**Instructions for Failure to Comply with the Conditions of an Exemption Notice - Template 2-23**

**Instructions:** Template follows instructions

Since failure to comply with the conditions of an exemption requires Tier 2 notification, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (310 CMR 22.16 (3)(b)). You must issue a repeat notice every three months for as long as the violation persists. You may be required to provide water from an alternate source so check with your Regional MassDEP office to be sure you meet all requirements.

Community systems must use one of the following methods (310 CMR 22.16 (3)(c)):

* Hand or direct delivery
* Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods (310 CMR 22.16 (3)(c)):

* Posting in conspicuous locations
* Hand delivery
* Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method (310 CMR 22.16 (3)(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system’s letterhead, if available.

The notice on the last page is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements (310 CMR 22.16(5)) and leave the mandatory language unchanged.

**Mandatory Language**

Mandatory language on health effects (310 CMR 22.16 Table 7) for the contaminant your system has been granted an exemption for must be included as written. Example language for arsenic is presented in this notice in *italics*.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable (310 CMR 22.16(5)(d)). This language is also presented in *italics* in the template.

**Corrective Action**

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Depending on the corrective action you are taking, you can use the following statement, if appropriate, or develop your own text:

* We have agreed upon a new deadline of [give date] to secure the funding needed in order to purchase [contaminant] removal treatment equipment. Once we have secured funding, we will purchase and begin installation of the selected treatment technology by [estimated time frame].

**Repeat Notices**For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. Include updated information regarding meeting the measures and schedules in your corrective action plan. Alternatively, if funding or other issues are delaying your progress, let consumers know.

**After Issuing the Notice**

Make sure to send your MassDEP Regional Office and your local board of health a copy of each type of notice and a certification that you have met all public notification requirements within ten days after issuing the notice (310 CMR 22.15 (3)(b)).

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**[System] Failed to to Meet the Conditions of a [contaminant] Exemption**

Our water system recently violated one of the conditions of our [contaminant] exemption. An exemption allows eligible systems additional time to build capacity in order to comply with a drinking water standard. [Name of system] was granted an exemption for the [contaminant] standard so that we could raise funds for a new treatment process to remove [contaminant]. As a condition of the exemption, we agreed to secure funding by [mm/dd/yyyy]. We did not meet this deadline.

**What should I do?**

There is nothing you need to do. You do not need to boil your water or take other corrective actions. You may continue to drink the water. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours. We will post this information on our web site at [give the URL].

**What does this mean?**

This is not an emergency. If it had been, you would have been notified within 24 hours.

(Below is example language for arsenic. Enter the required language for your specific contaminant.)

*[Some people who drink water containing arsenic in excess of the MCL over many years may have an increased risk of getting cancer.]*

**What is being done?**

[Describe the corrective action.] We anticipate resolving the problem within [estimated time frame] or the problem was resolved on [mm/dd/yyyy].

**Where can I get additional information?**

If you have questions about your water system’s operation, water quality monitoring, or response to this issue, please contact the system operator directly. If you have questions about the drinking water regulations or health risks posed by this contaminant you can contact the MassDEP Drinking Water Program at: program.director-dwp@mass.gov or (617) 292-5770. If you have questions about specific symptoms, you can contact your doctor or other health care provider.  If you have general questions about public health, you can contact the Massachusetts Department of Public Health at 617-624-5757.

For more information, please contact [name of contact] at [phone number], [mailing address], or [email].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by [system]. System ID#: [XXXXXXX]

Date distributed: [mm/dd/yyyy]**2‑**