p>Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by <i>Cryptosporidium</i> and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).</p>	<p>§141.154(a)</p>		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>A system which detects nitrate at levels above 5 mg/L, but below the MCL:</p> <ul style="list-style-type: none"> ▶ Must include a short informational statement about the impacts of nitrate on children using language such as: <p>Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.</p> <ul style="list-style-type: none"> ▶ May write its own educational statement, but only in consultation with the Primacy Agency. 	<p>§141.154(c)</p> <p>§141.154(c)(1)</p> <p>§141.154(c)(2)</p>		

Primacy Revision Crosswalk for the CCR Rule

<p align="center">FEDERAL REQUIREMENT</p>	<p align="center">FEDERAL CITATION</p>	<p align="center">STATE CITATION <i>Document title; page #; and § or ¶</i></p>	<p align="center">If different than federal requirement, note here and explain on a separate sheet</p>
<p>Systems which detect lead above the action level in more than 5% and up to and including 10%, of homes sampled:</p> <ul style="list-style-type: none"> ▶ Must include a short informational statement about the special impact of lead on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791). ▶ May write its own educational statement, but only in consultation with the Primacy Agency. 	<p>§141.154(d)</p> <p>§141.154(d)(1)</p> <p>§141.154(d)(2)</p>		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
CWSs that detect TTHM above 0.080 mg/l, but below the MCL in § 141.12, as an annual average, monitored and calculated under the provisions of §141.30, must include health effects language for TTHMs prescribed by Appendix A.	§141.154(e)		
Beginning in the report due by July 1, 2002 and ending January 22, 2006, a CWS that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed by Appendix A to Subpart O.	§141.154(f)		
REPORT DELIVERY AND RECORDKEEPING	§141.155		
Except as provided in paragraph (g) of this section, each CWS must mail or otherwise directly deliver one copy of the report to each customer.	§141.155(a)		
The system must make a "good faith" effort to reach consumers who do not get water bills, using means recommended by the primacy agency.	§141.155(b)		
No later than the date the system is required to distribute the report to its customers, each CWS must mail a copy of the report to the primacy agency, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.	§141.155(c)		

Primacy Revision Crosswalk for the CCR Rule			
FEDERAL REQUIREMENT	FEDERAL CITATION	STATE CITATION <i>Document title; page #; and § or ¶</i>	If different than federal requirement, note here and explain on a separate sheet
No later than the date the system is required to distribute the report to its customers, each CWS must deliver the report to any other agency or clearinghouse identified by the primacy agency.	§141.155(d)		
Each CWS must make its reports available to the public upon request.	§141.155(e)		
Each CWS serving 100,000 or more persons must post its current year's report to a publicly-accessible site on the Internet.	§141.155(f)		
<p>Mailing Waiver for Systems Serving Fewer than 10,000 Persons</p> <p>The Governor of a State or his designee, or the Tribal leader where the tribe has met the eligibility requirements contained in §142.72 for the purposes of waiving the mailing requirement, can waive the requirement of paragraph (a) of this section for community water systems serving fewer than 10,000 persons. In consultation with the tribal government, the Regional Administrator may waive the requirement of §141.55(a) in areas in Indian country where no tribe has been deemed eligible.</p> <p>Such systems must:</p> <ul style="list-style-type: none"> ▶ Publish reports in one or more local newspapers serving the area in which the system is located; 	<p>§141.155(g)</p> <p>§141.155(g)(1)</p> <p>§141.155(g)(1)(i)</p>		

Section IV. State Reporting and Recordkeeping Checklist - Example Format

States can use this form to explain how State reporting and recordkeeping requirements are consistent with federal requirements for recordkeeping at 40 CFR 142.14, and reporting at 40 CFR 142.15. If the State's provisions differ from federal requirements, the State can use this form to explain how their requirements are no less stringent.

State Reporting and Recordkeeping Checklist	
Requirement	Are State Policies Consistent with Federal Requirements? If Not, Explain
PN Rule - §142.14(f) - Records Kept by States	
Public notification records under Subpart Q of part 141 received from public water systems (including the certifications and copies of the public notice) and any State determinations establishing alternative public notification requirements for the water systems must be retained for three years.	
PN Rule - §142.15(a)(1)	
New violations by public water systems in the State during the previous quarter of State regulations adopted to incorporate the requirements of national primary drinking water regulations, including violations of the public notification requirements under Subpart Q of part 141.	
CCR Rule - §142.16 (f) - Records Kept By The States	
Each State that has primary enforcement responsibility must make CCRs submitted to the State in compliance with 40 CFR 155(c) available to the public upon request.	
Each State that has primary enforcement responsibility must maintain a copy of the CCRs for a period of 1 year.	
Each State that has primary enforcement responsibility must keep a copy of the certifications obtained pursuant to 40 CFR 141.155(c) for a period of 3 years.	

State Reporting and Recordkeeping Checklist	
Requirement	Are State Policies Consistent with Federal Requirements? If Not, Explain
<p>Each State that has primary enforcement responsibility must report violations of 40 CFR 141, Subpart O in accordance with the requirements of §142.15(a)(1).</p> <ul style="list-style-type: none"> ▶ §142.15(a)(1): Each State which has primary enforcement responsibility shall submit quarterly reports to the Administrator on a schedule and in a format, prescribed by the Administrator that contains information on violations by PWSs during the previous quarter of State regulations adopted to incorporate the requirements of the NPDWR. 	

Section V. Special Primacy Requirements - Example Format

Appendix A contains the information on addressing special primacy requirements for the PN Rule. The special primacy requirements of the CCR Rule address reporting and recordkeeping provisions and are addressed in the State Reporting and Recordkeeping Checklist discussed in Section IV on the previous page.

Section VI. Attorney General's Statement of Enforceability - Example Format

Model Language

I hereby certify, pursuant to my authority as ____ (1) _____ and in accordance with the Safe Drinking Water Act as amended, and ____ (2) _____, that in my opinion the laws of the [State/Commonwealth] of ____ (3) _____ [or Tribal ordinances of ____ (4) _____] to carry out the program set forth in the "Program Description" submitted by the ____ (5) _____ have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved.

Guidance and Model Language For States on Audit Privilege and/or Immunity Laws

In order for EPA to properly evaluate the State's request for approval, the State Attorney General or independent legal counsel should certify that the State's environmental audit immunity and/or privilege and immunity law does not affect its ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act. This certification should be reasonably consistent with the wording of the State audit laws and should demonstrate how State program approval criteria are satisfied.

EPA will apply the criteria outlined in its "Statement of Principles" memo issued on February 14, 1997 in determining whether States with audit laws have retained adequate enforcement authority for any authorized federal programs. The principles articulated in the guidance are based on the requirements of federal law, specifically the enforcement and compliance and State program approval provisions of environmental statutes and their corresponding regulations. The Principles provide that if provisions of State law are ambiguous, it will be important to obtain opinions from the State Attorney General or independent legal counsel interpreting the law as meeting specific federal requirements. If the law cannot be so interpreted, changes to State laws may be necessary to obtain federal program approval. Before submitting a package for approval, States with audit privilege and/or immunity laws should initiate communications with appropriate EPA Regional offices to identify and discuss the issues raised by the State's audit privilege and/or immunity law.

Model Language for States with No Audit Privilege and/or Immunity Laws

Furthermore, I certify that [State/Commonwealth] of ____ (3) _____ has not enacted any environmental audit privilege and/or immunity laws.

