

Table 2. 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. Violations 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 for 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 your system has any of these violations or situations, in addition to issuing public notice, you must initiate consultation with your primacy agency as soon as practical but within 24 hours after you learn of the violation or situation. See Chapter 5 for more details.

Tier 2 Violations Requiring Notice Within 30 Days**

1. All violations of the *MCL, MRDL, and treatment technique* requirements except where Tier 1 notice is required;
2. Violations of *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 you exceed the maximum allowable turbidity level, as identified in Appendix A, you must consult with your primacy agency as soon as practical but no later than 24 hours after learning of the violation. See Chapter 6 for more details.

Tier 3 Violations and Other Situations Requiring Notice Within 1 Year

1. *Monitoring violations*, except where 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 Tier 1 notice is required or the primacy agency determines that the violation requires a Tier 2 notice;
3. *Operation under a 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*.