



(THIS POLICY DOES NOT HAVE THE FORCE OF LAW)

Limited Distribution of Public Notice

Division: DDAGW
Number: WQ-06-0012
Category: Policy
Status: ~~Final~~ Draft Revised
Issued: ~~January 1, 2003~~ August 24, 2015

I. PURPOSE:

The purpose of this document is to describe conditions under which Ohio EPA Division of Drinking and Ground Waters will grant permission to a community public water system to limit distribution of the public notice to only those persons served by that portion of the distribution system which is out of compliance.

II. BACKGROUND:

In accordance with Ohio Administrative Code (OAC) Rule 3745-81-32, public water systems are required to give notice to all persons served by the water system for violations of drinking water regulations and for other situations in OAC Chapter 3745-81. However, OAC Rule 3745-81-32 allows the director to grant written permission to a community public water system to limit the distribution of the public notice to only those persons served by the portion of the distribution system which is out of compliance. This written permission can only be granted if the violation is clearly contained within a portion of the water system either physically or hydraulically isolated from the rest of the distribution system. Areas physically or hydraulically isolated from the rest of the distribution system must be described and identified in the system's emergency contingency plan as required by OAC Chapter 3745-85.

In order to meet the criterion for physical isolation, a community public water system must show that the affected portion of the distribution system is separated from other parts of the distribution system with no interconnections. Because of the physical separation, elevated contaminant levels contained in only that portion of the system would have no bearing on contaminant levels in a separate area of the system. To meet the criterion for hydraulic isolation, a community public water system must show the design of the distribution system and/or system operation creates a situation where water in the affected portion is effectively isolated from the water in all other parts of the distribution system because of water flow patterns and water pressure zones.

In order to meet the criterion for physical and/or hydraulic isolation for the purposes of limiting distribution of a public notification due to exceedance of a cyanotoxins action level, a community public water system may meet the criteria above, or may use ongoing daily distribution system sampling for cyanotoxins and chlorine residual along with information about modeling, finished water travel time in the distribution system, and chlorine residual contact time to demonstrate cyanotoxins remain below the action level in the portions of the distribution system which would not be included in the public notification.

U. S. EPA requires Ohio EPA to explain in the primacy revision application how the determination to grant exceptions to the system-wide public notice distribution requirement will be made. This document will explain how the determination is made.

III. GUIDANCE:

Ohio EPA will use the following procedure for determining if permission to limit the distribution of the public notice will be granted:

1. Ohio EPA receives a written request from a community public water system to limit distribution of the public notice.
2. Ohio EPA receives written documentation indicating the affected portion of the distribution system is isolated. This documentation must include a map showing the boundaries of the isolated or physically separated area. This documentation must also be contained in the system's emergency contingency plan.
3. Ohio EPA reviews the request to determine if all four (4) of the conditions listed below are met. All four (4) conditions must be met in order to grant permission to a community public water system to limit distribution of the public notice.
 - a. The violation must be contained in a portion of the distribution system that ~~is~~ meets the above criteria for physically and/or hydraulically isolated from the rest of the distribution system; and
 - b. The community public water system has pre-determined in their emergency contingency plan the portions of the distribution system physically and/or hydraulically isolated from the rest of the distribution system; and
 - c. There are a significant and reasonable number of sample results indicating other portions of the distribution system do not contain contaminant levels exceeding the maximum contaminant level; and
 - d. No other conditions or situations exist which pose a public health or environmental hazard.

4. Ohio EPA Division of Drinking and Ground Waters grants or denies permission to limit the public notice distribution to the system in writing. Written permission or denial may be in the form of a fax to the water system (see attachments).
5. Ohio EPA will attempt to respond to requests within a reasonable amount of time. However, failure of Ohio EPA to respond to a written request does not relieve the public water system from its responsibility to issue the public notice as specified in OAC 3745-81-32.

IV. History

The Division of Drinking and Ground Waters distributed this document in draft form on March 1, 2002. It was initially issued in final form on January 1, 2003.



FAX

Date: _____ Pages: _____

To: _____

PWS Name: _____

PWS I.D. # _____ STUID #: _____

Phone: _____ Fax: _____

From: _____

Division/Office: Drinking and Ground Waters

Phone: _____ Fax: _____

Email: _____

Message: On (Insert Date) Ohio EPA Division of Drinking and Ground Waters received a written request from (Insert PWS Name) to limit the distribution area of the required public notice as a result of the recent (Insert Violation Type) violation. We have reviewed the information submitted by (Insert PWS Name) documenting the area affected is physically and/or hydraulically isolated from the rest of the distribution system. In accordance with OAC 3745-81-32 Ohio EPA grants permission to (Insert PWS Name) to limit the distribution area of the required public notice to the area identified in the request.



FAX

Date: _____ Pages: _____
To: _____
PWS Name: _____
PWS I.D. # _____ STUID #: _____
Phone: _____ Fax: _____

From: _____
Division/Office: Drinking and Ground Waters
Phone: _____ Fax: _____
Email: _____

Message: On (Insert Date) Ohio EPA Division of Drinking and Ground Waters received a written request from (Insert PWS Name) to limit the distribution area of the required public notice as a result of the recent (Insert Violation Type) violation. We have reviewed the information submitted by (Insert PWS Name) documenting the area affected is physically and/or hydraulically isolated from the rest of the distribution system. In accordance with OAC 3745-81-32 Ohio EPA denies permission to (Insert PWS Name) to limit the distribution area of the required public notice to the area identified in the request.

The reason(s) for denial are the following: _____.