Model Language For States with Audit Laws that Do Not Apply to the State Agency Administering the Safe Drinking Water Act

Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State/ Commonwealth] of _____(3)_____ does not affect _____(3)_____ ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity law] does not apply to the program set forth in the “Program Description.” The Safe Drinking Water Act program set forth in the “Program Description” is administered by _____(5)_____; the [audit privilege and/or immunity law] does not affect programs implemented by _____(5)_____, thus the program set forth in the “Program Description” is unaffected by the provisions of [State/Commonwealth] of _____(3)_____ [audit privilege and/or immunity law].

Model Language For States with Audit Privilege and/or Immunity Laws that Worked with EPA to Satisfy Requirements for Federally Authorized, Delegated or Approved Environmental Programs.

Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State / Commonwealth of _____(3)_____] does not affect _____(3)_____ ability to meet enforcement and information gathering requirements under the Safe Drinking Water Act because [State/Commonwealth] of _____(3)_____ has enacted statutory revisions and/or issued a clarifying Attorney General’s statement to satisfy requirements for federally authorized, delegated or approved environmental programs.

Seal of Office

Signature

Name and Title

Date

- (1) Attorney General or attorney for primacy agency if it has independent legal counsel
- (2) 40 CFR 142.12(c)(1)(iii) for final requests for approval of program revisions
- (3) Name of State or Commonwealth
- (4) Name of Tribe
- (5) Name of Primacy Agency

Appendix C. SDWIS Reporting - *Draft Final Version*

This appendix provides detailed information on violation and compliance achieved definitions, and reporting requirements for each Public Notice (PN) violation type. In addition, this appendix contains examples on what to report, including how to report utilizing the appropriate Safe Drinking Water Information System/Federal version (SDWIS/FED) Data Transfer File Format (DTF).

At the time this document was issued, EPA was undergoing a revision of its Information Strategy Plan. The DTF and its related edit/update software was also under consideration for major revision. In addition, EPA was beginning a reevaluation of its data requirements considering the increased implementation and reporting burden the new regulations will impose. Because changes in these areas are being considered and would not be implemented until 2002 or later, we are issuing this PN reporting guidance document as a draft final. We have streamlined the requirements as much as possible to minimize the initial implementation of these reporting requirements as well as potential changes under current review. Any change to these requirements will be published well in advance of their implementation to allow adequate time for the reporting entities to adjust their systems and processes.

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Background

This section discusses the Federal reporting requirements under 40 CFR Section 142.15(a)(1) for reporting violations, follow-up and enforcement actions, and “returned to compliance information” to the Safe Drinking Water Information System/Federal version (SDWIS/FED). Specific examples are provided for each reporting requirement including examples of the SDWIS/FED data transfer format (DTF) which is required to upload the data to SDWIS/FED. Reporting non-compliance with the revised Public Notification (PN) rule via the informal public notice enforcement/follow-up actions is no longer a valid method of reporting. Non-compliance must be reported as violations to SDWIS/FED. PN reporting requirements apply to all water systems.

Section I. Federal Reporting Requirements

A. General Reporting Information

The Public Notification Rule (PN) establishes the requirements for public notification of all NPDWR violations and other situations which pose a risk to public health (e.g., Total Coliform Rule, Phase II/V Rule, Surface Water Treatment Rule, waterborne disease outbreaks, periods of operation under a variance or exemption, etc.).

The severity of rule violations and the other specified situations requiring public notification are classified into three tiers. Each tier defines the specific public notice requirements which includes: method of delivery, due dates, frequency, and content. Tier 1 notification is required as soon as practical, but no later than 24 hours after the PWS learns of the violation or PN situation; Tier 2 notification is required no later than 30 days after; and Tier 3 notification is required not later than 1 year after. Refer to the specific sections of the PN implementation guidance for those details.

For those situations where PN is required because of a violation of one or more of the NPDWRs, a one-to-one relationship between the PN violation and the underlying NPDWR violation will be established in SDWIS/FED by a new requirement to report a violation to violation link attribute. The violation type code for NPDWR PN violations is 75. For those situations where there is no underlying NPDWR violation, the PN violation is reported without the link information and is differentiated by the PN violation type code of 76. Violation and violation link reporting is discussed further in Section I.C. Reporting when a system has returned to compliance and reporting of all formal enforcement actions taken against PN violations are also required for this rule and are discussed further in Section II.

A Public Notice violation occurs when the PWS fails to meet one or more PN requirement for any single Public Notice event. Some violation conditions require an initial public notice and one or more “repeat” notices. Each requirement to provide a public notice is considered a single event and requires a separate compliance evaluation. Therefore, a long term violation condition which requires multiple repeat notices could result in more than one PN violation.

A PN violation exists when a PWS fails to provide public notice which meets the rule requirements for time, form, manner, and delivery as summarized below:

- fails to generate and deliver the PN to its customers within the appropriate time period,
- fails to use the appropriate language and/or include required content,
- fails to use the proper method of delivery (electronic, newspaper, etc.),
- fails to prepare and deliver required repeat notices,
- fails to provide a copy of the public notice and certification to the State by the due date as specified in the rule.

(Refer to Section IV, A.1, of the Implementation Guidance for PN violation discussion and Section I, B.2, for PN Tier discussion.)

The PN rule requires water systems to deliver the required certification that all applicable PN requirements were met, along with a copy of the public notice, to the primacy agency within the appropriate period of time. When the primacy agency determines that the “certification” was not received within the appropriate period of time: or upon review of the copy of the notice, the notice did not meet the content requirements, or for the failure to meet any other requirement, the primacy agency must issue and report a violation to SDWIS/FED under 40 CFR 142.15(a)(1). Because the intent of this rule is to provide specific information to the public regarding their exposure to contaminants and potential health risks, all public notice violations carry the same level of severity. The underlying NPDWR violation drives the severity of the public’s health risk and is the basis for the new requirement to link the PN violation to the related NPDWR violation. In addition, all public notices must be generated and delivered as required before the water system may be considered “returned to compliance.”

Violations and returned to compliance data should be reported to SDWIS/FED within 45 days after the end of the quarter in which the violation occurred, or in which the system returned to compliance. Examples on how to report violation and returned to compliance data are provided in Section E.

B. Violations

PN violations will be characterized in SDWIS/FED by the following data elements:

- A unique violation record identifier (DTF element C1101) consisting of the 2 character federal fiscal year and a unique 5 character number.
- A code identifying the Public Notice contaminant/rule code for which the violation applies (DTF element C1103 = 7500).
- A code describing the type of violation (DTF element C1105 = 75 or 76).
 - 75 = NPDWR PN Violation
 - 76 = Other Potential Health Risk Situations PN Violation (Non-NPDWR)
- The violation/compliance period begin date (DTF element C1107).
- The violation/compliance period end date which is defined as the date the water system had returned to compliance as determined by the primacy agency. This date is promoted from the returned to compliance date which is reported in the enforcement/follow-up action record (DTF C1203 also populates C1109).
- The link method code and the related data which identifies the underlying NPDWR violation (DTF C1144 - NPDWR Violation ID Link, or C1145 - violation type, rule/contaminant code, violation/compliance period begin date, and source entity identification number [SEID] when applicable).

PN rule violations will have the contaminant/rule code of 7500. As a result, SDWIS/FED will provide (default) the value of 7500 for data element C1103 when the violation type code equals the PN type code 75 or 76. States may choose to include a DTF transaction with this value to maintain consistency with other violation reporting. That will be acceptable as long as the value reported for C1103 is 7500 for violations of this rule.

