

APPENDIX A TO SUBPART Q OF PART 141—NPDWR VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE<sup>1</sup>

Contaminant	MCL/MFRL/TT violations <sup>2</sup>		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
I. Violations of National Primary Drinking Water Regulations (NPDWR): <sup>3</sup>				
A. Microbiological Contaminants				
1. Total coliform .....	2	141.63(a)	3	141.21(a)-(e)
2. Fecal coliform/E. coli .....	1	141.63(b)	4, 1, 3	141.21(e)
3. Turbidity MCL .....	2	141.13(a)	3	141.22
4. Turbidity MCL (average of 2 days' samples >5 NTU) .....	5, 2, 1	141.13(b)	3	141.22
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level) .....	5, 2, 1	141.71(a)(2), 141.71(c)(2)(i), 141.73(a)(2), 141.73(b)(2), 141.73(c)(2), 141.73(d), 141.73(e)(2), 141.73(b), 141.551(b)	3	141.74(a)(1), 141.74(b)(2), 141.74(c)(1), 141.74, 141.560(a)-(c), 141.561.
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT) .....	2	141.70-141.73	3	141.74
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT) .....	7, 2	141.170-141.173, 141.500-141.553	3	141.172, 141.174, 141.530-141.544, 141.560-141.564.
8. Filter Backwash Recycling Rule violations .....	2	141.76(c)	3	141.76(b), (d)
9. Long Term 1 Enhanced Surface Water Treatment Rule violations .....	2	141.500-141.553	3	141.530-141.544, 141.560-141.564.
10. LT2ESWTR violations .....	2	141.710-141.720	2, 2, 3	141.701-141.705 and 141.708- 141.709.
11. Ground Water Rule violations .....	2	141.404	3	141.402(h), 141.403(d).
B. Inorganic Chemicals (ICCs)				
1. Antimony .....	2	141.62(b)	3	141.23(a), (c)
2. Arsenic .....	2	8 141.62(b)	3	11 141.23(a), (c)
3. Asbestos (fibers >10 µm) .....	2	141.62(b)	3	141.23(a)-(b)
4. Barium .....	2	141.62(b)	3	141.23(a), (c)
5. Beryllium .....	2	141.62(b)	3	141.23(a), (c)
6. Cadmium .....	2	141.62(b)	3	141.23(a), (c)
7. Chromium (total) .....	2	141.62(b)	3	141.23(a), (c)
8. Cyanide .....	2	141.62(b)	3	141.23(a), (c)
9. Fluoride .....	2	141.62(b)	3	141.23(a), (c)
10. Mercury (inorganic) .....	2	141.62(b)	3	141.23(a), (c)

