Public notification has always been an integral part of the Safe Drinking Water Act. However, the US Environmental Protection Agency has recently tightened these regulations to require that all consumers be notified, within 24 hours in some cases, if a system is not in compliance with a drinking water regulation. Several new steps must now be taken in order to comply with the new Public Notification Rule (PNR). The clock starts ticking as soon as the water utility is notified of the violation. Many utility managers are not even aware that this new regulation has been in effect since May 6, 2002. How prepared are you to effectively meet this new requirement?

WHAT’S INCLUDED IN THE NEW RULE?

The revisions to the former PNR include new timing and distribution requirements for public notification, an expanded list of violations that trigger notification, an increase in primacy agency flexibility, and an amendment to the Consumer Confidence Report (CCR) rule to reflect changes made in public notification regulations. Following the requirements set forth in the old rule is certain to make you out of compliance with the current notification requirements. For example, routine testing of groundwater at a well-run water utility located in an affluent eastern seaboard community indicated highly elevated levels of fecal coliform/E. coli. It was determined that one of the wells was located in a seagull roosting area, which eventually led to a wellhead containment breech and contamination of the water supply.

“We took immediate action to protect our customers and prevented any related health problems,” reports the manager of the utility. “Our response was thorough and naturally included a public notice. However, we would not have been prepared for the level of notification required under the new PNR requirements. Prior to this, we did not see a need for preparing a PNR crisis communications plan—we do now.”

Under the new rule, this incident would have constituted a tier I violation, which would require 24-hour public notification. This example shows how an unexpected situation can occur and how even the best-run utility can be in danger of a serious violation merely because of a lack of preparation. To effectively comply with the new rule, your first step should be to prepare a well-thought-out and organized crisis communications plan.

EACH TIER TRIGGERS SPECIFIC REQUIREMENTS

Tier I violations require immediate notice, i.e., within 24 hours, via radio, television, hand delivery, posting, or other methods specified by your state’s drinking water office. Tier II violations require notification as soon as possible, within 30 days via posting, direct delivery, or mail. Unresolved violations call for a repeat notice every three months until a resolution is achieved. Tier III violations require notice within 12 months, repeated annually for unresolved violations. Notices must be delivered via mail...
or direct delivery and can be combined into an annual notice (including the CCR).

Next, research the specific format and content of each type of notice required by your state’s drinking water office based on the contaminant and its possible health effects. You’ll need to familiarize yourself with the very specific and detailed formatting and wording requirements of these notices. Your state’s drinking water office should provide you with templates that can be used to guide you in creating notices that comply with the requirements.

Once you have developed violation templates for each tier, the next step is to implement a process to communicate this to the public. Approved notification methods include a combination of techniques: the media (e.g., television, radio, newspapers), posters, leaflets, and, in certain cases, door-to-door notification. Develop a media contact list by identifying all media outlets in your community. You must ensure that you include not just the obvious major operations but also the smaller media outlets that serve neighborhoods or specific communities in your service area.

**IDENTIFY YOUR SPOKESPERSONS**

Notices must be translated into all languages spoken by a significant number of residents in the community (usually defined as 10% of the population or 1,000 people, whichever is less). If you are required to translate your notices, media outlets that serve your non-English-speaking customers can be especially helpful in a crisis situation.

A crucial part in crisis communications plan development is identifying your utility’s authorized spokespersons. A “chain-of-command” should be identified in the event that primary spokespersons are unavailable or, in the case of a panic situation, if you have multiple and persistent inquiries from the media and the public.

It is vital to the success of your plan that the authorized spokespersons are thoroughly prepared to effectively deal with the media and the public to prevent incorrect or exaggerated information from appearing in the news and inciting unnecessary panic within the community. Your spokespersons will be called upon to give interviews, conduct media conferences, and respond to public inquiries. It is strongly suggested that you train and prepare all of your employees along with your designated spokespersons. In the event of major media interest, reporters might approach employees at work or when they are commuting to and from their jobs. Reporters might even contact employees at home. Also, family and neighbors are likely to approach employees for information.

As a final step, you will need to identify your state’s drinking water office contact person because the new rule requires that within 10 days this person is to be provided with detailed information about the situation and a certification form and copies of all notices distributed under requirements of the PNR.

**ALLOW TIME TO DEVELOP A PLAN**

Researching and writing a comprehensive PNR crisis communications plan that is both effective and will ensure compliance are a daunting task. However, the alternative to being fully prepared can be far more unpleasant. Plan on assigning qualified staff to the task of developing your plan. This task can take anywhere from several weeks to several months, depending on the size of your operation. Also, seek a review of your completed plan from your state’s drinking water office to ensure compliance.

Many water utility managers choose to contact a qualified and experienced consultant to develop a crisis communications plan for them. Be sure to thoroughly check credentials and establish the credibility of anyone to whom you would entrust such a sensitive and critical project. Be informed. Plan ahead. Protect yourself and your consumers.

**COMING IN FEBRUARY**

Next month’s article will continue with crisis communications plan development by discussing the difficult task of managing the media in all of its forms. Essential tools will be provided for meeting the demands of notification as well as information on how the media can help. The final article will provide insight on communicating with the public and preparing your employees. Tips will be given to assist employees when they communicate with the media and reporters.

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**Series to cover PNR strategies**

This article is the first in a three-part series that will introduce the general requirements of the newly revised Public Notification Rule (PNR) and offer assistance with creating a crisis communications plan. The authors will also show you how to plan for a crisis, how to deal with the media, and how to prepare your employees to handle questions posed to them while they are out working in the community. The goal of this series is to better prepare public water officials by providing the knowledge and tools necessary to plan for, practice, and implement a successful and compliant notification strategy in the event of a violation.