

**Part VI**  
**PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS**

**§ 601 PURPOSE**

The purpose of this part is to define the requirements for publicly notifying persons served by a public water system of any noncompliance with the NNSDWA.

**§ 602 PUBLIC NOTICE REQUIREMENTS PERTAINING TO LEAD**

- A. Applicability of public notice requirement.
1. Except as provided in subsection (A) (2) of this section, by June 19, 1988, the owner or operator of each CWS and each NTNCWS shall issue notice to persons served by the system that may be affected by lead contamination of their drinking water. The Director may require subsequent notices. The owner or operator shall provide notice under this section even if there is no violation of the NNPDWR for lead.
  2. Notice under paragraph (A) (1) of this section is not required if the system demonstrates to the Director that the public water system, including the residential and non-residential portions connected to the public water system, are lead free. For the purposes of this subsection, the term "lead free" when used with respect to solders and flux refers to solders and flux containing not more than 0.2 % lead, and when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 % lead.
- B. Manner of notice.
1. Notice shall be given to persons served by the system either by:
    - a. three newspaper notices (one for each of three consecutive months); or
    - b. once by mail notice with the water bill or in a separate mailing; or
    - c. once by hand delivery.
  2. For NTNCWS, notice shall be given by continuous posting.
    - a. If posting is used, the notice shall be posted in a conspicuous place in the area served by the system and continue for three months.
  3. Notices shall be written in English and/or Navajo where possible and appropriate.
- C. General content of notice.
1. Notices issued under this section shall provide a clear and readily understandable explanation of the potential sources of lead in drinking water, potential adverse health effects, reasonably available methods of mitigating known or potential lead content in drinking water, any steps the water system is taking to mitigate lead content in drinking water, and the necessity for seeking alternative water supplies, if any. Use of the mandatory language in subsection (D) of this section in the notice will be sufficient to explain potential adverse health effects.
  2.
    - a. Each notice shall also include specific advice on how to determine if materials containing lead have been used in homes or the water distribution system and how to minimize exposure to water likely to contain high levels of lead.
    - b. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice.
    - c. Each notice shall contain the telephone number of the owner, operator, or designee of the public water system as a source of additional information regarding the notice.
    - d. Where appropriate, the notice shall be in Navajo or English.

[Note: (Optional Information) Each notice should advise persons served by the systems to use only the cold water faucet for drinking and for use in cooking or preparing baby formula, and to run the water until it gets as cold as it is going to get before each use. If there has recently been major water use in the household, such as showering or bathing, flushing toilets, or doing laundry with cold water, flushing the pipes should take 5 to 30 seconds; if not, flushing the pipes could take as long as several minutes. Each

notice should also advise persons served by the system to check to see if lead pipes, solder, or flux have been used in plumbing that provides tap water and to ensure that new plumbing and plumbing repairs use lead-free materials. The only way to be sure of the amount of lead in the household water is to have the water tested by a competent laboratory. Testing is especially important to apartment dwellers because flushing may not be effective in high-rise buildings that have lead-soldered central piping. As appropriate, the notice should provide information on testing.]

D. Mandatory health effects information.

When providing the information in public notices required under subsection (C) of this section on the potential adverse health effects of lead in drinking water, the owner or operator of the public water system shall include the following specific language in the notice:

"EPA sets drinking water standards and has determined that lead is a health concern at certain levels of exposure. There is currently a standard of 0.050 parts per million (ppm). Based on new health information, EPA is likely to lower this standard significantly.

Part of the purpose of this notice is to inform you of the potential adverse health effects of lead. This is being done even though your water may not be in violation of the current standard.

EPA and others are concerned about lead in drinking water. Too much lead in the human body can cause serious damage to the brain, kidneys, nervous system, and red blood cells. The greatest risk, even with short-term exposure, is to young children and pregnant women.

Lead levels in your drinking water are likely to be highest:

- if your home or water system has lead pipes, or
- if your home has copper pipes with lead solder, and
- if the home is less than five years old, or
- if you have soft or acidic water, or
- if water sits in the pipes for several hours."

