



Tier 2 Public Notice Instructions

Public notification informs people about water quality issues in their drinking water. Tier 2 public notice is required for violations and situations of serious concern. It provides information about risks that can harm people's health. It also ensures people know what to do if there is a problem with their drinking water. Tier 2 public notices must meet the requirements described below.



TIER 2 PUBLIC NOTICE REQUIREMENTS

Ten Required Elements of a Public Notice

Each Tier 2 public notice must contain the following 10 elements. Water systems are encouraged to use the Department's [online public notice generator](#). The online generator creates a public notice template with all of the required information.

- 1) A description of the violation or situation, including contaminant(s) of concern and the contaminant level(s), as applicable;
- 2) When the violation or situation occurred;
- 3) Any potential adverse health effects from the violation or situation using standard language provided in the rule. The health effects language may not be modified;
- 4) The population at risk;
- 5) Whether alternate water supplies should be used;
- 6) What actions consumers should take, including when to seek medical help, if known;
- 7) What the system is doing to correct the violation or situation (corrective action);
- 8) When the system expects to return to compliance or resolve the violation;
- 9) System contact information (name, address, and phone number) should consumers have questions;
- 10) Standard language encouraging notice recipients to distribute the notice to other persons served. This statement may not be modified: "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 public places or by distributing copies by hand."

Corrective Actions

Each public notice must describe the water system's corrective actions they took or are taking to fix the violation or situation. If the public notice is recurring, explain why the violation continues. If the violation has already been resolved, clearly communicate this in the description.

For example, a system with a maximum contaminant level (MCL) violation might describe:

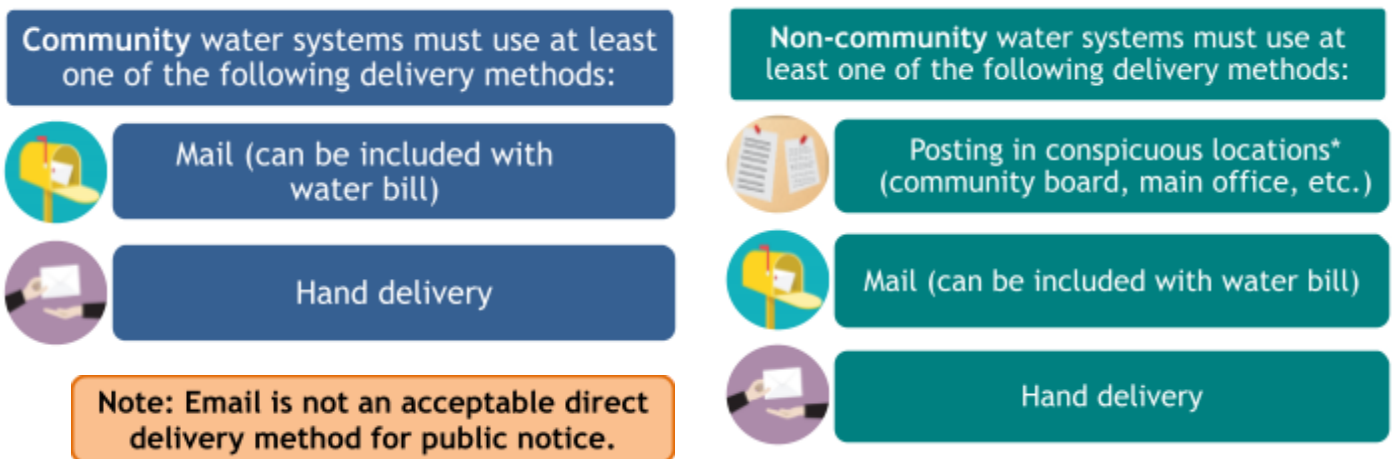
- *We are working with the state to evaluate the water supply. We are researching options to fix the problem. These options may include treating the water to remove [contaminant] or connecting to another water system; or*
- *We will increase the frequency at which we test the water for [contaminant]; or*
- *We have stopped using the contaminated well. We have increased pumping from other wells.*

DELIVERY DEADLINE

- The water system must provide Tier 2 public notice **as soon as possible, but no later than 30 days after learning of the violation.**
- The water system must also issue a repeat notice every three months until the violation or situation is resolved.

DELIVERY METHODS

Step 1 - Primary Delivery



** For non-community water systems that post the public notice, it must remain posted until the violation is resolved, but no less than seven (7) days.*

Water systems that provide water to other water systems must deliver public notices to the owners or operators of all receiving water systems (consecutive water systems).

