

JOHNSON UTILITIES L.L.C.

5230 East Shea Boulevard * Scottsdale, Arizona 85255
PH: (480) 998-3300; FAX: (480) 483-7908



0000140441

ORIGINAL

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

November 13, 2012

Steven Olea, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission 2012 NOV 13 PM 1 05

DOCKETED

NOV 13 2012

DOCKETED *DM*

RE: Johnson Utilities Company, H2O, Diversified Water Utilities,
Queen Creek Water Company: Compliance with Decision No. 65840
Notice of Violation from ADEQ dated October 19, 2010
WS-02987A-99-0583; WS-02987A-00-0618; W-02234A-00-0371; W-02859A-00-0774;
W-01395A-00-0784

Dear Mr. Olea:

As a follow up to the Notice of Violation ("NOV") from the Arizona Department of Environmental Quality ("ADEQ") dated October 9, 2012, we have attached our response to the Department dated 5 November 2012.

Should you have any questions or would like to meet and discuss, please do not hesitate to contact me. Thank you for your time and consideration on this matter.

Sincerely,

Daniel R. Hodges
Johnson Utilities, LLC

Cc: Docket Control
Brian Bozzo, Compliance Manager

Johnson Utilities L.L.C.
5230 E. Shea Blvd., Suite 200
Scottsdale, AZ 85254
PH: (480) 998-3300; FAX: (480) 483-7908

COPY

Transmittal

To: Deborah Schadewald-Kohler
Water Quality Utility Field Service Unit
ADEQ

Date: November 5, 2012

Job No.: _____

Drawing/Spec Reference: _____

Re: NOV Case #133837

We Transmit: Herewith Under Separate Cover Via _____

Material Format

Requested Action

- | | | | |
|----------------------------------|--|---|---|
| <input type="checkbox"/> Letter | <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> For Your Approval | <input type="checkbox"/> Your Review |
| <input type="checkbox"/> Memo | <input type="checkbox"/> Clarification Drawing | <input type="checkbox"/> For Your Signature | <input type="checkbox"/> Please Comment |
| Prints | <input type="checkbox"/> Modification Drawing | Information | <input type="checkbox"/> Make Recommendation |
| <input type="checkbox"/> Sketch | <input type="checkbox"/> Specifications | <input type="checkbox"/> Resubmit | <input type="checkbox"/> Issue Construction Order |
| <input type="checkbox"/> Reports | <input type="checkbox"/> Sepias | As Requested | <input type="checkbox"/> For Your Use |
| <input type="checkbox"/> Mylars | <input type="checkbox"/> _____ | <input type="checkbox"/> Issue Change Order | <input type="checkbox"/> _____ |

Remarks:

Response to NOV Case #133837. Items 1 -2.



Copies To: _____

Signed: 
Greg Brown

Received By: _____

Date: 11/5/12

JOHNSON UTILITIES, L.L.C.

5230 East Shea Boulevard, Suite 200 * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

November 5, 2012

Deborah L. Schadewald-Kohler
Water Quality Utility Field Service Unit
MC: 5415B-1
1110 W Washington St.
Phoenix, AZ 85007

Re: Notice of Violation, Case ID #: 133837

Dear Ms. Schadewald-Kohler

Johnson Utilities, L.L.C. (JU) is responding to the Notice of Violation (NOV), Case ID: 133837 received by JU on October 12, 2012. The NOV alleges seven State and Federal violations. On October 24, 2012, JU meet with Mindi Cross, Daniel Czecholinski, and you of the Arizona Department of Environmental Quality (ADEQ) to discuss the NOV. Thank you for your time and input.

Section III, Documenting Compliance, contains seven action items that need to be responded to by JU. Each item has a deadline date. The dates range from 30-days to 90-days. This response address items 1 and 2 which have a 30-day deadline.

1. Within 30 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, documentation to demonstrate the corrective actions that have been taken to ensure that future public notices are issued in a form and manner that is reasonably calculated to reach all persons served within the required time period.