Normally, violations are characterized by a begin and end date which equates to the applicable monitoring period or by the range of dates in which a specific action or set of actions was to have taken place. For this rule, the requirement is to deliver the public notice and deliver the required certification regarding delivery and other applicable PN requirements along with a copy of the notice to the primacy agency within a certain time period following the system's awareness of the situation which requires a PN. If these requirements are not met, a violation exists and is to be reported to SDWIS/FED. Under the previous PN rule, the period of non-compliance was represented by the fixed monitoring or compliance period range of dates related to the underlying NPDWR violation.

Under this rule, the period of non-compliance will be represented by the date the PN violation began and the date the system returned to compliance as determined by the primacy agency.

The violation/compliance period begin date is defined as the day after the PN certification and copy of the notice is due to the primacy agency (ten days after the notice is delivered) and is reported as the DTF element C1107. The violation/compliance period end date, DTF element C1109, is NOT reported in the violation record for PN violations. When SDWIS/FED processes the PN violation, the violation/compliance period end date is populated with the future end date of 12/31/2015¹. When the PWS returns to compliance and the State reports that information to SDWIS/FED, the date the PWS returned to compliance will replace the defaulted violation/compliance period end date of 12/31/2015. This method of capturing non-compliance displays the actual period of time the PWS was out of compliance, or, “in violation.”

Should a system close down or no longer meet the definition of a PWS, once the deactivation data is reported, SDWIS/FED will automatically replace the PN violation’s defaulted end date of 12/31/2015 with the deactivation date². This will prevent States from having to specifically close out these violations. (Note: Deactivation data should NOT be reported during periods of off-season operation for seasonal systems). Should the State desire to report something other than RTC for these inactive system’s violations, a “Intentional No Action” (SO6/EO6) enforcement/follow-up action may be reported and linked to the violations. SDWIS/FED will replace the defaulted end date with the (SO6/EO6) action date as it does with RTC actions. RTC should be reserved for reporting when a system actually completes the requirement (e.g., preforms the notice, meets the MCL, completes the monitoring, etc.,).

All PN violations are considered equivalent; therefore, the major violation indicator (DTF element C1131) is not reported for PN rule violations.

1

12/31/2015 is an arbitrary date currently used within SDWIS/FED in situations where blank (null) values are not allowed. It is merely a place-holder for a value which will be supplied when the system's returned to compliance data is reported.

2

The deactivation data consists of the activity status changing from A = Active to I = Inactive and the month and year of inactivation. This process will use the last day of the month in the deactivation month to post as the violation/compliance period end date in the PN violation.

Exhibit 1 below presents the violation record data and permitted values for PN rule violations.

Exhibit 1 - SDWIS/FED DTF C1100 - Violation Record Data Elements		
Number	Format	Description
C1101	Char 7	Violation ID
C1103*	Char 4	Contaminant/Rule Code = 7500
C1105	Char 2	Violation Type Code = 75, 76
C1107**	Date 8 (yyyy/mm/dd)	Violation/Compliance Period Begin Date
C1144 or	Char 7	NPDWR Violation ID
C1145	Char 40	Violation Type, Rule/Contaminant Code, Violation/Compliance Period Begin Date, and SEID if appropriate

* C1103 will be defaulted by SDWIS/FED or may be provided by the State

** C1107 - The official data standard format for dates is YYYY/MM/DD; however, SDWIS/FED will accept dates in either YYYY/MM/DD or MM/DD/YYYY format.

The Violation ID, DTF element C1101, is a number which uniquely identifies the related attributes in a record. The violation record ID and the enforcement record ID are used by SDWIS/FED to establish the processing domain for violations and enforcement data in the total replacement processing mode. Record identifiers are also used in linking violations to enforcements and now, in linking violations to violations. The first two characters of these record identifiers must be a two digit number which represents the federal fiscal year in which the primacy agency became aware of the violation or issued the enforcement/follow-up action (e.g., enforcement/follow-up action date 07/10/1999 would have an enforcement record ID of "99" in the first two positions of the field). Proper use and designation of record identifiers is critical to the successful submission, maintenance and linking of violation-to-violation and violation-to-enforcement data. Refer to the SDWIS/FED Data Entry Instructions for more detailed information.

Things to Remember

- o Violations begin the day after the missed requirement's deadline.
- o The violation ends when the primacy agency determines that the system has returned to compliance.
- o Violation/Compliance period end dates are defaulted by SDWIS/FED (NOT reported by the state).
- o Defaulted Violation/Compliance period end dates are replaced by the RTC date when the Enforcement/follow-up Record is reported and linked to the PN violation.
- o Violation Type Codes: 75 PN Violation for an NPDWR Violation
76 Other Potential Health Risk Situations PN Violations
- o 75 - NPDWR PN violations MUST be linked to their underlying NPDWR rule violations.
- o Other Potential Health Risk Situation PN Violations do not have underlying violations.
- o States should begin reporting under new requirements within 6 months after adoption.
- o Repeat PN notice requirements are considered separate PN events and are subject to the same compliance determination criteria and reporting requirements as the initial PN event. They are reported with the same violation type code as the initial PN event and carry the same level of severity.

C. PN Link to Originating Rule (NPDWR) Violation

The revised PN rule requires information be reported which will identify the underlying NPDWR violation and information which will allow violations to be linked. Information required to perform this link is similar to the information currently required to link violations and enforcements.

Linking the PN violation to the underlying violation may be accomplished by one of two methods: providing the specific underlying violation's record identifier number, or by providing the underlying violation's violation type code, contaminant/rule code, and the violation/compliance period begin date and when appropriate the Source Entity

Identification Number (SEID). These methods are similar to the Y5000 and Z5000 enforcement to violation link methods currently in use.

Initially, the link data will not establish a true relationship between the PN violation and the underlying NPDWR violation due to pending revisions to EPA’s Information Strategy Plan, anticipated changes to its current data transfer format (DTF), and related edit/update software which will impact how these relationships are actually created and maintained in the SDWIS/FED data base. Final decisions are not expected until late 2001; thus the required link data will only be stored as attributes in the PN violation record until the anticipated DTF and related SDWIS/FED software changes are made. This implementation provides the information required to identify the underlying violation and its related enforcements and compliance status as well as provides the required data to establish the actual relationship in SDWIS/FED in the near future while minimizing the implementation impact on the States.

Exhibit 2 - SDWIS/FED DTF C1100 - Violation/Link Record Data Elements	
Number	Description
C1144	NPDWR Violation's Record Identification Number Link Method
C1145	NPDWR Violation's Contaminant/Rule, Violation Type, Violation/Compliance Period Begin Date (SE-ID*) Link Method

* The water system source facility identification number (SE-ID -C1143) is required when the State reports chemical violations at the facility level instead of the PWS level.

Included in the Information Strategy Plan Revision analysis, EPA is considering requiring all record identifiers be unique and permanent which will result in significant improvements in data quality and simplify the use and maintenance of SDWIS/FED’s relational data. Because of this probable change, States which maintain unique, permanent violation record identifiers may report PN violations using either link method (C1144 or C1145). States which do not, should use the C1145 link method. States using SDWIS/STATE need not be concerned because SDWIS/STATE uses unique and permanent record identifiers and links records by that method.

