

WV BUREAU FOR PUBLIC HEALTH
ENVIRONMENTAL ENGINEERING DIVISION

COMPLIANCE STRATEGY FOR PUBLIC WATER SYSTEMS

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DEFINITIONS OF ACRONYMS

Acronyms:

AO	Administrative Order
CCR	Consumer Confidence Report
DBP	Disinfectant Byproduct
MCL	Maximum Contaminant Level
mg/L	Milligrams per liter (equivalent to parts per million)
MRDL	Maximum Residual Detection Level
M/R	Monitoring/Reporting
NOV	Notice of Violation
OCCT	Optimal Corrosion Control Treatment
PN	Public Notice
PSA	Public Service Announcement
SNC	Significant Non Compliance
SOWT	Source Water Treatment
TCR	Total Coliform Rule
TOC	Total Organic Carbon
TT	Treatment Technique
URTH	Unreasonable Risk to Health (= 2 times MCL)

***NOTE** - unless otherwise specified, “days” means calendar days.

BACKGROUND/INTRODUCTION

The State of West Virginia (WV) first developed a Compliance Strategy for Community Water Systems in April 1984. That compliance strategy was limited to monitoring and testing for Maximum Contaminant Level (MCL) requirements of coliform and turbidity. The emphasis was on “persistent violators” returning to compliance.

Since 1984, the regulations concerning coliform and turbidity monitoring and the definition of MCL have changed dramatically. Regulations have been added and continue to be developed as a result of the U.S. Safe Drinking Water Act (SDWA). In addition, new parameters, such as Treatment Technique and Action Levels have been added as items for states to monitor, along with MCL’s. EPA has also established Significant Non Compliance (SNC) definitions for each rule that has been promulgated, which corresponds with the state definition of the “persistent violator” in the 1984 strategy. WV has elected to obtain primacy for enforcement of the SDWA and is required, as part of its enforcement program, to target systems that meet the SNC definition. Therefore, WV has decided to adopt the EPA definitions of a SNC for each rule, where such definition exists. If the EPA has not defined a SNC definition for a particular rule, WV has developed interim standards. WV has also included state rule and code violations as part of this compliance strategy.

The following pages identify a particular rule or contaminant that has been developed similar to the EPA SNC guidelines. The definitions in these pages are identified and categorized ranging from Tier 1 (SNC) violators, which are systems with a significant history of violations resulting in the most severe actions by the State, to Tier 3 violators resulting in minimal action by the State. Responses noted for defined Tier 1, 2 and 3 are intended as agency guidance and are not intended to replace or override agency enforcement discretion. Violations will be assessed by the agency on

a case-by-case basis. The agency reserves the right to initiate any appropriate enforcement action or forgo enforcement action responses noted in this guidance.

Tier 2 and Tier 3 actions will be initiated within 30-days of the end of the compliance period. Reports from the State Database will be generated on a monthly basis identifying public water systems that meet the Tier 2 definition. The report will be sent to the district office or compliance officer for the required action. The district office or compliance officer will follow through with the required response within 30 days of receiving the report. A form has been developed for the district office response and is attached to this strategy.

TOTAL COLIFORM RULE (TCR) MAXIMUM CONTAMINANT LEVEL (MCL)

COMPLIANCE STRATEGY

Tier 1 (SNC): MONTHLY MONITORING: In any twelve (12) consecutive months, meeting the following criteria:

\$Four (4) acute/monthly MCL violations.

QUARTERLY MONITORING: In any four (4) consecutive quarters, meeting the following criteria:

\$Three (3) acute/monthly MCL violations.

Tier 2: Any violations that do not qualify as Tier 1.

Tier 3: There will be no Tier 3 for this contaminant.

Response:

Tier 1: State Administrative Order.

Tier 2: A state NOV will be issued.

TOTAL COLIFORM RULE (TCR) MONITORING AND REPORTING (M/R)

COMPLIANCE STRATEGY

Tier 1 (SNC): MONTHLY MONITORING: In any twelve (12) consecutive months, meeting one of the following criteria:

Ĥ Any combination of \$four (4) major* repeat M/R violations

Ĥ Any combination of \$four (4) major repeat M/R and MCL violations.

Ĥ Any combination of \$six (6) major repeat M/R, major routine M/R, and/or MCL violations.

Ĥ Any combination of \$ten (10) major/minor** routine/repeat M/R and/or MCL violations.