E. Notice by the Director.

The Director may give notice to the public required by this section on behalf of the owner or operator of the public water system if the Director meets the requirements of subsection (B) and the notice contains all the information specified in subsection (C) and (D) of this section. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements of this section are met.

F. Enforcement by the Director.

The Director shall enforce the requirements of this section as required by §802 of the NNSDWA. If the Administrator determines that the Director is not enforcing these requirements, the Administrator may withhold up to five % of the PWSSP grant fund under section 1443(a) of the Act.

**§ 603 GENERAL PUBLIC NOTIFICATION REQUIREMENTS**

Public water systems must comply with the requirements in this section upon promulgation of these regulations.

- A. Each owner or operator of a public water system (CWS, NTNCWS, TNCWS) must give notice for all violations of the NNPDR and for other situations, as listed in Table 600.1. The term "NNPDR violations" is used in this section to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in this part. Appendix B to these regulations identifies the tier assignment for each specific violation or situation requiring a public notice.

**Table 600.1 Violation Categories and Other Situations Requiring a Public Notice**

1. NNPDR violations:
a. Failure to comply with an applicable MCL or MRDL.
b. Failure to comply with a prescribed treatment technique (TT).
c. Failure to perform water quality monitoring, as required by the drinking water regulations.
d. Failure to comply with testing procedures as prescribed by a drinking water regulation.

2. Variance and exemptions under §§ 601, 602 and 603 of NNSDWA:
  - a. Operation under a variance or an exemption.
  - b. Failure to comply with the requirements of any schedule that has been set under a variance or exemption.

3. Special public notices:
  - a. Occurrence of a waterborne disease outbreak or other waterborne emergency.
  - b. Exceedance of the nitrate MCL by non-community water systems, where granted permission by the Director under § 202(C) of these regulations.
  - c. Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
  - d. Other violations and situations determined by the Director to require a public notice under this section, not already listed in Appendix B.

B. Types of public notice required for each violation or situation.

- a. Public notice requirements are divided into three tiers (Table 600.2) to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved.
  1. The public notice requirements for each violation or situation listed in Table 600.1 of this section are determined by the tier to which it is assigned.
  2. Table 600.2 of this section provides the definition of each tier. Appendix B of this part identifies the tier assignment for each specific violation or situation.

**Table 600.2 Definition of Public Notice Tiers**

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|---|
| <ol style="list-style-type: none"> <li>1. Tier 1 Public Notice:<br/><br/>Required for NNPDR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.</li> </ol> |
| <ol style="list-style-type: none"> <li>2. Tier 2 Public Notice:<br/><br/>Required for all other NNPDR violations and situations with potential to have serious adverse effects on human health.</li> </ol>                                      |
| <ol style="list-style-type: none"> <li>3. Tier 3 Public Notice:<br/><br/>Required for all other NNPDR violations and situations not included in Tier 1 and Tier 2.</li> </ol>   |

C. Notification

1. Each public water system must provide public notice to persons served by the water system, in accordance with this section. Public water systems that sell or otherwise provide drinking water to other water systems (i.e., to 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.
- b. If a public water 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 Director 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 Director for limiting distribution of the notice must be granted in writing.
- c. A copy of the notice must also be sent to the Director, in accordance with the requirements under § 502(D).

**§ 604 TIER 1 PUBLIC NOTICE: FORM, MANNER, AND FREQUENCY OF NOTICE**

A. Violations or situations requiring a Tier 1 Public Notice.

1. Table 600.3 of this section lists the violation categories and other situations requiring a Tier 1 Public Notice.

2. Appendix B to these regulations identifies the tier assignment for each specific violation or situation.

**Table 600.3 Violation Categories and Other Situations Requiring  
a Tier 1 Public Notice**

1.	Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in §205(C)(3)), or when the public water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in §404(E));
2.	Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in §203, or when the public 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 §407(B) and 408(B);
3.	Exceedance of the nitrate MCL by NTNCWS and TNCWS, where permitted to exceed the MCL by the Director under §202(C), as required under §610;
4.	Violation of the MRDL for chlorine dioxide, as defined in §208(A)(1), 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 exceeds the MRDL, or when the public water system does not take the required samples in the distribution system, as specified in §1104(C)(2)(a);
5.	Violation of the turbidity MCL under §206(B), where the Director 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;
6.	Violation of the Part VIII - General Requirements For Surface Water Treatment or Part XIII - Enhanced Surface Water Treatment technique, Part XXI-Long Term 1 Enhanced Surface Water Treatment (LT1ESWTR) requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix B), where the Director 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;
7.	Occurrence of a waterborne disease outbreak, as defined in §104, 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);
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 Director either in its regulations or on a case-by-case basis.