SDWIS/FED will begin accepting data in the revised reporting format as of July 15, 2001. As of that date, attempts to report violations with violation type code 75 (revised reporting type code for PN violations linked to NPDWR violations), which do not have the link to the underlying NPDWR violation data, will result in the PN violation being REJECTED. Until the State adopts the revised PN regulations and begins reporting under the new requirements, the State should continue to report PN violations under the old PN rule’s requirements (underlying rule contaminant code, PN violation type code of

06, and the begin and end date of the underlying violation). When EPA modifies its implementation of link data to being maintained as a relationship between the PN violation and the underlying NPDWR violation, if the underlying NPDWR violation is not in the SDWIS/FED database, the PN violation will be rejected. EPA will provide advanced notice prior to implementing that edit criteria. Examples of how to report NPDWR violations are presented in Section E.

D. PN Violations for Non-NPDWR Violations (Other Potential Health Risk Situations)

PN violations for those other situations which pose a risk to public health will be referred to as a group from this point on as “Non-NPDWR” or “Other Potential Health Risk Situation”. Since these “Other” situations which require a public notice are not related to a National Primary Drinking Water Regulation violation (e.g., waterborne disease outbreaks or emergency situations, exceedances of the Fluoride secondary maximum contaminant level (SMCL), and notices required because the PWS is operating under a variance, etc.), we have designated a separate violation type code for those types of PN violations of 76 - Other (Non-NPDWR) Potential Health Risk Situations.

As these violations do not have underlying NPDWR violations, there is no link data to be reported. These violations will be characterized by the same attributes as the NPDWR violations with the exception of the C1144 and C1145 link attributes which will not be used for these violations. Reporting of all formal enforcement/follow-up actions and return to compliance data is also the same. Examples of how to report these violations are also presented in Section E.

Because tracking compliance with PN requirements is based on “when the PWS learns of the violation or other situation” which requires PN, AND a period of time which is established based on the “Tier” of the violation or situation, PLUS the 10 days within which the certification and copy of the notice must be provided to you, you may wish to simplify your tracking by “determining” the system was “aware” of the violation or situation based on the date of your notice of violation or the date of the letter or phone call advising the system to perform public notification. Our examples use the day after the end of the compliance period plus the 10 day report to the state period. In reality, the begin date could be ANY day of the month based on your system of notifying the PWS of violation conditions and your recordkeeping system. We recommend that a state develops a standardized method of tracking and reporting PN begin dates to simplify the process.

Water systems operating under a variance or exemption must provide PN not less than 1 year after the begin date of operation under the variance or exemption. In addition, additional repeat notices must be provided annually from then on until they cease operating under the variance or exemption. Each required PN, whether initial or

one of the repeats, is considered a separate PN event and requires individual compliance determination. A separate violation is to be reported for each PN event in which one or more requirement was not met. A separate violation type code for repeats was not created; thus both initial and repeat PN violations are reported using the same violation type code.

Specific information on Variance and Exemptions is also required to be included in the system's annual Consumer Confidence Report (CCR). Depending on the begin date of the variance or exemption, the delivery date, and method of delivery for their CCR, PN requirements may be met through their CCR without having to perform a separate PN notification. Refer to the CCR guidance and Section I, B.6, of the PN Implementation Guidance for specific requirements. In either case, multiple NPDWR violations and/or other situations requiring PN may be included in a single "annual" public notice. Therefore, one RTC enforcement/follow-up action record may require multiple links to multiple PN violations. Because the Tier 3 PN violations are those most likely to be addressed in the "annual" notice method, you might consider specifically tracking the "Tier" in your data base.

Note: When a Variance or Exemption is granted to a PWS, a Variance and Exemption record should be reported to SDWIS/FED which provides specific information regarding the contaminant(s) covered, the period involved, and the conditions under which the system must operate during the period of coverage. For specific information on how to report variances, refer to the SDWIS/FED Data Entry Instructions.

E. Violation/Reporting Examples

Examples of what to report for Non-NPDWR and NPDWR PN violations, how to link the PN violation to underlying violations, how to report enforcement/follow-up actions, how to report when the violation has returned to compliance, and the appropriate SDWIS/FED Data Transfer File (DTF) format for each type of data, are provided on the following pages. For all examples, we will assume the State has adopted the PN rule.

Violation Type Code 75 - NPDWR PN Violation Examples

Example 1: 75 - NPDWR Violation

A system (MM9988777) delivers the public notification for the December 1, 2001 SWTR treatment technique violation for exceeding the single maximum allowable turbidity limit within the appropriate time period (Tier 1 - required within 24 hours). It fails to provide a copy to the State by December 11, 2001. The State determines the public notification has not been provided as of December 12, 2001 and designates a PN

violation. By February 15, 2002 (within 45 days after the end of the quarter), the State should report the following violation information:

Exhibit 3 - SDWIS/FED DTF - Public Notification Violation Record		
C1101	0200213	Violation ID
C1103*	7500	Contaminant Code (Rule Code)
C1105	75	Violation Type Code
C1107	2001/12/12	Violation/Compliance Period Begin Date
* Note: C1103 and will be defaulted by SDWIS/FED to 7500 or may be entered by the Primacy Agency.		

SDWIS/FED will populate the violation/compliance period end date (C1109) with the default date of 12/31/2015. (Should the State report an end date, SDWIS/FED will reject it.)

Originating Rule Violation information:

C1101	0200101	Violation ID
C1103	0200	Contaminant Code (Rule Code for SWTR)
C1105	41	Violation Type Code (for Treatment Technique)
C1107	2001/12/01	Violation/Compliance Period Begin Date
C1109	2001/12/31	Violation/Compliance Period End Date

The State elects to link the PN violation to the originating rule violation by the C1144 link method (link by Violation ID) because it maintains permanent Violation IDs for all violations. In addition to the information in Exhibit 3, the State should also report the following:

C1144	0200101	Link to Originating Violation by ID
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The DTF transactions for this violation with link record are:

DTF Transactions for Violation Data for Exhibit 3					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	MM9988777	0200213		IC1105	75
D1	MM9988777	0200213		IC1107	20011212

D1	MM9988777	0200213		C1144	0200101
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If the State had elected to link the PN violation to the underlying violation by the C1145 link method (the underlying violation's Violation Type, Contaminant/Rule, and Compliance Period Begin Date), the violation record and related DTF transactions would be reported as follows:

Exhibit 4 - SDWIS/FED DTF - Public Notification Violation Record		
C1101	0200213	Violation ID
C1103*	7500	Contaminant Code (Rule Code)
C1105	75	Violation Type Code
C1107	2001/12/12	Violation/Compliance Period Begin Date
C1145	41020020011201	Violation Type-Contaminant/Rule-Violation/ Compliance Period Begin Date (SEID*)
<p>*Note: C1103 and will be defaulted by SDWIS/FED to 7500 or may be entered by the Primacy Agency.</p> <p>SEID is only reported as link criteria when the underlying violations are reported at the Source Entity (entry point) level.</p>		

DTF Transactions for Violation Data for Exhibit 4					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	MM9988777	0200213		IC1105	75
D1	MM9988777	0200213		IC1107	20011212
D1	MM9988777	0200213		C1145	41020020011201

On May 20, 2002, the PWS provides a copy of the public notice to the State and returns to compliance. On August 15, 2002 (45 days after the end of the quarter the PWS returns to compliance) the State must report the returned to compliance follow-up action and the required RTC to PN violation link. The State elects to report the follow-up action by the Z5000 (violation type, contaminant/rule, compliance period begin date) link method. The example below displays the required information:

Exhibit 5 - SDWIS/FED DTF Enforcement/Follow-up Record

C1201	0200333	Enforcement ID
C1203	2002/05/20	Enf-Action-Date
C1205	SOX	Enf-Action-Code
Z5000	75750020011212	Enf-Link to Violation