QUARTERLY MONITORING: In any four (4) consecutive quarters, meeting one of the following criteria:

Ĥ Any combination of \$Three (3) major repeat M/R violations.

Ĥ Any combination of \$three (3) major repeat M/R, major routine M/R and/or MCL violations.

Tier 2: **MONTHLY MONITORING:** In any twelve (12) consecutive months, meeting one of the following criteria:

Ĥ Any combination of two (2) MCL or major repeat M/R violations.

Ĥ Any combination of four (4) MCL, major repeat or major routine M/R violations.

Ĥ Any combination of five (5) MCL or any M/R violations (major or minor).

QUARTERLY MONITORING: In any four (4) consecutive quarters, meeting the following criteria:

Any combination of two (2) MCL and/or major repeat or major routine M/R violations.

Tier 3: Any violations that do not qualify as Tier 1 or Tier 2.

Responses:

Tier 1: State Administrative Order

Tier 2: System is contacted by the District Office and District Office notifies Central Office within 30 days.

Tier 3: A State Notice of Violation (NOV) will be issued.

* A “major” M/R violation occurs when **NO** samples are taken or **NO** results are reported during a compliance period.

** A “minor” M/R violation occurs when an **INSUFFICIENT NUMBER** of samples are taken during a compliance period.

SURFACE WATER TREATMENT RULE (SWTR) AND INTERIM ENHANCED

SURFACE WATER TREATMENT RULE (IESWTR) COMPLIANCE STRATEGY

- Tier 1 (SNC):**
- Ā Four (4) Treatment Technique (TT) violations in any twelve (12) consecutive months.
 - Ī Six (6) combined violations (TT and M/R major*) in any twelve (12) consecutive months.
 - Ď Ten (10) or more combined TT and M/R major/minor** violations in twelve (12) consecutive months.
 - Ñ Failure to perform required actions as a result of exceeding IESWTR turbidity “triggers”.
 - Ò Failure to retain individual filter records for review during a sanitary survey.

- Tier 2:**
- Ā Two (2) TT violations in any twelve (12) consecutive months.
 - Ī Three (3) TT and major M/R violations in any twelve (12) consecutive months.
 - Ď Five (5) TT and M/R major/minor violations in any twelve (12) consecutive months.

Tier 3: Any violations that do not qualify as tier 1 or tier 2.

Responses:

Tier 1: State Administrative Order.

Tier 2: System is contacted by the District Office and District Office notifies Central Office within 30 days.

Tier 3: A State Notice of Violation (NOV) will be issued.

* A “major” M/R violation occurs when a system fails to monitor at least 90% of the required samples per month. This would include turbidity tests, chlorine residual tests at the plant and chlorine residual tests in the distribution system (measured when bacteriological samples are collected). Included in this would be systems that do not report within ten (10) days after the beginning of the month.

** A “minor” M/R violation occurs when a system conducts more than 90% of the required samples per month, but less than 100% of the required monitoring tests. This would include turbidity tests, chlorine residual tests at the plant and chlorine residual tests in the distribution system (measured when bacteriological samples are collected). Included in this would be systems that do not report within ten (10) days after the beginning of the month.

DISINFECTION BYPRODUCTS RULE (TT) (DBP TT)* COMPLIANCE STRATEGY

Tier 1 (SNC): Î Four (4) TT violations in any four (4) consecutive quarters.

Ï Six (6) combined violations (TT and M/R major**) in any four (4) consecutive calendar quarters.

Ð Ten (10) or more combined TT and M/R major/minor*** violations in four (4) consecutive quarters.

Ñ Failure to perform required actions as a result of exceeding IESWTR turbidity “triggers”.

Ò Failure to retain individual filter records for review during a sanitary survey.

Tier 2: Î Two (2) TT violations in any four (4) consecutive quarters.

Ï Three (3) TT and Major M/R violations in any four (4) consecutive calendar quarters.

Ð Five (5) TT and M/R major/minor violations in any four (4) consecutive calendar quarters.

Tier 3: Any violations that do not qualify as tier 1 or tier 2.

Responses:

Tier 1: State Administrative Order.

Tier 2: System is contacted by the District Office and District Office notifies Central Office within 30 days.

Tier 3: A State Notice of Violation (NOV) will be issued.

* DBP TT would include TOC, alkalinity monitoring, reporting, and maintaining the required minimum TOC removal, or monitoring, reporting of maintaining alternative TOC removal requirements (defined as “enhanced coagulation” in the regulations).