1. A.A.C. R18-4-119/ 40 CFR § 141.202 (b) (3)
Failure to comply with any additional public notification requirements (including any repeat notices or direction on the duration on the posted notices) that are established as a result of the consultation with ADEQ, for a violation or situation that requires Tier I public notice.

At the time of a tier 1 Public event Johnson Utilities:

- 1.) failed to make an effort properly notify the media as described in their emergency plan;

2.) failed to follow up the Public Notice to keep the public aware of the water quality progress;

Response: JU did not fail to comply with 40 CFR § 141.202 (b) (3). 1.) JU did notify the media as described in our Emergency Response Plan and per direction given by ADEQ. 2.) JU did follow up with a public notice the day after the initial public notice. No additional notification requirements were requested by ADEQ. The following documentation serves to demonstrate that the violations never occurred.

On August 23, 2012, Johnson Utilities issued a public notice to five television stations, 2 radio stations, and 2 newspapers for the Tier 1 acute MCL violation. The notice was issued under a Johnson Utilities' letterhead. The notice was issued within the mandated 24 hours after becoming aware of the test results. A copy of the notice is attached (Attachment 1).

Johnson Utilities was notified by the laboratory of the single positive resample on August 21, 2012, at 1:57 PM. A copy of the email from Lisa Parrish is attached (Attachment 2). 40 CFR §141.202 (b) (3) requires a utility to comply with any additional public notification requirements that are established during consultation with the primacy agency. On August 21, 2012, at 4:58 PM JU received an email (Attachment 3) from Donna Calderon, ADEQ, approving the public notice and advising us to distribute according to the Tier 1 public notice requirements. She advised us to use radio or television, posting or hand delivery as necessary to reach our customers. No specific public notification requirements were established by ADEQ.

The public notice was distributed within the 24 hour requirement on August 22, 2012, at 11:45 AM. During this period, Johnson Utilities was in contact with Donna Calderon and Janell Goatson of the ADEQ Drinking Water Monitoring and Protection Unit. On August 22, 2012, at 11:37 AM Donna was notified of the public notice via email (Attachment 4). Attached to the email were the "Drinking Water Warning" and the Johnson Utilities' news release as provided in Attachment 1.

The results of the three resamples on the single positive were received from the laboratory on August 23, 2012, at 8:52 AM (Attachment 5). On August 23, 2012, at 12:05 PM (Attachment 6) we received approval from Donna Calderon for the acute resolved public notice. The notice was submitted to the same news media under a Johnson Utilities' letterhead at 1:29 PM on August 23, 2012 (Attachment 7). A copy of the public notice and news release is attached as Attachment 8.

Johnson utilities did follow its Emergency Response Plan. Section 4.2, Notification, states "Notification is required under State and Federal law when contamination is evident or the threat is considered "credible". The Operations Manager, or designee, shall determine the extent of a given emergency and implement notification as the situation warrants." This process was followed.

2. 40 CFR § 141.63 (a) (1)/ A.A.C. R18-4-109

For a system which collects at least 40 samples per month, distribution of water in which more than 5% of the samples collected during the month tested total Coliform-positive.

Twenty five samples collected on August 13, 2012 were analyzed as positive for the presence of total Coliform bacteria of the samples required each per month.

Response: Noted - More than 5.0% of the samples for August 2012 tested positive for total coliform

3. 40 CFR § 141.63 (b)/ A.A.C. R18-4-109

Failure to comply with the MCL for the total coli forms; a total Coliform repeat sample tested positive following a fecal Coliform-positive or E. coli-positive routine sample.

Three of the 25 total Coliform positive samples collected August 13, 2012, tested positive for the presence of E. coli bacteria.

Response: Noted - One repeat sample tested positive for total coliform following a fecal-positive routine sample.