The DTF transactions for this record are:

DTF Transactions for Enforcement/Follow-up Data for Exhibit 5					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
E1	MM9988777	0200333		IC1203	20020520
E1	MM9988777	0200333		IC1205	SOX
E1	MM9988777	0200333		Z5000	757500020011212

Once the returned to compliance enforcement/follow-up action record is submitted and linked to the PN violation(s), SDWIS/FED replaces the PN violation/compliance period end date with the returned to compliance record's action date. In the example above, the data in SDWIS/FED for that PN violation would appear as follows:

Exhibit 6 - SDWIS/FED Public Notification Violation Record After RTC		
C1101	0200013	Violation ID
C1103	7500	Contaminant Code (Rule Code)
C1105	75	Violation Type Code
C1107	2001/12/12	Violation/Compliance Period Begin Date
C1109	2002/05/20	Violation/Compliance Period End Date (Date RTC from linked Enforcement/Follow-up Action Record)
C1145	41020020011201	Violation Type-Contaminant/Rule-Compliance Period Begin Date Link to underlying NPDWR violation information. Reporting violations at the entry point level is not appropriate for SWTR violations therefore, SEID would not be required.

Example 2: 75 - NPDWR PN Violation (Tier 2)

A water system incurs a non-turbidity* SWTR Treatment Technique violation for January 2004; and learns of the violation on February 13, 2004. It delivers the required PN to the customers and the state on February 25th (This is a Tier 2 violation which must be provided within 30 days of learning of the violation or, by 3/15/2004). At the same time, the system also provides the state with the required certification. Upon review of the copy of the notice on March 5th, the state determines the content is not adequate and that a new notice must be prepared and delivered. The system prepares a new notice, delivers it to its customers, and provides the certification and copy of the notice to the state on March 15, 2004. The state determines the new notice is adequate and all other requirements have been met. This system does not incur a violation because an adequate notice was provided within the required period of time. (*Had this been a turbidity violation, the system would also be required to consult with the State within 24 hours of learning of the violation to determine if Tier 1 notice should be given.)

If this system had failed to produce, deliver and provide the notice to customers and send a copy of the notice and certification to the state by the March 25th deadline (certification and copy of the notice is due to the state within 10 days from delivery of the notice), a violation would be reported. The violation/compliance period begin date would have been the day after the due date of the notice, March 26, 2004. If this system provided the certification, etc., on August 15, 2004, and the state reported the returned to compliance record, the violation would be displayed as follows:

Contaminant Code:	7500
Violation type Code:	75
Compliance Period Begin Date:	March 26, 2004
Compliance Period End Date:	August 15, 2004 *
NPDWR Link Data:	41 0200 2004/01/01(vio type, SWTR rule code, violation/compliance period begin date)

* **Note:** *The compliance period end date is promoted from the enforcement/follow-up action record for the returned to compliance action and replaces the SDWIS/FED defaulted date of 12/31/2015.*

**Violation Type Code 76 - Other Potential Health Risk Situations
PN Violation Examples**

Example 3: 76 - WaterBorne Disease Outbreak and Emergencies (Tier 1)

The local county health official calls the XYZ water system (XX1234567) on March 12, 2002, to officially notify the system that an outbreak of a waterborne disease was traced back to their system. The PWS fails to produce the PN and deliver it to their customers within the appropriate time period (Tier 1 notice is required as soon as practical

but no later than 24 hours after the system learns of the outbreak). The state learns of the outbreak from the newspaper or state health officials on April 2, 2002. The state determines a PN requirement existed which was not met by the PWS and issues a violation with a begin date of March 23, 2002. Because there is no underlying violation, no link data is required. By May 15, 2002 you would report the following information to SDWIS/FED:

Exhibit 7 - SDWIS/FED DTF - Public Notification Violation Record		
C1101	0201223	Violation ID
C1103*	7500	Contaminant Code (Rule Code)
C1105	76	Violation Type Code
C1107	2002/03/23	Violation/Compliance Period Begin Date
*Note: C1103 and will be defaulted by SDWIS/FED to 7500 or may be entered by the Primacy Agency.		

The DTF transactions for this record are:

DTF Transactions for Violation Data for Exhibit 7					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	XX1234567	0201223		IC1105	76
D1	XX1234567	0201223		IC1107	20020323

On April 2, 2002, you issue a Notice of Violation to the PWS for failure to deliver the PN. The PWS must deliver the PN before it can return to compliance. It does so and provides the state with the required certification and copy of the notice on May 10, 2002. The state elects to link the two actions to the PN violation by the Y5000 link method. By August 15, 2002 you would report the following enforcement/follow-up actions:

Exhibit 8a - Notice of Violation SDWIS/FED DTF Enforcement/Follow-up Record		
C1201	0208340	Enforcement ID
C1203	2002/04/02	Enf-Action-Date
C1205	SFJ	Enf-Action-Code
Y5000	0201223	Enf-Link to Violation ID

Exhibit 8b - Returned to Compliance SDWIS/FED DTF Enforcement/Follow-up Record		
C1201	0208301	Enforcement ID
C1203	2002/05/10	Enf-Action-Date
C1205	SOX	Enf-Action-Code
Y5000	0201223	Enf-Link to Violation ID

The DTF transactions for these records are:

DTF Transactions for Enforcement/Follow-up Data for Exhibits 8a and 8b					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
E1	XX1234567	0208301		IC1203	20020510
E1	XX1234567	0208301		IC1205	SOX
E1	XX1234567	0208301		Y5000	0201223
E1	XX1234567	0208340		IC1203	20020402
E1	XX1234567	0208340		IC1205	SFJ
E1	XX1234567	0208340		Y5000	0208301

Both enforcement/follow-up actions will be linked to the same PN violation. When SDWIS/FED processes the returned to compliance action, the action date (May 10, 2002) will replace the violation/compliance period end date in the PN violation. Reporting of the Other Potential Health Risk Situations PN Violations are reported the same way. The only variation will be the violation/compliance period begin date which is based on the actual PN requirements for the specific type of potential health risk.

Example 4: 76 - PWS Operating Under a Variance or Exemption (Tier 3)

System VV9876541 was granted a variance for 1-2-3 Death contaminant for the period of October 1, 2005 through September 30, 2008. Because this is a Tier 3 PN requirement, the PWS must notify its customers via it's CCR and/or through a separate PN. It must also provide annual repeat notices. The initial notice is due September 30, 2006. Their first CCR after the variance was granted is due by July 1, 2006 and could be used for the initial PN requirement as long as they include the proper language and incorporate the appropriate delivery method and addressees, etc. The PWS indicates they will use the CCR to provide the required PN. However, upon review of the CCR on August 2, 2006, you determine that the PWS failed to include the proper language and

failed to deliver to the required addressees. You notify the PWS of this deficiency and that it must provide a separate notice. The system provides the PN as required and certifies (with a copy) that it has done so on September 28, 2006.