** A “major” M/R violation occurs when a system fails to monitor at least 90% of the required samples per month. This would include turbidity tests, chlorine residual tests at the plant and chlorine residual tests in the distribution system (measured when bacteriological samples are collected). Included in this would be systems that do not report within ten (10) days after the beginning of the month.

*** A “minor” M/R violation occurs when a system conducts more than 90% of the required samples per month, but less than 100% of the required monitoring tests. This would include turbidity tests, chlorine residual tests at the plant and chlorine residual tests in the distribution system (measured when bacteriological samples are collected). Included in this would be systems that do not report within ten (10) days after the beginning of the month.

CHLORINE DIOXIDE COMPLIANCE STRATEGY

(Applies to all systems that use chlorine dioxide in the treatment process)

Tier 1 (SNC): Ĩ Four (4) non-acute* chlorine dioxide violations in any twelve (12) consecutive months.
Ĩ One (1) acute** chlorine dioxide violation in any twelve (12) consecutive months.

Tier 2: Two (2) non-acute chlorine dioxide violations in any twelve (12) consecutive months.

Tier 3: Any violations that do not qualify as Tier 1 or Tier 2.

Response:

Tier 1: State Administrative Order.

Tier 2: System is contacted by the District Office and District Office notifies Central Office within 30 days.

Tier 3: A State Notice of Violation (NOV) will be issued.

* Non-Acute Violations:

- Ĩ Two (2) consecutive daily samples at the entry point to the distribution system exceeding the MRDL.
- Ĩ Failure to monitor at the entry point to the distribution system each day constitutes one (1) non-acute violation.

** Acute Violations:

- Ĩ Any exceedance of the MRDL for chlorine dioxide in the distribution system.
- Ĩ Any failure to sample for the Residual Disinfectant Level of chlorine dioxide, when required, in the distribution system.

MRDL = 0.8 mg/L

NITRATE/NITRITE COMPLIANCE STRATEGY

Tier 1 (SNC): † The result of the compliance sample is above the MCL.

(A) The system will be given the opportunity to obtain a confirmation sample within twenty-four (24) hours of receipt of notification by the State.

(B) The State will use the results of the confirmation sample in determining if the MCL was exceeded, by averaging the results of the two analyses. If the results of the confirmation sample indicate **not detected**, the original sample may be considered an **invalid laboratory result** and the confirmation sample may be substituted for the compliance results.

(C) The confirmation sample result must be submitted to the State within two (2) weeks of receipt of the initial analysis or the confirmation sample will not be considered in determining if the MCL was exceeded.

‡ If the result, after confirmation sampling, still indicates that the MCL has been exceeded, a Tier 1 response is made.

§ M/R violation for two (2) or more consecutive compliance periods.

Tier 2: M/R violation for one (1) compliance period.

Tier 3: There will be no Tier 3 for this contaminant.

Responses:

Tier 1: State Administrative Order and Notice of Violation (if applicable).

Tier 2: A State Notice of Violation letter (NOV) from the Compliance Officer which provides a date for submission of results [thirty (30) days where applicable]. Failure to comply may result in a Tier 1 response.

PHASE II/V, DBP AND RADIOLOGICAL COMPLIANCE STRATEGY

(DBP does not include Chlorine Dioxide or Treatment Technique violations)

Tier 1 (SNC): MONITORING AND REPORTING:

Any violation for two (2) consecutive compliance periods.

RESULTS:

Value above Unreasonable Risk to Health (URTH). [URTH is defined as two (2) times the MCL for each contaminant.]

Tier 2: MONITORING AND REPORTING:

Any violation for one (1) compliance period.

RESULTS:

Any exceedance of the MCL, but less than the URTH.

Tier 3: There are no Tier 3 for these contaminants.

Responses:

Tier 1: State Administrative Order.

Tier 2: Provide State Notice of Violation (NOV) from Compliance Officer which stipulates a date for submission of results [thirty (30) days where applicable]. Failure to comply may result in a Tier 1 response.

CONSUMER CONFIDENCE REPORTS (CCR) COMPLIANCE STRATEGY

Tier 2: MONITORING AND REPORTING:

Major violation - Community water system failed to produce and/or deliver a CCR.

Tier 3: Minor violation - Community water system CCR has reporting inadequacies such as:

(A) missing required language

(B) report not clear and concise.

(C) failure to mail in CCR Certification form to the State.