11. Nitrate .....	141.23(e), (d), 141.23(f)(2)	12 <sup>1</sup> , 3	141.62(b)	141.23(e), (d), 141.23(f)(2)
12. Nitrite .....	141.62(b)	12 <sup>1</sup> , 3	141.62(b)	141.23(e), (e), 141.23(f)(2)
13. Total Nitrate and Nitrite .....	141.62(b)	3	141.62(b)	141.23(a)
14. Selenium .....	141.62(b)	3	141.62(b)	141.23(e), (c)
15. Thallium .....	141.62(b)	3	141.62(b)	141.23(e), (c)
C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)				
1. Lead and Copper Rule (TT) .....	141.80-141.85	3	141.80-141.85	141.86-141.89
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D .....	141.61(c)	3	141.61(c)	141.24(h)
2. 2,4,5-TP (Silvex) .....	141.61(c)	3	141.61(c)	141.24(h)
3. Alachlor .....	141.61(c)	3	141.61(c)	141.24(h)
4. Atrazine .....	141.61(c)	3	141.61(c)	141.24(h)
5. Benzo(a)pyrene (PAHs) .....	141.61(c)	3	141.61(c)	141.24(h)
6. Carbofuran .....	141.61(c)	3	141.61(c)	141.24(h)
7. Chlordane .....	141.61(c)	3	141.61(c)	141.24(h)
8. Dieldrin .....	141.61(c)	3	141.61(c)	141.24(h)
9. Di (2-ethylhexyl) adipate .....	141.61(c)	3	141.61(c)	141.24(h)
10. Di (2-ethylhexyl) phthalate .....	141.61(c)	3	141.61(c)	141.24(h)
11. Dibromochloropropane .....	141.61(c)	3	141.61(c)	141.24(h)
12. Dinoseb .....	141.61(c)	3	141.61(c)	141.24(h)
13. Dioxin (2,3,7,8-TCDD) .....	141.61(c)	3	141.61(c)	141.24(h)
14. Diquat .....	141.61(c)	3	141.61(c)	141.24(h)
15. Endosulfan .....	141.61(c)	3	141.61(c)	141.24(h)
16. Endrin .....	141.61(c)	3	141.61(c)	141.24(h)
17. Ethylene dibromide .....	141.61(c)	3	141.61(c)	141.24(h)
18. Glyphosate .....	141.61(c)	3	141.61(c)	141.24(h)
19. Heptachlor .....	141.61(c)	3	141.61(c)	141.24(h)
20. Heptachlor epoxide .....	141.61(c)	3	141.61(c)	141.24(h)
21. Hexachlorobenzene .....	141.61(c)	3	141.61(c)	141.24(h)
22. Hexachlorocyclopentadiene .....	141.61(c)	3	141.61(c)	141.24(h)
23. Lindane .....	141.61(c)	3	141.61(c)	141.24(h)
24. Methoxychlor .....	141.61(c)	3	141.61(c)	141.24(h)
25. Oxamyl (Vydate) .....	141.61(c)	3	141.61(c)	141.24(h)
26. Pentachlorophenol .....	141.61(c)	3	141.61(c)	141.24(h)
27. Picloram .....	141.61(c)	3	141.61(c)	141.24(h)
28. Polychlorinated biphenyls (PCBs) .....	141.61(c)	3	141.61(c)	141.24(h)
29. Simazine .....	141.61(c)	3	141.61(c)	141.24(h)
30. Toxaphene .....	141.61(c)	3	141.61(c)	141.24(h)
E. Volatile Organic Chemicals (VOCs)				
1. Benzene .....	141.61(a)	3	141.61(a)	141.24(f)
2. Carbon tetrachloride .....	141.61(a)	3	141.61(a)	141.24(f)
3. Chlorobenzene (monochlorobenzene) .....	141.61(a)	3	141.61(a)	141.24(f)
4. o-Dichlorobenzene .....	141.61(a)	3	141.61(a)	141.24(f)
5. p-Dichlorobenzene .....	141.61(a)	3	141.61(a)	141.24(f)
6. 1,2-Dichloroethane .....	141.61(a)	3	141.61(a)	141.24(f)
7. 1,1-Dichloroethylene .....	141.61(a)	3	141.61(a)	141.24(f)
8. cis-1,2-Dichloroethylene .....	141.61(a)	3	141.61(a)	141.24(f)
9. trans-1,2-Dichloroethylene .....	141.61(a)	3	141.61(a)	141.24(f)

Contaminant	MCL/MRD/TT violations <sup>2</sup>		Monitoring & testing procedure violations	
	Tier of public notices required	Citation	Tier of public notices required	Citation
10. Dichloromethane	2	141.61(a)	3	141.24(f)
11. 1,2-Dichloropropane	2	141.61(a)	3	141.24(f)
12. Ethylbenzene	2	141.61(a)	3	141.24(f)
13. Styrene	2	141.61(a)	3	141.24(f)
14. Tetrachloroethylene	2	141.61(a)	3	141.24(f)
15. Toluene	2	141.61(a)	3	141.24(f)
16. 1,2,4-Trichlorobenzene	2	141.61(a)	3	141.24(f)
17. 1,1,1-Trichloroethane	2	141.61(a)	3	141.24(f)
18. 1,1,2-Trichloroethane	2	141.61(a)	3	141.24(f)
19. Trichloroethylene	2	141.61(a)	3	141.24(f)
20. Vinyl chloride	2	141.61(a)	3	141.24(f)
21. Xylenes (total)	2	141.61(a)	3	141.24(f)
F. Radioactive Contaminants				
1. Beta/positron emitters	2	141.66(d)	3	141.25(a) 141.26(b)
2. Alpha emitters	2	141.66(c)	3	141.25(a) 141.26(a)
3. Combined radium (226 and 228)	2	141.66(b)	3	141.25(a) 141.26(a)
4. Uranium	92	141.66(e)	103	141.25(a) 141.26(a)
G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs). <sup>13</sup>				
1. Total trihalomethanes (TTHMs)	2	141.64(b)	3	141.132(a)-(c), 141.600-141.605, 141.620-141.629
2. Haloacetic Acids (HAA5)	2	141.64(b)	3	141.132(a)-(b), 141.600-141.605, 141.620-141.629
3. Bromate	2	141.64(a)	3	141.132(a)-(b)
4. Chlorite	2	141.64(a)	3	141.132(a)-(b)
5. Chlorine (MRDL)	2	141.65(a)	3	141.132(a), (c)
6. Chloramine (MRDL)	2	141.65(a)	3	141.132(a), (c)
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	141.65(a), 141.133(c)(3)	2 <sup>15</sup> , 3	141.132(a), (c), 141.133(c)(2)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	161	141.65(a), 141.133(c)(3)	1	141.132(a), (c), 141.133(c)(2)
9. Control of DBP precursors—TOC (TT)	2	141.135(a)-(b)	3	141.132(a), (d)

