

# **Tier 2 Public Notification Instructions and Templates**

The pages that follow contain instructions and templates for issuing Tier 2 public notification. Along with each template are specific instructions, including the required method of delivery and suggestions for completing individual sections of the notice. The following templates are provided:

- Revised Total Coliform Rule (RTCR) Failure of a Seasonal System to Complete Start-Up Procedures - Template 2-16
- Revised Total Coliform Rule (RTCR) Failure to Perform any Level 1 Assessment or a Level 2 Assessment that is Not Triggered by *E. coli* MCL violations or the Related Corrective Actions - Template 2-21 (use after March 31, 2016)
- Revised Total Coliform Rule (RTCR) Failure to Perform a Level 2 Assessment Triggered by an *E. coli* MCL violation or the Related Corrective Actions - Template 2-22 (use after March 31, 2016)

**Each template also includes the mandatory health effects language from Appendix B to 40 CFR 141 Subpart Q (presented in italics in each notice, with an asterisk on each end). This information must be included as written, without the asterisks, with additional violation or situation specific information added in the brackets.**

You must also include the following italicized language in all notices, where applicable [40 CFR 141.205(d)]. This language is included in each template. Use of this language does not relieve you of your obligation to take steps reasonably calculated to notify all 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.

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# Instructions for Revised Total Coliform Rule (RTCR) Failure to Perform any Level 1 Assessment or a Level 2 Assessment that is Not Triggered by *E. coli* MCL Violations or the Related Corrective Actions – Template 2-21

## Template Follows Instruction Pages

### Description of Violation or Situation

Beginning April 1, 2016, a public water system triggers a Level 1 assessment when:

- For systems taking 40 or more samples (including routine and repeat samples) per month, the public water system exceeds 5.0 percent total coliform-positive samples for the month;
- For systems taking fewer than 40 samples (including routine and repeat samples) per month, the public water system has two or more total coliform-positive samples in the same month; or
- The public water system fails to take every required repeat sample after any single routine total coliform-positive sample.

Also beginning April 1, 2016, a public water system triggers a Level 2 assessment when:

- The public water system has a second Level 1 assessment treatment technique (TT) trigger within a rolling 12-month period unless the state has determined a likely reason for the total coliform-positive samples that caused the initial Level 1 assessment TT trigger, and the state establishes that the system has fully corrected the problem; or,
- For public water systems with approved reduced annual monitoring, the system has a Level 1 assessment TT trigger in two consecutive years.

Treatment technique (TT) violations related to triggered assessments occur when any public water system has:

- Failed to conduct the triggered Level 1 or Level 2 assessment within 30 days after learning that it has exceeded the trigger; or
- Failed to correct any sanitary defect found through a Level 1 or Level 2 assessment within 30 days or in accordance with a schedule acceptable to the state.

TT violations related to any Level 1 assessment or to a Level 2 assessment that is not triggered by an *E. coli* MCL violation require similar Tier 2 public notice. TT violations for Level 2 assessments that are triggered by *E. coli* MCL violations require different mandatory health effects language and are addressed in Template 2-22.

You must provide public notice to persons served as soon as practical but no later than 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Check with your state to make sure you meet all its requirements.

Community water systems (CWSs) must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill (if delivered within 30 days of the violation)
- Another method approved in writing by the state

Non-community water systems (NCWSs) must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail
- Another method approved in writing by the state

**In addition**, both CWSs and NCWSs must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, EPA recommends printing your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required public notice elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below). All posted notices 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.

## **Mandatory Language**

Mandatory language on health effects (from Appendix B to 40 CFR 141 Subpart Q) must be included as written and is presented in this notice in italics with an asterisk on each end.

*\*Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found.\**

You are also required to include one or both of the following statements, also presented in this notice in italics with an asterisk on each end, as appropriate for the violation:

*\*We failed to conduct the required assessment.\**

*\*We failed to correct all identified sanitary defects that were found during the assessment that we conducted.\**

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also provided below and presented in this notice in italics with an asterisk on each end.

*\*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.\**

## **Corrective Action**

The specific cause(s) of total coliforms in the distribution system that triggered the assessment will likely differ from system to system. Your notice must describe the corrective action(s) you are taking [40 CFR 141.205(a)(7)] to address the TT violation and when you expect to return to compliance or resolve the situation [40 CFR 141.205(a)(8)]. You can use one or more of the following statements, if appropriate, or develop your own text.

- We have begun to correct the sanitary defect(s) identified during an assessment of our water system by taking the following corrective actions: [Describe corrective actions].
- To ensure that our water system is protected against contamination, we are working with the state to implement the following corrective actions: [Describe corrective actions].
- We completed the required assessment and identified the cause of the sanitary defect to be addressed [describe the issue or problem found, for example, damage to the storage tank, a missing vent screen, etc.] We are currently correcting the problem on a schedule approved by [State Department of Public Health].

