



**(THIS POLICY DOES NOT HAVE THE FORCE OF LAW)**

**Limited Distribution of Public Notice**

Division: DDAGW  
Number: WQ-06-002  
Category: Policy  
Status: Final  
Issued: April 27, 2016

**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. In accordance with OAC Rule 3745-90-04, public water systems are required to give notice in accordance with OAC Rule 3745-81-32 to all persons served by the water system for microcystins action level exceedances. 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. Distribution sampling locations should be identified in the system's contingency plan. The sampling points may coincide with existing sampling points for total coliform. The sampling points should be accessible at any hour of the day or week. The sampling points should include interconnections with other public water systems, input and output from finished water storage areas and areas of the distribution system served by different sources.

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. The written request may be in the form of an email.
2. Ohio EPA receives written documentation indicating the affected portion of the distribution system is isolated. The written documentation may be in the form of an email. 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, or the contingency plan must include the evaluation criteria used to identify areas which can be isolated and describe how these areas would be identified during any particular water emergency. This could include hydraulic modeling, water quality monitoring data, pump station operational data, tank operational data, valve position data, water demand, etc.
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 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;
    - i. For microcystins, Ohio EPA may also consider information about chlorine levels, travel times and distribution modeling demonstrating that an exceedance of the microcystin action level will not occur in other portions of the distribution system;
  - 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 or microcystin action 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 an email or 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 and was initially issued in final form on January 1, 2003. This document was issued with revisions on April 27, 2016.



# 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: \_\_\_\_\_.