B. Additional Required Steps for Tier 1 Public Notice.

Public water systems must:

1. Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;
2. Initiate consultation with the Director as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and
3. Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Director. 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.

C. Form and manner of the public notice.

Public water systems must provide the notice within 24 hours in a form and manner appropriate

to reach all persons served, in English or Navajo. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, public water systems are to use, at a minimum, one or more of the following forms of delivery:

1. Appropriate broadcast media (such as radio and television);
2. Posting of the notice in conspicuous locations throughout the area served by the public water system;
3. Hand delivery of the notice to persons served by the public water system; or
4. Another delivery method approved in writing by the Director.

**§ 605 TIER 2 PUBLIC NOTICE-FORM, MANNER, AND FREQUENCY OF NOTICE**

A. Violations or situations requiring a Tier 2 Public Notice. Table 600.4 of this section lists the violation categories and other situations requiring a Tier 2 Public Notice. Appendix B to this subpart identifies the tier assignment for each specific violation or situation.

**Table 600.4 Violation Categories and Other Situations Requiring a Tier 2 Public Notice**

1.	All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 Public Notice is required under § 604(A) or where the Director determines that a Tier 1 Public Notice is required;
2.	Violations of the monitoring and testing procedure requirements, where the Director determines that a Tier 2 Public Notice 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.

B. Tier 2 Public Notification.

1. Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation.
  - a. 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.
  - b. The Director, in appropriate circumstances, may allow additional time for the initial notice of up to three months from the date the system learns of the violation.
  - c. It is not appropriate for the Director to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice.
  - d. Extensions granted by the Director must be in writing.
2. The public water system must repeat the notice every three months as long as the violation or situation persists, unless the Director determines that appropriate circumstances warrant a different repeat notice frequency.
  - a. In no circumstance may the repeat notice be given less frequently than once per year.
  - b. It is not appropriate for the Director to allow less frequent repeat notice for an MCL violation under the Total Coliform Regulations or a treatment technique violation under Part VIII - General Requirements for Surface Water Treatment or Part XIII - Enhanced Surface Water Treatment.
  - c. It is also not appropriate for the Director to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice.
  - d. Director-determinations allowing repeat notices to be given less frequently than

once every three months must be in writing.

3. For the turbidity violations specified in this paragraph, public water systems must consult with the Director as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 Public Notice under § 604(A) is required to protect public health. When consultation does not take place within the 24-hour period, the public 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 §604(B) and (C). Consultation with the Director is required for:

- a. Violation of the turbidity MCL under §206(B); or
- b. Violation of the SWTR, ESWTR or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

C. Form and manner of the Tier 2 Public Notice.

Public water systems must provide the initial public notice and any repeat notices in a form and manner that are appropriate 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:

- 1. Unless directed otherwise by the Director in writing, CWSs must provide notice by:
  - a. Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and
  - b. Any other method appropriate to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subsection (C) (1) (a) of this section.
    - i. 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.).
    - ii. 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 served by the system or on the Internet; or delivery to community organizations or chapters.
- 2. Unless directed otherwise by the Director in writing, NTNCWSs and TNCWSs must provide notice by:
  - a. 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
  - b. Any other method appropriate to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (C) (2) (a) of this section.
    - i. 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.
    - ii. 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, chapters).

**§ 606 TIER 3 PUBLIC NOTICE: FORM, MANNER AND FREQUENCY OF NOTICE**

A. Violations or situations requiring a Tier 3 Public Notice.

Table 600.5 lists the violation categories and other situations requiring a Tier 3 Public Notice. Appendix B to these regulations identifies the tier assignment for each specific violation or situation.

