

§2615. Notification of noncompliance to regulatory agencies and users

1. Notification. A public water system shall notify the public of the nature and extent of possible health effects as soon as practicable, but not later than the time period established under subsection 4, if the system:

- A. Is not in compliance with a state drinking water rule; [PL 1995, c. 622, §5 (RPR).]
- B. Fails to perform monitoring, testing or analyzing or fails to provide samples as required by departmental rules; [PL 1995, c. 622, §5 (RPR).]
- C. Is subject to a variance or an exemption granted under section 2613; or [PL 1995, c. 622, §5 (RPR).]
- D. Is not in compliance with the terms of a variance or an exemption granted under section 2613. [PL 1995, c. 622, §5 (RPR).]
- E. [PL 1995, c. 622, §5 (RP).]

Public notification under this section must be provided concurrently to the system's local health officer and to the department. When required by law, the department shall forward a copy of the notification to the Administrator of the United States Environmental Protection Agency. The department may require notification to a public water system's individual customers by mail delivery or by hand delivery within a reasonable time, but not earlier than required under federal laws. [PL 2001, c. 574, §14 (AMD).]

2. Certain uses of notification prohibited. Notification received pursuant to this section or information obtained by the exploitation of such notification shall not be used against any person or system providing such notice in any criminal case, except for prosecutions for perjury or the giving of a false statement. [PL 1975, c. 751, §4 (NEW).]

3. Form of notification. In addition to the notification required under subsection 1, a public water system shall provide public notification pursuant to the requirements in 40 Code of Federal Regulations, Parts 141 to 143 (2001).

- A. [PL 2001, c. 574, §15 (RP).]
 - B. [PL 2001, c. 574, §15 (RP).]
- [PL 2001, c. 574, §15 (AMD).]

4. Additional time of notification. A public water system shall provide public notification pursuant to subsection 3:

- A. When a boil-water order is properly issued to a public water system under section 2614, subsection 3, within 24 hours. [PL 2001, c. 574, §15 (AMD).]
 - B. [PL 2001, c. 574, §15 (RP).]
 - C. [PL 2001, c. 574, §15 (RP).]
 - D. [PL 2001, c. 574, §15 (RP).]
 - E. [PL 2001, c. 574, §15 (RP).]
 - F. [PL 2001, c. 574, §15 (RP).]
- [PL 2001, c. 574, §15 (AMD).]

5. Rulemaking. The commissioner shall adopt rules establishing the procedures for the provision of public notification as required to comply with state and federal laws. Rules adopted pursuant to this section are minor technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 1995, c. 622, §6 (NEW).]

SECTION HISTORY

PL 1975, c. 751, §4 (NEW). PL 1995, c. 622, §§5,6 (AMD). PL 2001, c. 574, §§14,15 (AMD).

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