



Tier 3 Public Notice Instructions

Public notice helps to ensure that consumers know what to do if there is a problem with their drinking water. Tier 3 public notice is required for violations and situations that do not directly impact human health (e.g., failing to collect a drinking water sample on time). Tier 3 public notices must meet the content and delivery requirements described below.



TIER 3 PUBLIC NOTICE REQUIREMENTS

Ten Required Elements of a Public Notice

Each Tier 3 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 action 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 monitoring violation might describe:

- *We have since taken the required sample(s) and the results meet drinking water*

standards; or

- We have since taken the required sample(s). The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice for violating the limit.]; or
- We plan to take the required sample(s) on [date].

DELIVERY DEADLINE

- As soon as possible, but no later than one (1) year after learning of the violation, the water system must provide consumers with Tier 3 public notice.
- The water system must also issue a repeat notice annually until the violation or situation is resolved.

DELIVERY METHODS

Step 1 - Primary Delivery

Community water systems must use at least one of the following delivery methods:



Mail (can be included with water bill)



Hand delivery



Included in the Consumer Confidence Report (direct delivery only)

Non-community water systems must use at least one of the following delivery methods:



Posting in conspicuous locations* (community board, main office, etc.)



Mail (can be included with water bill)



Hand delivery

Note: Email is *not* an acceptable direct delivery method for public notice, except for Tier 3 notices included within an electronically delivered Consumer Confidence Report (CCR).

**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 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 forget to submit a sample copy of the notice **and** a certificate of delivery form.



Tier 3 Public Notice FAQ

- 1) **Do I have to notify every person supplied by my system?** Yes. For a violation or situation requiring Tier 3 public notification, you must provide the notice to consumers supplied by your system. You may not reach 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 3 public notice when service starts.

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 its consumers.
- 3) **Can I use email to distribute Tier 3 public notice?** Community water systems may use their annual Consumer Confidence Report (CCR) to meet Tier 3 public notice requirements. The CCR and included Tier 3 public notice may be delivered via e-mail. The delivery method must meet the Department's [guidance for electronic submittal](#). Email cannot be used as the primary delivery method for Tier 3 public notices that are not included with a CCR (e.g., Tier 3 public notices for non-community water systems).
- 4) **Can I use my Consumer Confidence Report (CCR) to fulfill the Tier 3 public notice requirement?** Yes, community water systems may include Tier 3 public notice as part of their CCR if all of the following criteria are met:
- The CCR is delivered within one year of learning of the violation; and
 - The CCR is mailed, hand delivered, or provided using a direct electronic delivery method. Small systems cannot use the delivery waiver options; and
 - All 10 required elements for public notices are included in the CCR, including an explanation of the violation and what has been/will be done to correct it.

Note: Violations that were unresolved during the time period covered by the CCR must be listed in the CCR, even if they have since been resolved.

- 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 3 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 and draft CCRs automatically include a statement in Spanish indicating the importance of the notification. The water system may also select to include a translated French, Chinese, or Vietnamese phrase using the public notice generator. 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 3 public notice? Systems may include additional information in their Tier 3 public notice to help 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>.