Step 2 - Secondary Delivery

All water systems must use an **additional method** designed to reach all other consumers regularly supplied by the water system. This may include consumers who do not receive a water bill (e.g., renters, university students, nursing home patients, etc.). Such methods could include:

- Publication in a local newspaper.
- Emailing the notice.
- Posting in conspicuous public places (e.g., main office, post office, community boards), or on a webpage or social media.
- Delivery to community organizations.

STEPS AFTER PUBLIC NOTICE DISTRIBUTION

Within 10 days after the public notice is distributed, the system must submit all of the following to the Department:

- A sample copy of the public notice(s); and
- A public notice certificate of delivery form,

A certificate of delivery form generator and fillable PDF are available on the [Department's website](#).

TIPS FOR SUCCESS

- Don't wait; provide the public notice to consumers as soon as practical.
- Use CDPHE's online public notice generator to ensure the notice includes all required information.
- Use plain, easy-to-understand language when describing the violation and corrective actions.
- Don't use email as the primary delivery method for Tier 2 public notices.
- Don't forget to submit a sample copy of the notice **and** a certificate of delivery form.



Tier 2 Public Notice FAQs

- 1) **Do I have to notify every person supplied by my system?** Yes. For a violation or situation requiring Tier 2 public notification, you must provide the notice to consumers supplied by your system. It may be impossible to notify all consumers, but you must send notices in a way that reaches as many people as possible. Also, water systems must give new customers a copy of the latest Tier 2 public notice when service begins.

If the violation affects only a portion of the distribution system that is hydraulically or physically isolated from other parts of the distribution system, the system may request approval from the Department to limit public notice distribution to only the impacted consumers.

- 2) **What if my system sells water to another system (consecutive system)?** For systems that sell water to another water system, the selling/wholesale system must give the public notice to the owner or operator of the consecutive system. The consecutive system is responsible for distributing the notice to the consumers it supplies. Consult with the Department if the consecutive system also sells water to another water system.
- 3) **Can I use email to distribute Tier 2 public notice?** Email cannot be used as the primary delivery method for Tier 2 public notice. This is because email addresses change frequently, emails may be sent to spam folders, or be deleted without reading. Email may be used as a secondary/supplemental delivery method for public notice, however. This can be an effective way to reach some non-bill-paying customers or people who are out of town.
- 4) **Can I use my Consumer Confidence Report (CCR) to fulfill the Tier 2 public notice requirement?** Due to public notice distribution timing and method restrictions, using the CCR to meet Tier 2 public notice requirements is generally not an effective method. Tier 2 public notices can be delivered alongside the CCR (not incorporated into the CCR document) if:
- The CCR is mailed or hand delivered; and
 - The CCR and attached Tier 2 public notice are distributed on or before the public notice distribution deadline.
- 5) **What if we supply a large proportion of non-English speakers?** If your system serves a large population of non-English speaking consumers, you must include one of the following in your Tier 2 public notice:
- A statement in the appropriate language(s) indicating the importance of the notice, and encouraging the reader to translate or discuss it with someone who understands it; or
 - A phone number or address where the consumer may request a translated copy of the notice or assistance in the appropriate language.

The Department's online public notice generator automatically includes a statement in Spanish indicating the importance of the public notice. The water system may also choose to include a French, Chinese, or Vietnamese translation in the public notice. For other languages, you can review [an online table](#) with important and relevant phrases translated into 27 different languages. Non-Latin alphabetic phrases can be copied as images into public notices.

6) Can I include additional information in the Tier 2 public notice? Systems may include additional information in their Tier 2 public notice to explain the violation and what they are doing/have done to correct it. This helps consumers understand the situation and can help increase consumer's confidence in their water system. If you are adding additional information, it cannot contradict the required language in the notice or be overly technical.

7) Do the draft PNs meet accessibility standards for individuals with disabilities?

- Water systems are ultimately responsible for ensuring they meet the Americans with Disabilities Act web content accessibility requirements. These requirements apply to state and local governments and businesses that are open to the public. Below are additional resources related to accessibility:
 - [Accessibility Law for Colorado State and Local Government](#).
 - Microsoft Word has an accessibility checker built in to help identify issues. You can get to it by opening the Word Document and searching for “accessibility” in the “Tell me what you want to do” search menu bar. You can also use [Microsoft's accessibility help webpage](#).
 - If you're posting online using a Google Doc then you can use their accessibility tools within Google Docs as well as viewing their website at <https://support.google.com/docs/answer/6199477?hl=en>.