Responses:

Tier 2: A State Notice of Violation letter (NOV) will be sent by the Compliance Officer to the water system thirty (30) days after the July 1st expiration date for receipt of the annual CCR. Failure to respond with a CCR and CCR Certification form within sixty (60) days of receipt of the NOV may result in a State Administrative Order (AO).

Tier 3: A State Notice of Violation letter (NOV) and an error/omissions checklist will be sent to the water system by the Compliance Officer after review of their CCR no later than December 1st of the receiving year.

Failure to make the required changes in the CCR over two (2) consecutive reporting years may result in State AO.

LEAD & COPPER COMPLIANCE STRATEGY

Tier 1 (SNC): Ĩ Systems with 90th percentile lead levels ≤ 0.03 mg/l during two (2) consecutive compliance/monitoring periods and failing to install treatment or demonstrate through additional sampling treatment is not necessary.

Ĩ Systems with 90th percentile lead levels of ≤ 0.03 mg/l during two (2) consecutive compliance/monitoring periods and failing to provide required public education.

Tier 2: **INITIAL MONITORING AND REPORTING VIOLATION:**

Ĩ Systems that have not monitored within the initial six (6) month period.

Ĩ Based on the amount of time a system has not returned to/come into compliance:

(A) three (3) months of due date for large systems (>50,000).

(B) six (6) months of due date for medium systems (3,301 - 50,000).

(C) twelve (12) months of due date for small systems ($\leq 3,300$).

FOLLOW UP MONITORING AND REPORTING:

A system which has failed to monitor within twelve (12) months of its last monitoring due date.

Tier 3: Any violations that do not qualify as Tier 1 or Tier 2.

Responses:

Tier 1: As soon as the exceedance becomes known, the system will be contacted by Central Office immediately and will be given an opportunity to obtain confirmation samples within 10 working days.

(A) Once the exceedance has been verified or failure to respond within ten (10) working days, a State Notice Of Violation (NOV) will be issued by the Compliance Officer outlining the actions to be taken by the system.

(B) If, after ninety (90) days, the system is non-responsive to the letter in item (A), a State Administrative Order may be issued.

Tier 2: A State Notice of Violation (NOV) will be issued by the Compliance Officer outlining the actions to be taken by the system.

(A) If, after one-hundred-eighty (180) days, the system is non-responsive, a State Administrative Order may be issued.

Tier 3: A State Notice of Violation (NOV) will be issued.

OPERATOR CERTIFICATION COMPLIANCE STRATEGY

Tier 1 (SNC): Failure to comply with Tier 2 Notice of Violation (NOV).

Tier 2: No certified water plant operator, operator not present at times the plant is in operation, failure to return to compliance for Tier 3.

Tier 3: Inadequate number of certified water plant operators, lack of required classification for certified water plant operators, lack of fluoridation certification, or failure to notify of operator status changes.

Responses:

Tier 1: State Administrative Order.

Tier 2: A State Notice of Violation (NOV) from the Compliance Officer and/or a Boil Water Advisory (BWA) will be issued by the District Office with date of compliance specified.

Tier 3: Written notice to system from District Office which stipulates the period of time the system has to come into compliance.

ACUTE (TIER 1) PUBLIC NOTICE (PN) RULE COMPLIANCE STRATEGY

ACUTE:

Tier 1 (SNC): Two PN (2) violations within a consecutive 12 months.

Tier 2: One PN (1) violation within a consecutive 12 months.

Tier 3: There will be no Tier 3.

Responses:

Tier 1: State Administrative Order.

Tier 2: Letter from Central Office and the potential for a public service announcement (PSA), by the State, if the system fails to do a PN.

Potential Acute Public Notice Violations:

FAILURE TO CONTACT DISTRICT OFFICE WITHIN 24 HOURS.

FAILURE TO PERFORM PUBLIC NOTICE (PN).

FAILURE TO SUBMIT PROOF WITHIN TEN DAYS.

Potential Acute Violations:

- (1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system [as specified in §141.63(b)], or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform [as specified in §141.21(e)].
- (2) Violation of the MCL for nitrate, nitrite or total nitrate and nitrite, as defined in §141.62, or when the water system fails to take a confirmation sample with 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in §141.23(f)(2).
- (3) Violation of the MRDL for chlorine dioxide, as defined in §141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in §141.133(c)(2)(i).
- (4) Violation of the Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment Rule (IESWTR) 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 within 24 hours after the system learns of the violation. If a system has more than one consecutive exceedance, Tier 1 public notification requirements will be mandatory.

