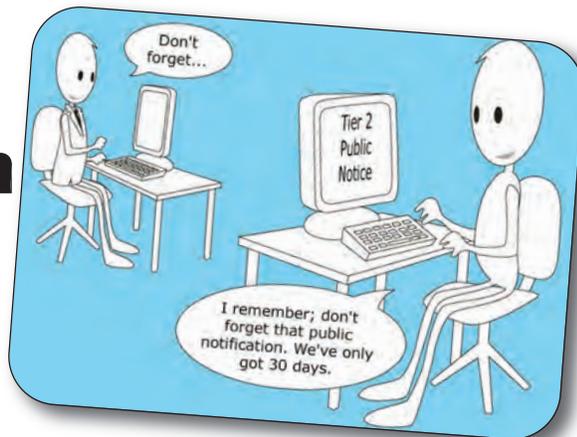


Public Notification – What You Need to Know



If your water system has ever been in the unfortunate situation of having been cited a violation by the Kansas Department of Health and Environment (KDHE), chances are that your system was required to issue something called Public Notification. The purpose of providing public notification (PN) is to inform consumers if the water system is in violation of the Safe Drinking Water Act and if there is any risk to public health. The timing, the content, and delivery of the notice are dependent on the type of violation and the severity of the situation.

There are three categories of PN. They are Tier 1, Tier 2, and Tier 3 (try not to get this confused with lead and copper sites!). Federal and state regulations assign each violation and situation requiring PN into one of these three tiers based on the risk of adverse health effects to humans. The table at right lists the violations/situations that would trigger each tier of PN.

Ten Required Elements

There are ten required elements of a PN:

1. A description of the violation or situation, including the contaminant(s) of concern, and the contaminant level(s).
2. When the violation or situation occurred (date sample was collected, or was supposed to be collected).
3. Any potential adverse health effects from drinking the water and standard language regarding the violation or situation.
4. The population at risk that may be particularly vulnerable if exposed to the contaminant in their drinking water.

Tier 1 (Immediate Notice, Within 24 hours) Violation/Situation
Violation of the maximum contaminant level (MCL) for <i>E.coli</i>
Violation of the MCL for nitrate (10 mg/L); or failure to take confirmation sample
Violation of the maximum residual disinfectant level (MRDL) for chlorine dioxide (0.8 mg/L), when one or more samples taken in the distribution exceed the MRDL for ClO ₂ the day following an exceedance of the MRDL at the entrance to the distribution; or failure to take the required samples in the distribution.
Waterborne disease outbreak or a waterborne emergency
Detection of <i>E.coli</i> in source water samples under the Ground Water Rule
Other violations or situations with significant potential to have serious adverse health effects on human health as a result of short-term exposure, as determined by KDHE
Tier 2 (Notice as Soon as Practical, Within 30 Days) Violation/Situation
All violations of the MCL* (Common examples – Total Trihalomethanes (TTHM) and Haloacetic Acids (HAA))
All violations of the MRDL* (Chlorine – 4.0 mg/L, Chloramine – 4.0 mg/L. MRDL based on running annual average of residuals recorded at the time of bacteriological sample collection.)
All violations of treatment technique requirements* (Common examples – Exceedance of the maximum allowable turbidity limit for surface water treatment systems. Or, failure to conduct a Level 1 or Level 2 Assessment within 30 days of a trigger under the Revised Total Coliform Rule.)
Failure to meet minimum state required chlorine residual level (Chlorine 0.2 mg/L, Chloramine 1.0 mg/L) in at least 95% of the daily readings each month.
For ground water systems providing 4-log treatment and conducting compliance monitoring under the Ground Water Rule, failure to maintain required treatment for more than 4 hours.
Tier 3 (Annual Notice) Violation/Situation
Monitoring violations or failure to comply with a testing procedure (except where KDHE determines that Tier 2 notice is required.)
Availability of unregulated contaminant monitoring results.
Exceedance of the fluoride secondary MCL (2.0 mg/L)
Reporting and recordkeeping violations

*Except where a Tier 1 notice is required or where KDHE determines that Tier 1 notice is required.

E.coli MCL violation occurs with the following sample result combination	
Routine	Repeat
Total Coliform positive (TC+)	E.coli positive (EC+)
E.coli positive (EC+)	Missing (any repeat sample)
E.coli positive (EC+)	Total Coliform positive (TC+)
E.coli positive (EC+)	E.coli positive (EC+)
Total Coliform positive (TC+)	Total Coliform positive (TC+) but no E.coli analysis

- Whether alternate water supplies should be used.
- Actions consumers should take, including when to seek medical help, if known.
- What the system is doing (has done) to correct the violation or situation.
- When the system expects to return to compliance or resolve the situation.
- Contact information including name, business address, and telephone number of the system owner, operator, or designee that can provide additional information.
- A statement encouraging notice recipients to distribute the notice to others (using standard distribution language).

These ten elements are the minimum of what should be in a public notice. Systems can always include additional information to help consumers better understand the quality of their drinking water. For example, if a system is required to issue PN for a monitoring violation for TTHM and HAA, it might be helpful to include information regarding the system's compliance history with TTHM and HAA. If consumers can see historical data that shows consistently low results for TTHM and HAA, it might help answer some of the questions the consumers may have and ease their minds.

Timing and Delivery of Public Notice

The clock for notification starts when the system becomes aware of the violation or situation.

As indicated in the table showing the timing and delivery of a PN, a Tier 3 PN can be issued in conjunction with the Consumer Confidence Report (CCR) – even for systems that post their CCR online. The important thing to remember is that all ten required elements of the PN must be attached to the CCR. Simply listing the violation on the CCR does not meet the requirements of issuing Tier 3 PN.

Reporting and Recordkeeping

Once the PN has been issued to the consumers, the water system must provide a completed "Certificate of Delivery" to KDHE, along with a copy of the notice, within ten days. A copy of the notice must be kept on file for three years.

Timing and Delivery of Public Notice		
Violation Tier	Public Notice Requirements	Approved Methods of Notice
Tier 1	Immediate, within 24 hours	TV, Radio, Hand Delivery
Tier 2	As soon as possible, within 30 days; repeat every three (3) months for unresolved violations	Mail, Hand Delivery
Tier 3	Annual notice, within 12 months; repeat annually for unresolved violations	Mail, Hand Delivery, Consumer Confidence Report (CCR)

Kansas Rural Water Association understands that issuing public notice can be a time consuming and costly process that can lead to confusion and fear among consumers. KRWA will continue to support proposed changes to the PN Rule which would make notices less expensive and more effective in their language. If you have any questions contact KRWA staff directly or you can call the KRWA office at (785) 336-3760.

Monica Wurtz began work with KRWA in October 2013. She previously worked at the Kansas Department of Health and Environment and also worked at US EPA Region 7 for four years. Monica is considered a national expert on various drinking water regulations.



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