## **After Issuing the Notice**

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to your state within 10 days after the original or any repeat notice(s) [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved. See Template 1-6 of the Revised Public Notification Handbook (2nd Revision of Document: EPA 816-R-09-013, March 2010) and Template NC-7 of the Public Notification Handbook for Transient Non-community Water Systems, EPA 816-R-09-009, March 2010 for a “problem corrected” notice template.

# Revised Total Coliform Rule (RTCR) Failure to Perform any Level 1 Assessment or a Level 2 Assessment that is Not Triggered by *E. coli* MCL Violations or the Related Corrective Actions – Template 2-21

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### [Water System Name] Failed to Perform Activities Required to Address Coliform Bacteria Contamination of the Water System

During recent routine monitoring, our water system tested positive for total coliforms. *\*Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution.*

*When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found.\**  
[Describe the TT violation, using the mandatory language of *\*We failed to conduct the required assessment\** by [Enter date the assessment was due] and/or *\*We failed to correct all identified sanitary defects that were found during the assessment(s)\** by [Enter date correction was due].]

As our customers, you have a right to know what happened and what we are doing to correct this situation.

#### What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, are pregnant, or are elderly, you may be at increased risk and should seek advice from your healthcare provider about drinking this water. You should also seek advice from your healthcare provider about using the water if you have an infant. General guidelines on ways to lessen the risk of infection by bacteria and other disease-causing organisms are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

#### What does this mean?

Since total coliform bacteria are generally not harmful themselves, this is not an emergency. If it had been you would have been notified within 24 hours.

Failure to identify and correct the defects has the potential to cause continued distribution system contamination. Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

#### What is being done?

[Describe corrective action including when your water system expects to return to compliance or resolve the violation].

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

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by [water system name]. State Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.

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# Instructions for Revised Total Coliform Rule (RTCR) Failure to Perform a Level 2 Assessment Triggered by an *E. coli* MCL Violation or the Related Corrective Actions – Template 2-22

## Template Follows Instruction Pages

### Description of Violation or Situation

Beginning April 1, 2016, a public water system triggers a Level 2 assessment when:

- The public water system has an *E. coli* maximum contaminant level (MCL) violation;

A TT violation related to a Level 2 assessment that was triggered by an *E. coli* MCL violation requires Tier 2 public notice with mandatory health effects language stating *E. coli* was detected in the water system. Violations of Level 2 assessments related to *E. coli* require Tier 2 public notice and occur when any public water system has:

- Failed to conduct the triggered Level 2 assessment within 30 days after learning that it has exceeded the trigger; or
- Failed to correct any sanitary defect found through a Level 2 assessment within 30 days or in accordance with a schedule acceptable to the state.

TT violations for Level 2 assessments that are triggered by more than one Level 1 assessment require different mandatory health effects language and are addressed in Template 2-21.

You must provide public notice to persons served as soon as practical but no later than 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Check with your state to make sure you meet all its requirements.

Community water systems (CWSs) must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill (if delivered within 30 days of the violation)
- Another method approved in writing by the state

Non-community water systems (NCWSs) must use one of the following methods to deliver the notice to consumers [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail
- Another method approved in writing by the state

**In addition**, both CWSs and NCWSs must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, EPA recommends printing your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required public notice elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below). All posted notices 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.

### Mandatory Language

Mandatory language on health effects (from Appendix B to 40 CFR 141 Subpart Q) must be included as written and is presented in this notice in italics with an asterisk on each end.

*\*E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found.\**

You are also required to include one or both of the following statements, also presented in this notice in italics with an asterisk on each end, as appropriate for the violation:

*\*We failed to conduct the required assessment.\**

*\*We failed to correct all identified sanitary defects that were found during the assessment that we conducted.\**

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also provided below and presented in this notice in italics with an asterisk on each end.

*\*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.\**

#### **Corrective Action**

The specific cause(s) of *E. coli* in the distribution system will likely differ from system to system. Your notice must describe the corrective action(s) you are taking [40 CFR 141.205(a)(7)] and when you expect to return to compliance or resolve the situation [40 CFR 141.205(a)(8)]. You can use one or more of the following statements, if appropriate, or develop your own text.

- We have begun to correct the sanitary defect(s) identified during an assessment of our water system by taking the following corrective actions. [Describe corrective actions].
- To ensure that our water supplies are protected against contamination, we are working with the state to implement the following corrective actions. [Describe corrective actions].
- We completed the required assessment and identified the cause of the sanitary defect to be addressed [describe the issue or problem found, for example, damage to the storage tank, a missing vent screen, etc.] We are currently correcting the problem on a schedule approved by [State Department of Public Health].