4. 40 CFR § C 141.202(c)/ A.A.C. R18-4-119

Failure of a public water system to deliver a Tier 1 Public Notice in a manner designed to reach all customers served by the water system using at a minimum at least one of the forms of delivery identified in the this section.

Johnson Utilities did not distribute the public notice for the Total Coliform MCL Exceedences in a manner reasonably calculated to reach all customers served.

- 1) Johnson Utilities did not adhere to their ADEQ approved emergency operation plan to notify the media.
- 2) Johnson Utilities contacted a local school district but did not issue a Public Notice.

- 3) Johnson Utilities sent ADEQ evidence that the media was contacted through a subcontractor, not the responsible party. There was no reference to a Public Notice in the email that was sent and there was no follow-up contact information offered.

Response: JU did not fail to comply with 40 CFR § 141.202 (c). 1.) JU did notify the media as described in our Emergency Response Plan and per direction given by ADEQ. Please see response to Item 1. 2.) Johnson Utilities did contact the school district as a courtesy notification to allow them to prepare for the possibility of Public Notice to boil water. This action allowed the school to prepare and remain open through the incident. 3.) On August 23, 2012, Johnson Utilities issued a public notice to five television stations, 2 radio stations, and 2 newspapers for the Tier 1 acute MCL violation with the assistance of a professional PR firm. The notice was sent under the JU letterhead. The following documentation serves to demonstrate that the violations never occurred.

In accordance with 40 CFR § 141.202 (c), the following must be followed:

“In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

- (1) Appropriate broadcast media (such as radio and television);
- (2) Posting of the notice in conspicuous locations throughout the area served by the water system;
- (3) Hand delivery of the notice to persons served by the water system; or
- (4) Another delivery method approved in writing by the primacy agency.”

In accordance with ADEQ’s “Certificate of Public Notice Distribution”, the “community water system must use at least one of the following methods” for a Tier 1 notice:

Direct hand Delivery to Customers
Posting a Conspicuous Locations
TV Station
Radio Station

As explained in item 1, the Public Notice was distributed to TV stations and radio stations which satisfies both 40 CFR § 141.202 (c) and ADEQ’s requirement. In addition, the JU letterhead notice and the drinking water warning were posted in the office and on the JU web site.

5. A.A.C. R18-4-204(C)

Failure of a community water system to implement the Emergency Operations Plan in the event of an emergency situation.

The water system did not implement the Emergency Operations Plain in response to positive Coliform and E.coli samples, an emergency situation that occurred on August 21, 2012.

Response: JU did not fail to comply with A.A.C. R18-4-204(c). The following documentation serves to demonstrate that the violations never occurred.

Upon notice from the laboratory that all of the total coliform samples that were taken on August 16, 2012, failed, the Emergency Response Plan was implemented. This plan was originally written in 2005 under a contract with KUV Consultants. The plan was submitted to ADEQ on September 28, 2005. The plan was last revised in 2010.

In accordance with Section 5, Incident Management – A General Response Plan, the first step taken is to assess the situation per the following check list:

- Reported description of the incident.**
- Preliminary damage estimation, if available.**
- Worst probable outcome of the incident.**
- Sensitivity of the operations at the site.**
- Historical events or issues that might be related to the incident or site.**
- Anticipated or actual media involvement.**
- Potential impact on the community and customers.**
- Potential impact on environmental/public health.**
- Potential exposure and/or injury to community.**
- Potential to disrupt public activity.**
- Anticipated need for outside assistance.**

The second step is to consider the operational decisions:

- Make a decision on status of water system or the impacted facility - remain open or partial/full shut down.**
- Arrange for alternative water supplies.**
- If contamination is involved:**
 - Confirm agent(s) or material(s) used.**
 - Estimate on plume arrival and concentration.**

- ❑ Evaluate impact on the system.
- ❑ Identify service area(s) impacted.
- ❑ Select appropriate response.
- ❑ Notify customers and other public constituents.
- ❑ Obtain mutual and/or regional support.

