

## Violations, Public Notification, and CCR



November 2015

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## RTCR Violations

- *E. coli* MCL violation
- TT violations
- Monitoring violations
- Reporting violations

40 CFR 141.860

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## *E. coli* MCL Violation

A PWS is in violation of the *E. coli* MCL when any of these conditions occur:

<i>E. coli</i> MCL Violation Occurs with Any of These Sampling Result Combinations	
ROUTINE	REPEAT
EC+	TC+
TC+	EC+
EC+	Any missing repeat sample
TC+	TC+ (but no <i>E. coli</i> analyzed)

40 CFR 141.860(a)

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NPDRL	Repeatable Violation Code (NPDRL)	Parameter Code	Event #	Violation Description	Violation Type	Violation refers to compliance ("RTC") when the system meets the following criteria:
RTCR				E. coli MCL (Violation Code 3A) Peak Violation: 1) EC+ routine with insufficient repeat samples, or 2) Combination of EC+ and TC+ results between the routine and repeat samples, or 3) TC+ routine with TC+ repeat sample not tested for E. coli by lab		
RTCR				EC+ routine with insufficient repeat samples		
RTCR				A system that has an EC+ routine sample. It is approved for dual purpose SMR/TC sampling that fails to have the designated dual purpose sample tested first, as required by the laboratory. 301.402(a)(2) 301.403(a)(2)		
RTCR				A system that has an EC+ routine sample. It is approved for dual purpose SMR/TC sampling that fails to have the designated dual purpose sample tested first, as required by the laboratory. 301.402(a)(2) 301.403(a)(2)		
RTCR				For each routine EC sample, when a PWS with a single service connection is required and approved by the State to use a first volume water sample of at least 100L, and the PWS fails to meet the requirement to collect the appropriate volume sample. 301.404(a)(2) 301.405(a)(2)(ii)		
RTCR	1A	8000	244	For each routine EC sample, when a PWS with a single service connection is required and approved by the State to take three repeat samples within a three day period, and the PWS fails to meet this requirement. 301.404(a)(2) 301.405(a)(2)(ii)	MCL	A new violation ID is generated for each instance the PWS meets the condition of an E. coli MCL violation. RTC is achieved in the month when a complete round of monitoring is done using approved analytical methods/laboratories and includes all required samples (i.e. 1) all required routine samples, 2) all required repeat samples, 3) any additional, required, corrective action monitoring required by the State) collected in accordance with the State-approved sample-siting plan and there are no monitoring violations or additional E. coli MCL violations.
RTCR				A system that has an EC+ routine sample and fails to collect all the required repeat samples. 301.404(a)(2)		
RTCR				Combination of EC+ and TC+ results between the routine and repeat samples		
RTCR				A system that has a TC+ routine sample with an associated repeat EC+ sample taken at the same time that designated dual purpose or EC+ repeat sample is required. The designated routine water sample when the PWS is required and approved for dual purpose SMR/TC sampling. 301.402(a)(2) 301.403(a)(2) 301.404(a)(2)(ii)(c)		
RTCR				A system that has a TC+ routine sample with an associated EC+ repeat sample. 301.403(a)(2) 301.404(a)(2)(ii)		
RTCR				A system that has an EC+ routine sample with an associated TC+ repeat sample. 301.403(a)(2)		
RTCR				TC+ routine with TC+ repeat sample not tested for E. coli by lab		
RTCR				A system that has a TC+ routine sample with an associated TC+ repeat sample that fails to test for E. coli in the associated TC+ repeat sample. 301.403(a)(2)		

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## Treatment Technique Violations

- A PWS is in violation of the RTCR TT when any of the following occur:
  - Failure to conduct a Level 1 or Level 2 assessment within 30 days of learning of the trigger
  - Failure to correct all sanitary defects from a Level 1 or Level 2 assessment within 30 days of learning of the trigger or in accordance with schedule approved by the state
  - Failure of a seasonal system to complete state-approved start-up procedure prior to serving water to public

40 CFR 141.860(b)

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## Monitoring Failures

Violation consists of failure to:	Monitoring Violation	E. coli MCL Violation	Triggers Level 1 or Level 2 Assessment
Take routine sample	Yes		
Take/analyze for E. coli following a TC+ routine sample	Yes		
Take repeat samples following a TC+ routine sample			Triggers Level 1 assessment*
Take repeat sample following a EC+ routine sample		Yes	
Take/analyze for E. coli following a TC+ repeat sample		Yes	

\* A Level 2 assessment is triggered if a second Level 1 assessment was triggered within a rolling 12-month period.

40 CFR 141.859(a)(1)(iii); 141.860(c)

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## Monitoring Violations

- The following two types of monitoring failures are monitoring violations:
  - Failure to take routine total coliform sample
  - Failure to analyze for *E. coli* following a TC+ routine sample

40 CFR 141.860(c)

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## Reporting Violations

- A PWS is in violation of reporting requirements when any of the following occurs:
  - Failure to submit monitoring report
  - Failure to submit a completed Level 1 or Level 2 assessment form within 30 days of learning of the trigger
  - Failure for a seasonal system to timely submit certification of completion of state-approved start-up procedure (prior to serving water to the public)
  - Failure to notify the state by the end of the day/next business day following an *E. coli*-positive sample or *E. coli* MCL violation

40 CFR 141.860(d)

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## Public Notification

Violation	Tier of Public Notification
<i>E. coli</i> MCL Violation	Tier 1
Treatment Technique Violation	Tier 2
Monitoring Violation	Tier 3
Reporting Violation	Tier 3

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# Health Effects Language

## E. coli MCL Violation

Tier 1

"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."

40 CFR 141, Appendix B to Subpart O -1g

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# Health Effects Language (cont.)

## TT Violations (assessment triggered by presence of E. coli)

Tier 2

"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."

**System must also include the following applicable sentences:**

"We failed to conduct the required assessment."

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

40 CFR 141, Appendix B to Subpart O -1f

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# Health Effects Language (cont.)

## TT Violations (assessment triggered by presence of total coliform)

Tier 2

"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."

**System must also include the following sentences:**

"We failed to conduct the required assessment."

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

40 CFR 141, Appendix B to Subpart O -1e

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## Health Effects Language (cont.)

### TT Violations (Seasonal Systems)

Tier 2

**Failure to monitor for total coliforms or *E. coli* prior to serving water to the public:** "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."

**Failure to complete other actions:** Appropriate standard content elements in 40 CFR 141.205(a).

40 CFR 141.205(d)(2), Appendix B to Subpart O -1h

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## Consumer Confidence Reports (CCR)

- CWS must report
  - Until March 31, 2016
    - Total coliform, fecal coliform & *E. coli*: number or percentage of positive results
  - Starting April 1, 2016
    - *E. coli*: number of positive results
    - Level 1 or Level 2 assessment language
      - # required assessments and # completed
      - # of required corrective actions and # completed
      - # assessments missed and corrective actions not completed

40 CFR 141.153(c)(4), 141.153(d)(4)(vii), (viii), & (x)

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