**Section 611.901 General Public Notification Requirements**

The requirements of this Subpart V replace former notice requirements.

a) Who Must Give Public Notice. Each owner or operator of a PWS (a CWS, an NTNCWS, or a transient non-CWS) must give notice for all violations of an NPDWR and for other situations, as listed in this subsection (a). The term "NPDWR violation" is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set forth in this Part. Appendix G identifies the tier assignment for each specific violation or situation requiring a public notice.

1) NPDWR Violations

A) A failure to comply with an applicable MCL or MRDL.

B) A failure to comply with a prescribed treatment technique.

C) A failure to perform water quality monitoring, as required by this Part.

D) A failure to comply with testing procedures as prescribed by this Part.

2) Relief Equivalent to a Variance and Exemptions under Sections 1415 and 1416 of SDWA.

A) Operation under relief equivalent to a SDWA section 1415 variance, under Section 611.111, or a SDWA section 1416 exemption, under Section 611.112.

B) A failure to comply with the requirements of any schedule that has been set under relief equivalent to a SDWA section 1415 variance, under Section 611.111, or a SDWA section 1415 exemption, under Section 611.112.

3) Special Public Notices

A) The occurrence of a waterborne disease outbreak or other waterborne emergency.

B) An exceedance of the nitrate MCL by a non-CWS, if granted permission by the Agency under Section 611.300(d).

C) The notice required by Section 611.908 for an exceedance of 2 mg/L fluoride (the federal secondary MCL for fluoride (see 40 CFR 143.3)).

BOARD NOTE: See the Board Note appended to Section 611.908 for explanation.

D) The availability of unregulated contaminant monitoring data collected as required by USEPA under 40 CFR 141.40.

E) Other violations and situations determined by the Agency in a SEP to require a public notice under this Subpart V, not already listed in Appendix G.

F) Exceeding the lead action level.

b) The Type of Public Notice Required for Each Violation or Situation. The public notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection (a) are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G identifies the tier assignment for each specific violation or situation.

1) Tier 1 public notice: required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

2) Tier 2 public notice: required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.

3) Tier 3 public notice: required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

c) Who Must Receive Notice

1) Each PWS supplier must provide public notice to persons served by the water supplier under this Subpart V. A PWS supplier that sells or otherwise provides drinking water to another PWS supplier (i.e., to a consecutive system) is required to give public notice to the owner or operator of the consecutive system; the consecutive system supplier is responsible for providing public notice to the persons it serves.

2) If a PWS supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system that is out of compliance. The Agency must issue a SEP when allowing the supplier to limit distributing notice.

3) The supplier must also submit a copy of the notice to the Agency and the Administrator (for exceeding the lead action level) under Section 611.840(d).

BOARD NOTE: This Section derives from 40 CFR 141.201.

(Source: Amended at 47 Ill. Reg. 16486, effective November 2, 2023)