In this example, the PWS is not in violation. They had the full year to perform the notice. If they had not completed the notice until November 12, 2006, they would have incurred a violation. The violation would be characterized as follows:

Contaminant Code: 7500
 Violation type Code: 76
 Violation/Compliance Period Begin Date: October 11, 2006
 Defaulted Violation/Compliance Period End Date: December 31, 2015

After you report the RTC date of November 12, 2006, linked to the violation, the violation would be characterized as follows:

Contaminant Code: 7500
 Violation type Code: 76
 Violation/Compliance Period Begin Date: October 11, 2006
 Defaulted Violation/Compliance Period End Date: November 12, 2006

Because the violation and RTC occurred within the same reporting period, the data reported to SDWIS/FED within 45 days after the end of the quarter in which the actions took place (February 15, 2007), would be as follows:

Exhibit 9a: DTF Transactions for Violation and Enforcement Data					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
D1	VV9876541	0700011		IC1105	76
D1	VV9876541	0700011		IC1107	20061011
E1	VV9876541	0700012		IC1203	20061112
E1	VV9876541	0700012		IC1205	SOX
E1	VV9876541	0700012		Z5000	77750020061011
<p>Note:</p> <ol style="list-style-type: none"> 1. There is no underlying NPDWR violation. Therefore there is no violation to violation link data in the violation record. 2. The enforcement/follow-up record is linked to the PN violation by the PN violation type code, the contaminant/rule code for PN, and the violation/compliance period begin date of the PN violation. 					

If the initial notice was due by October 10, 2006 as in the example above, the repeat notices would be due on October 10 of each succeeding year. Should any one of the PN requirements not be met, a violation is incurred. Repeat annual notice violations are reported exactly the same way as the initial PN violation with the exception of the violation begin date, which should reflect the appropriate year.

If this RTC enforcement/follow-up action represented an “annual” notice which contained proper notice for this PN violation, a June 2005 TCR monthly M/R PN violation, and an October 2005 annual Fluoride M/R PN violation, the following data would be included with the RTC data:

Exhibit 9b: DTF Transactions for Violation and Enforcement Data					
Columns 1-2	Columns 3-11	Columns 12-18	Columns 19-25	Columns 26-31	Columns 32-71
E1	VV9876541	0700012		IC1203	20061112
E1	VV9876541	0700012		IC1205	SOX
E1	VV9876541	0700012		Z5000	77750020061011
E1	VV9876541	0700012		Z5000	26310020060711
E1	VV9876541	0700012		Z5000	03102520061111

Note: This example assumes the PWS learned of the PN requirement on the last day of the M/R period. Therefore, the TCR M/R PN (Tier 3) was due by July 10, 2006 and the Fluoride (Tier 3) M/R PN was due by November 11, 2006.

Section II. Returned to Compliance and Enforcement Action Reporting

Reporting that a system has returned to compliance is required for PN violations and is reported as an enforcement/follow-up action record. This record consists of the enforcement/follow-up action ID, the action type (SOX/EOX = returned to compliance), and the action date which is defined as the date the primacy agency determines the system subsequently met all requirements. In addition, all formal enforcement actions taken against systems for violations of this rule are required to be reported to SDWIS/FED. Both “returned to compliance” and formal enforcements should be linked to the specific violation(s) they address. The following describes the two appropriate ways in which enforcement and follow-up actions, formal and informal (including returned to compliance), may be linked to PN rule violations:

Associated Violation IDs (Y5000) - FY & VIOLATION ID NUMBER.

Entering the specific violation ID(s) to which the enforcement action is related will establish a link between the enforcement record and each violation record matching the specific violation ID. If no links are established (reported violation ID(s) not found/matched on the data base) the enforcement record will be posted to the data base and the link data will be rejected.³

Associated Violation Contaminant Groups (Z5000) -
TYPE, CONTAMINANT/RULE, VIOLATION/COMPLIANCE PERIOD
BEGIN DATE (YYYY/ MM/DD)

Entering the violation type code (75), the contaminant code (7500) and the violation/compliance period begin date will establish a link between the enforcement action and all PN violations which exactly match the enforcement link data. If no matches are found, the enforcement record will be posted to the data base and the link data will be rejected.

Only the Y5000 and Z5000 enforcement/violation linking methods are appropriate for the PN rule violations. The J5000 method will be modified to reject the entire record when PN violation type codes are present. The X5000 link method is based on a begin and end date resulting in a link to every violation falling within those dates which is not always appropriate. Therefore, this link method is being considered for elimination in the near future. As mentioned earlier, EPA is re-evaluating its use of the record identifier. We recommend States which do not maintain unique and permanent record identifiers for its violations and enforcement actions use the Z5000 link method. States that do may use either link method. Examples of how to report these violation/enforcement link methods are provided in the violation section above. Exhibit 10 defines returned to compliance.

Exhibit 10- Returned to Compliance Definition

System subsequently delivers the public notification, and delivers a copy of the notice to the State as required under §141.31.

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Corrections should be submitted to SDWIS/FED as soon as possible to provide the correct link data for the violation-to-violation and enforcement-to-violation records.

Exhibit 10- Returned to Compliance Definition

Generic Definition:

- ▶ If the system did not send in either a copy of the notice or the certification by the required deadline, the system has subsequently sent the State the required document.
- ▶ If the system prepared an inadequate notice, the system has subsequently prepared a notice that addresses all deficiencies identified by the State, and the system has subsequently sent the State the required document.

Section III. SDWIS/FED Reporting Time-Lines

Exhibit 11 - SDWIS/FED Reporting Time-lines

Category	Earliest SDWIS/FED Acceptance Date	Revised PN Rule Adoption Deadline	SDWIS/FED Reporting Deadline
Violations, Violation Links and Enforcements (includes RTC)			
State should report within 45 days after the end of the quarter in which the violation or enforcement occurs.	July 15, 2001	May 6, 2002	2 nd Quarterly Reporting Period After Date of Adoption.

Because EPA believes that timely and complete reporting of PN violations by the States is one of the keys to making the public notification process work, SDWIS/FED will be modified to accept the revised PN violation and violation link data as of July 15, 2001. From July 15, 2001 to May 5, 2002, States may report under the current reporting method or the revised reporting method. After the May 6, 2002 rule adoption deadline, States should report PN violations in accordance with the reporting methods outlined in this appendix within 6 months (by the 2nd quarterly reporting period) after the State's adoption date.

Section IV. Sources for Additional Information

Additional technical information on SDWIS/FED reporting requirements can be obtained by contacting Fran Haertel of the Infrastructure Branch, Drinking Water Protection Division, Office of Ground Water and Drinking Water at (214)-665-8090.

Additional technical information on the Public Notice Rule can be obtained by contacting Kathleen Williams of the Protection Branch, Drinking Water Protection Division, Office of Ground Water and Drinking Water at (202)-260-2589.

