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Title 22@ Social Security

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Division 4@ Environmental Health

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Chapter 15@ Domestic Water Quality and Monitoring Regulations

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Article 18@ Notification of Water Consumers and the State Board

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Section 64463.4@ Tier 2 Public Notice

64463.4 Tier 2 Public Notice

(a)

A water system shall give public notice pursuant to this section if any of the following occurs: (1) Any violation of the MCL, MRDL, and treatment technique requirements, except: (A) Where a Tier 1 public notice is required under section 64463.1; or (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations; (2) All violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17, and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; (3) Failure to comply with the terms and conditions of any variance or exemption in place; or (4) Exceedance of the chromium (hexavalent) MCL before the applicable compliance date in Table 64432-B, as calculated in accordance with section 64432, subsection (i).

(1)

Any violation of the MCL, MRDL, and treatment technique requirements, except: (A) Where a Tier 1 public notice is required under section 64463.1; or (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(A)

Where a Tier 1 public notice is required under section 64463.1; or

(B)

Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2)

All violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17, and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3)

Failure to comply with the terms and conditions of any variance or exemption in place;
or

(4)

Exceedance of the chromium (hexavalent) MCL before the applicable compliance date in Table 64432-B, as calculated in accordance with section 64432, subsection (i).

(b)

A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall: (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days; (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water

system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of an E. coli MCL violation or violation of a coliform treatment technique or Chapter 17 treatment technique requirement; and (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(1)

Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2)

Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of an E. coli MCL violation or violation of a coliform treatment technique or Chapter 17 treatment technique requirement; and

(3)

For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c)

A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows: (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by; (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.): 1. Publication in a local newspaper; 2. Posting in conspicuous public places served by the water system, or on the Internet; or 3. Delivery to community organizations. (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by: (A) Posting in conspicuous locations throughout the area served by the water system; and (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting: 1. Publication in a local newspaper or newsletter distributed to customers; 2. E-mail message to employees or students; 3. Posting on the Internet or intranet; or 4. Direct delivery to each customer.

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delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):1. Publication in a local newspaper; 2. Posting in conspicuous public places served by the water system, or on the Internet; or 3. Delivery to community organizations.

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Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B)

Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):1. Publication in a local newspaper; 2. Posting in conspicuous public places served by the water system, or on the Internet; or 3. Delivery to community organizations.

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Publication in a local newspaper;

2.

Posting in conspicuous public places served by the water system, or on the Internet; or

3.

Delivery to community organizations.

(2)

Unless otherwise directed by the State Board in writing based on its assessment of the

violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by: (A) Posting in conspicuous locations throughout the area served by the water system; and (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting: 1. Publication in a local newspaper or newsletter distributed to customers; 2. E-mail message to employees or students; 3. Posting on the Internet or intranet; or 4. Direct delivery to each customer.

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Posting in conspicuous locations throughout the area served by the water system; and

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Using one or more of the following methods to reach persons not likely to be reached by a public posting: 1. Publication in a local newspaper or newsletter distributed to customers; 2. E-mail message to employees or students; 3. Posting on the Internet or intranet; or 4. Direct delivery to each customer.

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Publication in a local newspaper or newsletter distributed to customers;

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E-mail message to employees or students;

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Posting on the Internet or intranet; or

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Direct delivery to each customer.