#### **After Issuing the Notice**

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to your state within 10 days after the original or any repeat notice(s) [40 CFR 141.31(d)].

It is a good idea to inform your consumers when the violation has been resolved. See Template 1-6 of the Revised Public Notification Handbook (2nd Revision of Document: EPA 816-R-09-013, March 2010) and Template NC-7 of the Public Notification Handbook for Transient Non-community Water Systems, EPA 816-R-09-009, March 2010 for a “problem corrected” notice template.

# Revised Total Coliform Rule (RTCR) Failure to Perform a Level 2 Assessment Triggered by an *E. coli* MCL Violation or the Related Corrective Actions – Template 2-22

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### [Water System Name] Failed to Correct a Problem Discovered During an Assessment of the Water System after Testing Positive for *E. coli*

During recent monitoring, our water system tested positive for *E. coli*. *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for *E. coli*, indicating the need to look for potential problems in water treatment or distribution.

When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found.\* [Describe the TT violation, using the mandatory language of *\*We failed to conduct the required assessment\** by [Enter date the assessment was due] and/or *\*We failed to correct all identified sanitary defects that were found during the assessment(s)\** by [Enter date correction was due]]

As our customers, you have a right to know what happened and what we are doing to correct this situation. You were notified of the *E. coli* in our water on [enter date when Tier 1 public notice of the MCL violation that triggered the assessment was provided] and on [enter date] that no additional contamination has been identified and that you do not need to boil your water or take other corrective actions. Although our recent sampling has indicated coliform bacteria are absent, we are still required to assess the system and correct any defects found.

#### What should I do?

- You still do not need to boil your water or take corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, are pregnant, or are elderly, you may be at increased risk and should seek advice from your healthcare provider about drinking this water. You should also seek advice from your healthcare provider about using the water if you have an infant. General guidelines on ways to lessen the risk of infection by bacteria and other disease-causing organisms are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

#### What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours.

Failure to identify and correct system defects has the potential to cause distribution system contamination. Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

#### What is being done?

[Describe corrective action including when you expect to return to compliance or resolve the situation].

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

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by [water system name]. State Water System ID#: \_\_\_\_\_.

Date distributed: \_\_\_\_\_.

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PWS\_

\_CO\_

\_PN

## Texas Commission on Environmental Quality

### CERTIFICATE OF DELIVERY OF PUBLIC NOTICE TO CUSTOMERS: TIER II Public Notice to be posted within **30 days** of initial violation notification

Public Water System (PWS) name: \_\_\_\_\_

PWS ID: \_\_\_\_\_ Month / Year of violation(s): \_\_\_\_\_

Type of Revised Total Coliform Rule, Ground Water Rule, or Surface Water Treatment Rule violation(s) or situation(s):

- Non-Acute Maximum Contaminant Level violation (MCL)
- Non-compliance with Corrective Action Plan or Schedule for a fecal indicator-positive raw groundwater source sample or Significant Deficiency
- Treatment technique violation (Revised Total Coliform Rule, Ground Water Rule, or Surface Water Treatment Rule)

30 TAC 290.122(b) requires that your PWS make an adequate, good-faith effort to reach all consumers served by the system by appropriate methods (check all below that apply):

#### COMMUNITY WATER SYSTEM:

Mail or directly distribute PN to each customer receiving a bill and to other service connections to which water is delivered by the public water system

#### and at least one of the following methods if direct delivery may not reach all persons regularly served by the system:

- Publish PN in local newspaper
- Continuous posting in conspicuous places
- Deliver multiple PNs to single-bill addresses serving several persons (e.g., apartment building owners or large private employers)
- Deliver PN to community organizations
- Post PN on the Internet at: *www*. \_\_\_\_\_

#### NONCOMMUNITY WATER SYSTEM:

Post PN in conspicuous places within the water system, **or**  
 Mail or directly deliver PN to each customer and service connection

#### and at least one of the following methods if direct delivery or public posting may not reach all persons regularly served by the system:

- Publish PN in local newspaper or newsletter
- Send e-mail to notify students or employees
- Deliver PN to central locations (e.g., community centers)

**REQUIRED SIGNATURE ON REVERSE SIDE**

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

Certified by: (print name): \_\_\_\_\_ Title: \_\_\_\_\_

Date of Delivery to Customers: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Fax to (512) 239-3666 or mail a copy of this completed form, AND copies of the Public Notices given to your customers to: TCEQ – Drinking Water Special Functions Section MC – 155, Attn: Public Notice. P. O. Box 13087 Austin, TX 78711-3087**

**BOTH SIDES OF THIS FORM, PLUS THE COMPLETED MANDATORY LANGUAGE, MUST BE DELIVERED TO THE TCEQ FOR PUBLIC NOTICE COMPLIANCE.**