**Instructions for Monitoring Violation**

**Elevated to Tier 2 Notice**

**Template 2-24**

**Instructions:** Template follows instructions

MassDEP has designated a failure to monitor as a Tier 2 violation. You must provide public notice to persons served within 30 days after it has been designated Tier 2 (310 CMR 22.16 (3)(b)). Monitoring violations are Tier 3 by default but may be elevated to Tier 2 by MassDEP. You may elevate the violation to Tier 2 yourself as well. You must issue a repeat notice every three months for as long as the violation persists.

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 for monitoring and testing procedure violations (310 CMR 22.16(5)(d)) must be included as written and 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 took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. You can use the following language, if appropriate, or develop your own text:

* We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
* We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
* We plan to take the required samples [expected time frame], as described in the last column of the table above.

**Repeat Notices**If this is an ongoing violation, you should give the history behind the violation, if known.

**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**

**Monitoring Requirement not met for [System]**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we [did, are doing] to correct this situation.

*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 our 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.*

**What should I do?**

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples [were, or will be] taken.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Contaminant** | **Required sampling frequency** | **Number of samples taken** | When samples should have been taken | **When samples were taken** |
| Nitrate (example) | One sample annually | 0 | 2018 | February 2019 |

**What is being done?**

[Describe the corrective action.]

**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 1-617-624-5757.

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]