- (5) Occurrence of a waterborne disease outbreak, as defined in §141.2, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination). The state will perform the required public notice for “other waterborne emergencies.”
- (6) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by West Virginia on a case-by-case basis.
- (7) No certified operator present at a Class II system or higher when the plant is operational.

PROPOSED ACTIONS FOR POTENTIAL TIER 2 and TIER 3 PUBLIC NOTICE

CASES

Tier 1 (SNC): Failure to publish two (2) or more Tier 2 Public Notices within twelve (12) months or failure to publish two (2) or more Tier 3 Public Notices within twenty-four (24) months.

Tier 2: Failure to publish one (1) Tier 2 Public Notice or failure to publish one (1) Tier 3 Public Notice.

Tier 3: There will be no Tier 3.

Responses:

Tier 1: State Administrative Order.

Tier 2: NOV from Central Office.

Public Service Announcement (PSA)

Central Office will attempt to publish, in the months of January and July, a PSA in the newspaper recognized by the Secretary of State as the one with the largest circulation in the County. The PSA will list all the public water systems in the county that were issued a public notice violation since the last publication, a brief description of the violation and any health concerns, if applicable.

STATE COMPLIANCE VIOLATION ACTION MATRIX

CODE	STATE VIOLATION	TIER	CONDITIONS	RESPONSE
WA	Chlorine Residual Inadequate	Tier 3	No Tier 3.	
		Tier 2	Inadequate chlorine residual in distribution system.	Notice of Violation. Possible Boil Water Order. Issue of Public Notice within 30 days.
		Tier 1	Failure to return to compliance.	Administrative Order. Possible Boil Water Order. Continue Public Notice.
WB	Chlorine residual not detectable	Tier 3	No Tier 3.	
		Tier 2	No measurable chlorine residual detectable.	Notice of Violation. Public Notice Rule applies.
		Tier 1	Failure to return to compliance with NOV.	Administrative Order. Possible Boil Water Order. Continue Public Notice.
WC	Failure to Maintain 30 minute or Greater Chlorine Contact Time	Tier 3	No Tier 3.	
		Tier 2	System fails to have 30 minutes or more contact time in finished water tank/clear well.	Notice of Violation.
		Tier 1	Failure to return to compliance.	Administrative Order.
WD	Failure to employ a properly Certified Operator (Transient systems only - all others see Federal Violation Code 12)	Tier 3	No Tier 3.	

		Tier 2	Fails to have properly certified operator.	Notice of Violation letter with time frame stated to come into compliance.
		Tier 1	Failure to return to compliance within agreed upon time frame.	Administrative Order.
WE	Failure to designate a Chief Operator	Tier 3	No Tier 3.	
		Tier 2		Notice of Violation letter requesting a response as to when system will come into compliance.
		Tier 1	Failure to return to compliance within agreed upon time frame.	Administrative Order. Administrative Process. Fine.
WF	Chief Operator not full time employee	Tier 3	No Tier 3.	
		Tier 2		Notice of Violation letter requesting a response as to when system will come into compliance.
		Tier 1	Failure to return to compliance within agreed upon time frame.	Administrative Order. Administrative process. Fine.
WG	Failure to Notify of Operator Changes	Tier 3		Notice of Violation
		Tier 2	No Tier 2	
		Tier 1	No Tier 1	
WH	Failure to Possess a Fluoride Certification	Tier 3	No Tier 3.	

		Tier 2	Failure to have water operators trained and certified as fluoride handlers.	Notice of Violation letter with time frame to obtain fluoridation certificate or letter from Training and Certification officer.
WI	Failure to submit a Monthly Operational Reports on time	Tier 3	No Tier 3.	
		Tier 2	Monthly Operational Report not submitted on time.	Notice of Violation letter.
		Tier 1	Six consecutive months of late MORs	Administrative Order
WJ	Failure to complete/submit a Monthly Operational Report	Tier 3	System fails to submit monthly operational reports.	Notice of violation. 30 day compliance period.
		Tier 2	System fails to submit monthly operational reports for 6 consecutive months.	System is contacted by District Office and District Office notifies Central Office within 30 days.
		Tier 1	Failure to return to compliance after 12 consecutive months.	Administrative Order.
WK	Failure to notify of a Process Change	Tier 3	No Tier 3	
		Tier 2		Notice of Violation letter requesting a response as to when the system will come into compliance.
		Tier 1	Failure to come into compliance with agreed upon time frame.	Administrative Order.
WL	Cross Connection Control Program	Tier 3	Failure to have a Cross-connection program in place.	Warning from District Engineer.
		Tier 2	Failure follow warning.	Notice of Violation.
		Tier 1	Failure to return to compliance.	Administrative Order.