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Appendix D. PN Rule Appendices

Appendix A to Subpart Q of Part 141

NPDWR Violations and Other Situations Requiring Public Notice¹

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
I. Violations of National Primary Drinking Water Regulations (NPDWR):³				
A. Microbiological Contaminants				
1. Total coliform	2	141.63(a)	3	141.21(a)-(e)
2. Fecal coliform/ <i>E. coli</i>	1	141.63(b)	1, 3 ⁴	141.21(e)
3. Turbidity MCL	2	141.13(a)	3	141.22
4. Turbidity MCL (average of 2 days' samples > 5 NTU)	2, 1 ⁵	141.13(b)	3	141.22

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
5. Turbidity (for TT violations resulting from a single exceedance of the max. allowable turbidity level)	2, 1 ⁶	141.71(a)(2), 141.71(c)(2)(i), 141.73(a)(2), 141.73(b)(2), 141.73(c)(2), 141.73(d), 141.173(a)(2), 141.173(b)	3	141.74(a)(1), 141.74(b)(2), 141.74(c)(1), 141.174
6. Surface Water Treatment Rule violations (other than violations resulting from single exceedance of max. allowable turbidity level (TT))	2	141.70-141.73	3	141.74
7. Interim Enhanced Surface Water Treatment Rule violations (other than violations resulting from single exceedance of max. turbidity level (TT))	2	141.170- 141.173 ⁷	3	141.172 141.174
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	141.62(b)	3	141.23(a), (c)
2. Arsenic	2	141.62(b) ⁸	3	141.23(a), (c) ⁹
3. Asbestos (fibers >10 µm)	2	141.62(b)	3	141.23(a)-(b)
4. Barium	2	141.62(b)	3	141.23(a), (c)
5. Beryllium	2	141.62(b)	3	141.23(a), (c)

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
6. Cadmium	2	141.62(b)	3	141.23(a), (c)
7. Chromium (total)	2	141.62(b)	3	141.23(a), (c)
8. Cyanide	2	141.62(b)	3	141.23(a), (c)
9. Fluoride	2	141.62(b)	3	141.23(a), (c)
10. Mercury (inorganic)	2	141.62(b)	3	141.23(a), (c)
11. Nitrate	1	141.62(b)	1, 3 ¹⁰	141.23(a), (d) 141.23(f)(2)
12. Nitrite	1	141.62(b)	1, 3 ¹⁰	141.23(a), (e) 141.23(f)(2)
13. Total Nitrate and Nitrite	1	141.62(b)	3	141.23(a)
14. Selenium	2	141.62(b)	3	141.23(a), (c)
15. Thallium	2	141.62(b)	3	141.23(a), (c)

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)				
1. Lead and Copper Rule (TT)	2	141.80-141.85	3	141.86-141.89
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	141.61(c)	3	141.24(h)
2. 2,4,5-TP (Silvex)	2	141.61(c)	3	141.24(h)
3. Alachlor	2	141.61(c)	3	141.24(h)
4. Atrazine	2	141.61(c)	3	141.24(h)
5. Benzo(a)pyrene (PAHs)	2	141.61(c)	3	141.24(h)
6. Carbofuran	2	141.61(c)	3	141.24(h)
7. Chlordane	2	141.61(c)	3	141.24(h)
8. Dalapon	2	141.61(c)	3	141.24(h)
9. Di (2-ethylhexyl) adipate	2	141.61(c)	3	141.24(h)
10. Di (2-ethylhexyl) phthalate	2	141.61(c)	3	141.24(h)
11. Dibromochloropropane	2	141.61(c)	3	141.24(h)
12. Dinoseb	2	141.61(c)	3	141.24(h)
13. Dioxin (2,3,7,8-TCDD)	2	141.61(c)	3	141.24(h)
14. Diquat	2	141.61(c)	3	141.24(h)
15. Endothall	2	141.61(c)	3	141.24(h)
16. Endrin	2	141.61(c)	3	141.24(h)
17. Ethylene dibromide	2	141.61(c)	3	141.24(h)
18. Glyphosate	2	141.61(c)	3	141.24(h)
19. Heptachlor	2	141.61(c)	3	141.24(h)
20. Heptachlor epoxide	2	141.61(c)	3	141.24(h)
21. Hexachlorobenzene	2	141.61(c)	3	141.24(h)

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
22. Hexachlorocyclopentadiene	2	141.61(c)	3	141.24(h)
23. Lindane	2	141.61(c)	3	141.24(h)
24. Methoxychlor	2	141.61(c)	3	141.24(h)
25. Oxamyl (Vydate)	2	141.61(c)	3	141.24(h)
26. Pentachlorophenol	2	141.61(c)	3	141.24(h)
27. Picloram	2	141.61(c)	3	141.24(h)
28. Polychlorinated biphenyls (PCBs)	2	141.61(c)	3	141.24(h)
29. Simazine	2	141.61(c)	3	141.24(h)
30. Toxaphene	2	141.61(c)	3	141.24(h)
E. Volatile Organic Chemicals (VOCs)				
1. Benzene	2	141.61(a)	3	141.24(f)
2. Carbon tetrachloride	2	141.61(a)	3	141.24(f)
3. Chlorobenzene (monochlorobenzene)	2	141.61(a)	3	141.24(f)
4. <i>o</i> -Dichlorobenzene	2	141.61(a)	3	141.24(f)
5. <i>p</i> -Dichlorobenzene	2	141.61(a)	3	141.24(f)
6. 1,2-Dichloroethane	2	141.61(a)	3	141.24(f)
7. 1,1-Dichloroethylene	2	141.61(a)	3	141.24(f)
8. <i>cis</i> -1,2-Dichloroethylene	2	141.61(a)	3	141.24(f)
9. <i>trans</i> -1,2-Dichloroethylene	2	141.61(a)	3	141.24(f)
10. Dichloromethane	2	141.61(a)	3	141.24(f)
11. 1,2-Dichloropropane	2	141.61(a)	3	141.24(f)
12. Ethylbenzene	2	141.61(a)	3	141.24(f)
13. Styrene	2	141.61(a)	3	141.24(f)
14. Tetrachloroethylene	2	141.61(a)	3	141.24(f)
15. Toluene	2	141.61(a)	3	141.24(f)

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
16. 1,2,4-Trichlorobenzene	2	141.61(a)	3	141.24(f)
17. 1,1,1-Trichloroethane	2	141.61(a)	3	141.24(f)
18. 1,1,2-Trichloroethane	2	141.61(a)	3	141.24(f)
19. Trichloroethylene	2	141.61(a)	3	141.24(f)
20. Vinyl chloride	2	141.61(a)	3	141.24(f)
21. Xylenes (total)	2	141.61(a)	3	141.24(f)
F. Radioactive Contaminants				
1. Beta/photon emitters	2	141.66(d)	3	141.25(a) 141.26(b)
2. Alpha emitters	2	141.66(c)	3	141.25(a) 141.26(a)
3. Combined radium (226 and 228)	2	141.66(b)	3	141.25(a) 141.26(a)
4. Uranium	2 ¹¹	141.66(e)	3 ¹²	141.25(a) 141.26(a)
G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals.				
<p>Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹³</p>				
1. Total trihalomethanes (TTHMs)	2	141.12, ¹⁴ 141.64(a)	3	141.30, 141.132(a)-(b)
2. Haloacetic Acids (HAA5)	2	141.64(a)	3	141.132(a)-(b)
3. Bromate	2	141.64(a)	3	141.132(a)-(b)
4. Chlorite	2	141.64(a)	3	141.132(a)-(b)
5. Chlorine (MRDL)	2	141.65(a)	3	141.132(a), (c)

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
6. Chloramine (MRDL)	2	141.65(a)	3	141.132(a), (c)
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	141.65(a), 141.133(c)(3)	2 ¹⁵ , 3	141.132(a), (c) 141.133(c)(2)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	1 ¹⁶	141.65(a), 141.133(c)(3)	1	141.132(a), (c) 141.133(c)(2)
9. Control of DBP precursors – TOC (TT)	2	141.135(a)-(b)	3	141.132(a), (d)
10. Bench marking and disinfection profiling	N/A	N/A	3	141.172
11. Development of monitoring plan	N/A	N/A	3	141.132(f)
H. Other Treatment Techniques				
1. Acrylamide (TT)	2	141.111	N/A	N/A
2. Epichlorohydrin (TT)	2	141.111	N/A	N/A
II. Unregulated Contaminant Monitoring:¹⁷				
A. Unregulated contaminants	N/A	N/A	3	141.40
B. Nickel	N/A	N/A	3	141.23(c), (k)

