**RTCR Failure to Perform a Level 2 Assessment Triggered by an *E. coli* MCL Violation or the Related Corrective Actions – Template 2-2.3**

**Instructions:**  (Template follows instructions)

**Description of Violation or Situation**

Beginning April 1, 2016, a public water system triggers a Level 2 assessment when:

* The public water system has an *E. coli* maximum contaminant level (MCL) violation

A TT violation related to a Level 2 assessment that was triggered by an *E. coli* MCL violation requires Tier 2 public notice with mandatory health effects language stating *E. coli* was detected in the water system. Violations of Level 2 assessments related to *E. coli* require Tier 2 public notice and occur when any public water system has:

* Failed to conduct the triggered Level 2 assessment within 30 days after learning that it has exceeded the trigger
* Failed to correct any sanitary defect found through a Level 2 assessment within 30 days or in accordance with a schedule acceptable to MassDEP.

TT violations for Level 2 assessments that are triggered by more than one Level 1 assessment require different mandatory health effects language and are addressed in Template 2-2A.

You must provide public notice to persons served as soon as practical but no later than 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. Check with your regional MassDEP office to make sure you meet all requirements.

Community water systems (CWSs) must use one of the following methods to deliver the notice to consumers (310 CMR 22.16 (3)(c)):

* Hand or direct delivery
* Mail, as a separate notice or included with the bill (if delivered within 30 days of the violation)
* Another method approved in writing by MassDEP

Non-community water systems (NCWSs) must use one of the following methods to deliver the notice to consumers (310 CMR 22.16 (3)(c)):

* Posting in conspicuous locations
* Hand delivery
* Mail
* Another method approved in writing by MassDEP

In addition, both CWSs and NCWSs 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, it is recommended that you print 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 public notice elements from (310 CMR 22.16 (5)(a)) and leave the mandatory language unchanged. All posted notices must remain in place for as long as the violation or situation persists but in no case for less than seven days, even if the violation or situation is resolved

9310 CMR 22.16(3)(b)).

**Mandatory Language**

Mandatory language on health effects (310 CMR 22.16 Table 7) must be included as written and is presented in this notice in italics.

*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.*

You are also required to include one or both of the following statements, also presented in this notice in italics, as appropriate for the violation:

*We failed to conduct the required assessment.*

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

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable (310 CMR 22.16 (3)(c)). This language is also provided below and presented in this notice in italics.

*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.*

**Corrective Action**

The specific cause(s) of *E. coli* in the distribution system will likely differ from system to system. Your notice must describe the corrective action(s) you are taking (310 CMR 22.16(5)(a)) and when you expect to return to compliance or resolve the situation (310 CMR 22.16(5)(a)). You can use one or more of the following statements, if appropriate, or develop your own text.

We have begun to correct the sanitary defect(s) identified during an assessment of our water system by taking the following corrective actions: [Describe corrective actions].

• We have begun to correct the sanitary defect(s) identified during an assessment of our water system by taking the following corrective actions. [Describe corrective actions].

• To ensure that our water supplies are protected against contamination, we are working with the state to implement the following corrective actions. [Describe corrective actions].

• We completed the required assessment and identified the cause of the sanitary defect to be addressed [describe the issue or problem found, for example, damage to the storage tank, a missing vent screen, etc.]. We are currently correcting the problem on a schedule approved by MassDEP.

**After Issuing the Notice**

Make sure to send a copy of each type of notice and a certification that you have met all the public notification requirements to your state within 10 days after the original or any repeat notice(s) (310 CMR 22.15(3)(b)).

It is a good idea to inform your consumers when the violation has been resolved. See Template 1-6 and Template NC-7 for a “problem corrected” notice template on line at: <https://www.mass.gov/lists/public-notification-forms-and-templates> .

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**[Water System Name] Failed to Correct a Problem Discovered during an Assessment of the Water System after Testing Positive for *E. coli***

During recent monitoring, our water system tested positive for *E. coli*. 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.* [Describe the TT violation, using the mandatory language of *We failed to conduct the required assessment* by [Enter date the assessment was due] and/or *We failed to correct all identified sanitary defects that were found during the assessment(s)* by [Enter date correction was due.]]

As our customers, you have a right to know what happened and what we are doing to correct this situation. You were notified of the *E. coli* in our water on [mm/dd/yyyy] when Tier 1 public notice of the MCL violation that triggered the assessment was provided] and on [mm/dd/yyyy] that no additional contamination has been identified and that you do not need to boil your water or take other corrective actions. Although our recent sampling has indicated coliform bacteria are absent, we are still required to assess the system and correct any defects found.

**What should I do?**

• You do not need to boil your water or take other corrective actions.

• 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. General guidelines on ways to lessen the risk of infection by bacteria and other disease-causing organisms are available by emailing the EPA at safewater@epa.gov.

**What does this mean?**

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

Failure to identify and correct system defects has the potential to cause distribution system contamination. Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.

**What is being done?**

[Describe corrective action including when you returned to compliance or resolved the situation].

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

*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 name] System ID#: XXXXXXX [Date]