**Table 600.5 Violation Categories and Other Situations Requiring a Tier 3 Public Notice**

1.	Monitoring violations under the NNPdWR, except where a Tier 1 Public Notice is required under § 604(A) or where the Director determines that a Tier 2 Public Notice is required;
2.	Failure to comply with a testing procedure established in these regulations, except where a Tier 1 Public Notice is required under § 604(A) or where the Director determines that a Tier 2 Public Notice is required;
3.	Operation under a variance granted under §§ 601, 602 or 603 of the NNSDWA;
4.	Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under §609.

B. Tier 3 Public Notification.

1. Public water systems must provide the public notice no later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. 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).
2. Instead of individual Tier 3 Public Notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of subsection (B)(1) of this section are met.

C. Form and manner of the Tier 3 Public Notice.

Public water systems must provide the initial notice and any repeat notices in a form and manner that are appropriate 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:

1. Unless directed otherwise by the Director in writing, CWSs must provide notice by:
  - a. Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and
  - b. Any other method appropriate to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subsection (C)(1)(a) of this section.
    - i. 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.).
    - ii. 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 or chapters.
2. Unless directed otherwise by the Director in writing, NTNCWSs and TNCWSs must provide notice by:
  - a. 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
  - b. Any other method appropriate to reach other persons served by the system, if they would not normally be reached by the notice required in subsection (C)(2)(a) of this section.
    - i. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by.
    - ii. 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,

chapters).

D. Use of the Consumer Confidence Report to meet the Tier 3 Public Notice Requirements.

For CWSs, the Consumer Confidence Report (CCR) required under § 1200 of these regulations may be used as a vehicle for the initial Tier 3 Public Notice and all required repeat notices, as long as:

1. The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under § 606(B);
2. The Tier 3 Public Notice contained in the CCR follows the content requirements under § 607; and
3. The CCR is distributed following the delivery requirements under § 606(C).

**§ 607 CONTENT OF THE PUBLIC NOTICE**

A. Elements to be Included in the Public Notice for Violations of NNPDWR or Other Situations Requiring a Public Notice.

When a public water system violates a NNPDWR or has a situation requiring public notification, each public notice must include the following elements:

1. A description of the violation or situation, including the 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 the standard language under paragraphs (D)(1) or (D)(2) of this section, whichever is applicable;
4. The population at risk, including sub-populations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternative water supplies should be used;
6. What actions consumers should take, including when they should seek medical help, if known;
7. What the system is doing to correct the violation or situation;
8. When the public water system expects to return to compliance or resolve the situation;
9. The name, business address, and phone number of the public water system owner, operator, or designee as a source of additional information concerning the notice; and
10. A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection (D)(3) of this section, where applicable.

B. Elements to be included in the public notice for public water systems operating under a variance or exemption.

1. If a public water system has been granted a variance or an exemption, the public notice must contain:
  - a. An explanation of the reasons for the variance or exemption;
  - b. The date on which the variance or exemption was issued;
  - c. 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
  - d. A notice of any opportunity for public input in the review of the variance or exemption.
2. If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in subsection (A) of this section.

C. Public Notice Presentation.

1. Each public notice required by this section:
  - a. Must be displayed in a conspicuous way when printed or posted;
  - b. Must not contain overly technical language or very small print;
  - c. Must not be formatted in a way that defeats the purpose of the notice;
  - d. Must not contain language which nullifies the purpose of the notice.
2. Each public notice required by this section must comply with multilingual requirements, as follows:
  - a. For public water systems serving a large proportion of non-English speaking consumers, as determined by the Director, the public notice must contain information in the Navajo and English, or other appropriate languages regarding the importance of the notice or contain a telephone number or address where persons served may contact the public water system to obtain a translated copy of the notice or to request assistance in the appropriate language.
  - b. In cases where the Director has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in subsection (C)(2)(a) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.

D. Public water systems are required to include the following standard language in their public notice:

1. Public water systems must include in each public notice the standard health effects language specified in Appendix B § 602-B for each MCL or MRDL violations, treatment technique violations, and violations of the conditions of a variance or exemption.

2. Public water systems 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 B:

"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."

3. Standard language to encourage the distribution of the public notice to all persons served must include following language (where applicable):

"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."