Contaminant	MCL/MRDL/TT Violations ²		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
III. Public Notification for Variances and Exemptions:				
A. Operation under a variance or exemption	3	1415, 1416, ¹⁸	N/A	N/A
B. Violation of conditions of a variance or exemption	2	1415, 1416, 142.307 ¹⁹	N/A	N/A
IV. Other Situations Requiring Public Notification:				
A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	143.3	N/A	N/A
B. Exceedance of nitrate MCL for non-community systems, as allowed by primacy agency	1	141.11(d)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	141.40	N/A	N/A
D. Waterborne disease outbreak	1	141.2, 141.71(c)(2)(ii)	N/A	N/A
E. Other waterborne emergency ²⁰	1	N/A	N/A	N/A
F. Other situations as determined by primacy agency	1, 2, 3 ²¹	N/A	N/A	N/A

Appendix A - Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the primacy agency. Primacy agencies may, at their option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under §141.202(a) and §141.203(a).
2. MCL - Maximum contaminant level, MRDL - Maximum residual disinfectant level, TT - Treatment technique
3. The term *Violations of National Primary Drinking Water Regulations (NPDWR)* is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
4. Failure to test for fecal coliform or *E. coli* is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.
5. Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must initiate consultation with the primacy agency within 24 hours after learning of the violation. Based on this consultation, the primacy agency may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the primacy agency in the 24-hour period, the violation is automatically elevated to Tier 1.
6. Systems with treatment technique violations involving a *single* exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) or the Interim Enhanced Surface Water Treatment Rule (IESWTR) are required to initiate consultation with the primacy agency within 24 hours after learning of the violation. Based on this consultation, the primacy agency may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the primacy agency in the 24-hour period, the violation is automatically elevated to Tier 1.
7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 FR 69477) (§§141.170-141.171, 141.173-141.174) become effective January 1, 2002 for Subpart H systems (surface water systems and ground water systems under the direct influence of surface water) serving at least 10,000 persons. However, §141.172 has some requirements that become effective as soon as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.
8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are §141.11(b) and §141.23(n).
9. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are §141.23(a), (l).
10. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
11. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for all community water

systems.

12. The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.
13. Subpart H community and non-transient non-community systems serving $\geq 10,000$ must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Subpart H transient non-community systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H transient non-community systems serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
14. §141.12 will no longer apply after January 1, 2004.
15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.
16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.
17. Some water systems must monitor for certain unregulated contaminants listed in §141.40.
18. This citation refers to §§1415 and 1416 of the Safe Drinking Water Act. §§1415 and 1416 require that "a schedule prescribed ... for a public water system granted a variance [or exemption] shall require compliance by the system..."
19. In addition to §§1415 and 1416 of the Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones to be included in a variance for small systems.
20. Other waterborne emergencies require a Tier 1 public notice under §141.202(a) for situations that do not meet the definition of a waterborne disease outbreak given in 40 CFR 141.2 but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.
21. Primacy agencies may place other situations in any tier they believe appropriate, based on threat to public health.

Appendix B to Subpart Q of Part 141 -

Standard Health Effects Language for Public Notification

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
National Primary Drinking Water Regulations (NPDWR):			
A. Microbiological Contaminants			
1a. Total coliform	Zero	See footnote ³	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/ <i>E. coli</i>	Zero	Zero	Fecal coliforms and <i>E. coli</i> are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) ⁴	None	1 NTU ⁵ / 5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR TT) ⁶	None	TT ⁷	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
2c. Turbidity (IESWTR TT) ⁸	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
B. Surface Water Treatment Rule (SWTR) and Interim Enhanced Surface Water Treatment Rule (IESWTR)			
3. <i>Giardia lamblia</i> 4. Viruses (SWTR/IESWTR) 5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR) 6. Legionella (SWTR/IESWTR) 7. Cryptosporidium (IESWTR)	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
C. Inorganic Chemicals (IOCs)			
8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic	0 ¹¹	0.01	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (>10 µm)	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant	MCLG¹ mg/L	MCL² mg/L	Standard Health Effects Language for Public Notification
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	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.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
D. Lead and Copper Rule			
23. Lead	Zero	TT ¹³	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT ¹⁴	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
E. Synthetic Organic Chemicals (SOCs)			
25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
29. Benzo(a)pyrene (PAHs)	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
33. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di(2-ethylhexyl) phthalate	Zero	0.006	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloro- propane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD)	Zero	3×10 ⁻⁸	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant	MCLG¹ mg/L	MCL² mg/L	Standard Health Effects Language for Public Notification
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachloro-benzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachloro-cyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach .
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

Contaminant	MCLG¹ mg/L	MCL² mg/L	Standard Health Effects Language for Public Notification
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. <i>o</i> -Dichlorobenzene	0.6	0.6	Some people who drink water containing <i>o</i> -dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. <i>p</i> -Dichlorobenzene	0.075	0.075	Some people who drink water containing <i>p</i> -dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. <i>cis</i> -1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing <i>cis</i> -1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. <i>trans</i> -1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing <i>trans</i> -1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant	MCLG¹ mg/L	MCL² mg/L	Standard Health Effects Language for Public Notification
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloro-ethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
G. Radioactive Contaminants			
76. Beta/photon emitters	Zero	4 ¹⁵ mrem/yr	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters (Gross alpha)	Zero	15 ¹⁶ pCi/L	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 and 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium ¹⁷	Zero	30 µg/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals:			
<p>Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹⁸</p>			
80. Total trihalomethanes (TTHMs)	N/A	0.10/ 0.080 ^{19,20}	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA)	N/A	0.060 ²¹	Some people who drink water containing HAAs in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 ²² (MRDLG)	4.0 ²³ (MRDL)	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. <u>Add for public notification only:</u> The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
86b. Chlorine dioxide, where one or more distribution system samples are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	<p>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p><u>Add for public notification only:</u> The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</p>
87. Control of DBP precursors (TOC)	None	TT	<p>Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.</p>

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard Health Effects Language for Public Notification
I. Other Treatment Techniques			
88. Acrylamide	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix B - Endnotes

1. MCLG - Maximum contaminant level goal
2. MCL - Maximum contaminant level
3. For water systems analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For systems analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.
4. There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule, and the 1998 Interim Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration (40 CFR 141.13).
5. NTU - Nephelometric turbidity unit
6. There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the primacy agency.
7. TT - Treatment technique
8. There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). For systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of

- a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the primary agency.
9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.
 10. SWTR and IESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.
 11. The arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.
 12. Millions of fibers per liter
 13. Action Level = 0.015 mg/L
 14. Action Level = 1.3 mg/L
 15. Millirems per year
 15. Picocuries per liter
 17. The uranium MCL is effective December 8, 2003 for all community water systems.
 18. Surface water systems and ground water systems under the direct influence of surface water are regulated under Subpart H of 40 CFR 141. Subpart H community and non-transient non-community systems serving $\geq 10,000$ must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient noncommunity systems must meet the MCLs and MRDLs beginning January 1, 2004. Subpart H transient non-community systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H transient non-community systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
 19. The MCL of 0.10 mg/l for TTHMs is in effect until January 1, 2002 for Subpart H community water systems serving 10,000 or more. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/l. On January 1, 2004, all systems serving less than 10,000 will have to comply with the new MCL as well.
 20. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.
 21. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
 22. MRDLG - Maximum residual disinfectant level goal
 23. MRDL - Maximum residual disinfectant level