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10. Bench marking and disinfection profiling .....	N/A	N/A	3	141.172	141.530-141.544, 141.132(f)
11. Development of monitoring plan .....	N/A	N/A	3		
H. Other Treatment Techniques					
1. Acrylamide (TT) .....	2	141.111	N/A		N/A
2. Epichlorohydrin (TT) .....	2	141.111	N/A		N/A
II. Unregulated Contaminant Monitoring: 17					
A. Unregulated contaminants .....	N/A	N/A	3	141.40	141.40
B. Nickel .....	N/A	N/A	3	141.23(c), (k)	141.23(c), (k)
III. Public Notification for Variances and Exemptions:					
A. Operation under a variance or exemption .....	3	<sup>18</sup> 1415, 1416,	N/A		N/A
B. Violation of conditions of a variance or exemption .....	2	1415, 1416, <sup>19</sup> 142.307	N/A		N/A
IV. Other Situations Requiring Public Notification:					
A. Fluoride secondary maximum contaminant level (SMCL) exceedance .....	3	143.3	N/A		N/A
B. Exceedance of nitrate MCL for non-community systems, as allowed by primacy agency .....	1	141.11(g)	N/A		N/A
C. Availability of unregulated contaminant monitoring data .....	3	141.40	N/A		N/A
D. Waterborne disease outbreak .....	1	141.2, 141.71(c)(2)(ii)	N/A		N/A
E. Other waterborne emergency <sup>20</sup> .....	1	N/A	N/A		N/A
F. Source Water Sample Positive for GWR Fecal Indicators: E. coli, enterococci, or coliphage .....	1	141.402(g)	N/A		N/A
G. Other situations as determined by primacy agency .....	<sup>21</sup> 1, 2, 3	N/A	N/A		N/A

## APPENDIX A—ENDNOTES

1. Violations and other situations not listed in this table (e.g., failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the primary agency. Primacy agencies may, at their option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under §141.202(a) and §141.203(a).

2. MCL—Maximum contaminant level, MRDL—Maximum residual disinfectant level, TT—Treatment technique

3. The term Violations of National Primary Drinking Water Regulations (NPDWR) is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

4. Failure to test for fecal coliform or *E. coli* is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

5. Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the primacy agency within 24 hours after learning of the violation. Based on this consultation, the primacy agency may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the primacy agency in the 24-hour period, the violation is automatically elevated to Tier 1.

6. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) are required to consult with the primacy agency within 24 hours after learning of the violation. Based on this consultation, the primacy agency may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the primacy agency in the 24-hour period, the violation is automatically elevated to Tier 1.

7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 FR 69477) (§§141.170–141.171, 141.173–141.174) become effective January 1, 2002 for Subpart H systems (surface water systems and ground water systems under the direct influence of surface water) serving at least 10,000 persons. However, §141.172 has some requirements that become effective as early as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule

adds additional requirements and does not in many cases supersede the SWTR.

8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are §141.11(b) and §141.23(n).

9. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for all community water systems.

10. The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.

11. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are §141.23(a), (l).

12. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

13. Subpart H community and non-transient non-community systems serving ≥10,000 must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Subpart H transient non-community systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H transient non-community systems serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

14. §§141.64(b)(1) 141.132(a)–(b) apply until §§141.620–141.630 take effect under the schedule in §141.620(c).

15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

17. Some water systems must monitor for certain unregulated contaminants listed in §141.40.

18. This citation refers to §§1415 and 1416 of the Safe Drinking Water Act. §§1415 and 1416 require that “a schedule prescribed. . . for a public water system granted a variance [or exemption] shall require compliance by the system. . .”

19. In addition to §§1415 and 1416 of the Safe Drinking Water Act, 40 CFR 142.307 specifies

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the items and schedule milestones that must be included in a variance for small systems.

20. Other waterborne emergencies require a Tier 1 public notice under §141.202(a) for situations that do not meet the definition of a waterborne disease outbreak given in 40 CFR 141.2 but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution sys-

tem, chemical spills, or unexpected loading of possible pathogens into the source water.

21. Primacy agencies may place other situations in any tier they believe appropriate, based on threat to public health.

22. Failure to collect three or more samples for *Cryptosporidium* analysis is a Tier 2 violation requiring special notice as specified in §141.211. All other monitoring and testing procedure violations are Tier 3.

[65 FR 26035, May 4, 2000, as amended at 65 FR 76750, Dec. 7, 2000; 66 FR 7065, Jan. 22, 2001; 66 FR 31104, June 8, 2001; 67 FR 1836, Jan. 14, 2002; 69 FR 38856, June 29, 2004; 71 FR 483, Jan. 4, 2006; 71 FR 768, Jan. 5, 2006; 71 FR 65652, Nov. 8, 2006]