On August 20, 2012, JU received test results that showed 20 samples taken on August 13, 2012, were all absent of total coliform. On Saturday morning, August 18, 2012, JU was notified by the laboratory that samples taken on August 16, 2012, were all positive for total coliform and three confirmed positive for E. coli. The samples were representative of our entire system which runs 12 miles along the Hunt Hwy corridor. The system has 10 Entry Points Distribution Systems (EPDS). The following facts were considered:

- 1. No single EPDS could be the source of contamination. The water from any given source does not feed the entire system.**
- 2. No EPDS site was damaged or showed signs of tampering.**
- 3. No leaks or disruption of the system occurred since August 13, 2012, the last day all samples were negative.**
- 4. There was no drop in operating pressure.**
- 5. No hospital or county health department reported E. coli associated illnesses to JU.**
- 6. JU received no complaints or reports of illness.**

Based on these facts, JU could not locate or identify any reasonable source of the contamination. Item 6, Chemical or Microbiological Contamination of Water Supply, Appendix C, Emergency Response Plan, was followed. JU notified ADEQ within 24 hours of becoming aware of the incident, took reasonable measures to ensure the security of the system, and took additional samples from all the tanks to ensure there was no tampering even though they were found in good condition. These samples were all negative and are attached (Attachment 9). Confirmation sampling was conducted in accordance with the Total Coliform Rule (TCR) (test results previously submitted to ADEQ). In addition to performing the confirmation sampling under the TCR, each of the well sites were tested under the Groundwater Rule (GWR). All of these tests were also negative (test results previously submitted to ADEQ). The TCR confirmation sampling results were all negative except one positive total coliform sample (test results previously submitted to ADEQ). The 14 GWR samples (test results previously submitted to ADEQ) at each of the source wells were negative for both total coliform and E. coli. Based on the TCR rules, JU

did move forward with the Tier 1 Public Notice. JU did implement the Emergency Operations Plan in response to positive Coliform and E. coli samples that occurred on August 21, 2012

6. 40 CFR § C 141.31 (d)/ A.A.C. R18-4-106

Failure of a public water system to submit to the Department a certification that it has fully complied with the public notification requirements and copies of each type of notice that was distributed within ten days of completing the public notification requirements.

On August The Certification were dated September 7, 2012 and September 17, 2012, which was after 10 day requirement

Response: JU did fail to comply. However, please note that ADEQ was notified by email on August 22, 2012, at 11:37 AM that the Public Notice was issued. This violation does not “create any reasonable probability of material harm to any person, the public health, safety, welfare or the environment” as stated in the ADEQ Compliance and Enforcement Handbook. The requirement of submitting a certification letter was written well before electronic mail became available. ADEQ had been notified at the time the Public Notice was issued via email.

7. 40 CFR § C 141.205/ A.A.C. R18-4-119

Failure of a public water system to provide a public notice including the minimum elements required under this Section.

The notices transmitted to the school district and the media did not meet the Public Notice content requirements.

Response: JU did not fail to comply. The notices did meet the Public Notice requirements as evident by the fact they were approved by ADEQ prior to distribution. Please see the approval email identified in Item 1. In addition, the template of the Public Notice was provided by ADEQ, JU followed 40 CFR § C 141.205, and referenced the EPA Revised Public Notification Handbook, 2nd Revision of Document: EPA 816-R-09-013, March 2010. The template on page 46 in the EPA Revised Public Notification Handbook was also used in the writing of the final Public Notice.

As stated above, Johnson Utilities employee did contact the school district as a courtesy notification prior to the issuance of the public notice. This act allowed them to prepare and remain open through the incident. We are considering adding this action to our Emergency Response Plan as the school district has a substantial email list and the ability to reach a significant portion of our customers.