**§ 608 NOTICE TO NEW BILLING UNITS OR NEW CUSTOMERS**

- A. 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 a public notice to all new billing units or new customers prior to or at the time service begins.
- B. NTNCWSs and TNCWSs 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.

**§ 609 SPECIAL NOTICE FOR EXCEEDANCE OF THE SMCL FOR FLUORIDE**

- A. Special notice time delivery.

CWSs that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l as specified in §1800 (determined by the last single sample taken in accordance with §405), but do not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride (as specified in § 203), must provide the public notice in subsection (C) of this section to persons served.

1. 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.

2. 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 PWSSP.
  3. The public water system 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).
  4. On a case-by-case basis, the Director may require an initial notice sooner than 12 months and repeat notices more frequently than annually.
- B. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in § 606(C), (D)(1) and (D)(3).
- C. The notice must contain the following mandatory language, including the language necessary to fill in the blanks:

"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 EPA'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."

**§ 610 SPECIAL NOTICE FOR NITRATE EXCEEDANCES ABOVE THE MCL BY NTNCWSs and TNCWSs, WHERE GRANTED PERMISSION BY THE DIRECTOR UNDER § 202(C)**

- A. Special notice time delivery.
- NTNCWSs or TNCWSs granted permission by the Director under § 202(C) to exceed the nitrate MCL, must provide notice to persons served according to the requirements for a Tier 1 Public Notice under § 604(A) and (B).
- B. NTNCWSs and TNCWSs granted permission by the Director to exceed the nitrate MCL under § 202(C), 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 Public Notice delivery under § 604(C) and the content requirements under § 607.

**§ 611 NOTICE BY DIRECTOR ON BEHALF OF THE WATER SYSTEM**

- A. The Director may give the notice required by this subpart on behalf of the owner and operator of the public water system if the Director complies with the requirements of this subpart.
- B. The owner or operator of the public water system remains responsible for ensuring that the requirements of this section are met.

**§ 612 SPECIAL NOTICE FOR REPEATED FAILURE TO CONDUCT MONITORING OF THE SOURCE WATER FOR CRYPTOSPORIDIUM AND FOR FAILURE TO DETERMINE BIN CLASSIFICATION OR MEAN CRYPTOSPORIDIUM LEVEL**

- A. Special notice for failure to monitor.
- The owner or operator of a community or non-community water system that is required to monitor source water under §2402(C) must notify persons served by the water system that monitoring has not been completed as specified no later than 30 days after the system has failed to collect any 3 months of monitoring as specified in §2402(C). The notice must be repeated as specified in §605(B).
- B. Special notice for failure to determine bin classification or mean Cryptosporidium level.

The owner or operator of a community or non-community water system that is required to determine a bin classification under §2409, or determine mean Cryptosporidium level under §2411, must notify persons served by the water system that the determination has not been made as required no later than 30 days after the system has failed to report the determination as specified in §2409 (E) or §2411(A), respectively. The notice must be repeated as specified in §605(B). The notice is not required if the system is complying with a Director-approved schedule to address the violation.

C. Form and manner of special notice.

The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in §605(C). The public notice must be presented as required in §605(C).

D. Mandatory language to be contained in special notice.

The notice must contain the following language, including the language necessary to fill in the blanks.

1. The special notice for repeated failure to conduct monitoring must contain the following language:

"We are required to monitor the source of your drinking water for Cryptosporidium. Results of the monitoring are to be used to determine whether water treatment at the (treatment plant name) is sufficient to adequately remove Cryptosporidium from your drinking water. We are required to complete this monitoring and make this determination by (required bin determination date). We "did not monitor or test" or "did not complete all monitoring or testing" on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate Cryptosporidium removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, (date).

For more information, please call (name of water system contact) of (name of water system) at (phone number)."

2. The special notice for failure to determine bin classification or mean Cryptosporidium level must contain the following language:

"We are required to monitor the source of your drinking water for Cryptosporidium in order to determine by (date) whether water treatment at the (treatment plant name) is sufficient to adequately remove Cryptosporidium from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of (date). For more information, please call (name of water system contact) of (name of water system) at (phone number)."

3. Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.