WM	Permitting Violations	Tier 3	Failure to obtain construction permit (from Central Office) prior to commencing any construction/installation/changes or use of an unauthorized alternative water source, or changes in water process control.	District Engineer issues Cease and Desist Order.
		Tier 2	Exceeds permit parameters.	Notice of Violation.
		Tier 1	Failure to return to compliance or comply with Cease and Desist Order.	Administrative Order.
WN	Recordkeeping Incorrect, Inadequate	Tier 3	System fails to submit monthly operational reports.	Notice of violation. 30 day compliance period.
		Tier 2	System fails to submit monthly operational reports for 6 consecutive months.	System is contacted by District Office and District Office notifies Central Office within 30 days.
		Tier 1	Failure to return to compliance after 12 consecutive months.	Administrative Order.
WO	45 Day Response Time Violation	Tier 3	No Tier 3	
		Tier 2		Notice of Violation. Public Notice Rule applies.
		Tier 1	Failure to return to compliance.	Administrative Order. Public notice Rule applies.

Revised

12-3-02

TIER 2 COMPLIANCE FOLLOW-UP BY DISTRICT OFFICE

Date: _____ PWSID#: _____

Public Water System Name: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone #: _____

Reason for contact/follow-up/confirmation:

- _____ Chlorine Dioxide violation.
- _____ Disinfection By-product Rule Treatment Technique (DBPRTT) violation.
- _____ No Cross-connection program.
- _____ Operator Certification violation.
- _____ Permitting violation.
- _____ Surface Water Treatment rule (SWTR) and Interim Enhanced Surface Water Treatment Rule (IESWTR) violation.
- _____ Total Coliform Rule (TCR) Monitoring and Reporting (M/R) violation.
- _____ Monthly Operational Report (MOR) Monitoring and Reporting (M/R) violation.

PWS contacted on (date & time): _____ re above Tier 2.

Talked to: _____ Title: _____ Phone #: _____

_____ Title: _____ Phone #: _____

Summary of corrections required as explained to PWS: _____

Summary of response from PWS (e.g., will comply with and time frames of compliance): _____

District Engineer Name: _____

Signature: _____

District Office: _____

(Send completed form to compliance officer - Central office)

COMMENTS

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ORPHAN PUBLIC WATER SYSTEM COMPLIANCE STRATEGY

An orphan system is defined as a public water system that no person or legal entity has been identified that claims responsibility for operating and/or maintaining said system. An orphan system may have an untreated water source, no public water system certified operators, and no monitoring of the quality of the water supply.

The compliance strategy for orphan systems is completely different. The goal is either (1) to make the system a viable public water system or (2) cause conditions to occur that will result in the system not meeting the definition of a regulated public water system. Instead of the tiered approach, a “step” system has been devised for orphan systems.

Orphan systems will be prioritized based on the population served and the health risk - surface systems (high health risk); springs, coal mines, and well (low health risk).

STEP 1 - The paralegal, with the aid of District Office personnel, will conduct deed research to determine the surface owner of the property where the source of water originates. During this research, the paralegal will contact the county health department and the county commission to advise and educate the County Commission on the potential health threat to the consumers of the orphan water system.

STEP 2 - A system specific letter and health advisory information will be mailed to the identified owner(s). Concurrently, the health advisory information will be distributed, with the assistance of the District Office personnel, to the individual consumers and in conjunction with a community public meeting. The Public Service Commission will be contacted and invited to participate in the public meeting, if the PWS is believed to be subject to their rules.

STEP 3 - If a response to the letter sent to the owner (Step 2) is obtained, a meeting of all interested parties will be scheduled and coordinated by the paralegal to discuss options. If there is no response, or if no meeting occurs, Step 4 will be initiated.

STEP 3A - If a meeting occurs, the options identified will be pursued. If no viable options are identified, Step 4 will be initiated.

STEP 4 - A second letter, based upon the results of Step 3 and 3A, will be sent to the owner. If there is no response to the letter within the specified time frame, STEP 5 will occur.

STEP 5 - The paralegal will contact the Attorney General’s Office and/or the County Prosecuting

Attorney to either order the system to cease providing water or install treatment, hire certified operators, etc.