2. Within 30 calendar days of receipt of this Notice, Please submit documentation that the violation(s) never occurred, documentation to demonstrate the corrective actions that have been taken to ensure that certification of Public Notice method of delivery and confirmation of delivery are submitted to ADEQ within 10 calendar days from the date from the initial Public Notice and any repeat notice.

Response: The requirement to submit a Certification Letter to ADEQ within 10 calendar days has been added to a new Appendix D in the Emergency Response Plan. A copy of the new appendix is attached (Attachment 10). Included in the appendix is a copy of 40 CFR § 141.31, the ADEQ "Certificate of Public Notice Distribution", and the Public Notification Rule (40 CFR Part 141, Subpart Q). Also attached (Attachment 11) is the revised Table of Contents showing Appendix D. Please replace these pages in your copy of the JU Emergency Response Plan.

Items 3 – 7, Section III, Documenting Compliance, will be submitted prior to their due dates. If you have any questions or comments, please contact me at (480) 998-3300.

Sincerely,



Gregory H. Brown, P.E.
Director of Engineering

Attachments:

1. JU Public Notice, August 22, 2012
2. Email from Legend Laboratory, August 21, 2012
3. Email from Donna Calderon, ADEQ, August 21, 2012
4. Email from Greg Brown, JU, to Donna Calderon, ADEQ, August 22, 2012
5. Email from Legend Laboratory, August 23, 2012
6. Email from Donna Calderon, ADEQ, to Greg Brown, JU, August 23, 2012
7. Email from R&R Partners to Greg Brown, ADEQ, October 29, 2012, with email of Public Notice sent from R&R to media
8. JU Public Notice, August 23, 2012
9. 10 - ADEQ , DWAR-1, Total Coliform Rule revised forms
10. Revised Appendix D, Public Notification Rule, JU Emergency Response Plan, Rev (9/2012)
11. Revised Table of Contents, JU Emergency Response Plan, Rev (9/2012)

Attachment 1

JOHNSON UTILITIES COMPANY, L.L.C.

5230 East Shea Boulevard, Suite 200 * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

For Immediate Release
August 22, 2012

Media Contact:
David Weissman
R&R Partners
(480) 317-6072

Johnson Utilities responds to water contamination concerns

FLORENCE--On August 21, 2012, Johnson Utilities initiated the release of a drinking water warning to its customers in the lower east valley. Johnson Utilities apologizes for the inconvenience this warning may have caused to our valuable customers. The warning resulted from a broad-spectrum test that suggested the potential presence of E. coli bacteria; although E. Coli was not detected in retesting in any of the 89 samples, one sample was positive for total coliform.

We first became aware of a potential problem on August 18 when our routine sampling revealed some positive results for E. coli that we believed to be false since they contradicted the results of our previous regular sampling.

We conducted a retest on August 19. On August 21 results became available from the lab indicating that of the 75 samples taken, none showed any presence of e-coli. One resample was however positive for total coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.

The tests also showed presence of residual chlorine, which is present in the water as a disinfectant in an amount sufficient to kill any harmful bacteria.

Further, 14 samples taken on August 19 at our drinking water wells were negative for both total coliform and E. coli. After consulting with the Arizona Department of Environmental Quality, Johnson Utilities issued a drinking water warning in compliance with the drinking water rules. For those who may not have yet received a copy of the warning, a copy is attached to this news release. The drinking water rules require a drinking water system to issue the warning if any resamples are positive for total coliform.

Johnson Utilities will be maintaining the warning in effect until we have confirmed that further resamples are all negative. Three resamples have been submitted to our State approved laboratory and the results will be available early on August 23, 2012. Out of an abundance of caution, we recommend that our customers comply with our warning which recommends that boiled or bottle water be used for drinking, making ice, brushing teeth, washing dishes and food preparation until further notice.

“The safety of our customers is our first concern. Our families live in our service area and consume the same water as our other valued customers. We will take whatever measures are necessary to assure Johnson Utilities’ water is safe and that we have complied with federal and state law,” said Greg Brown, vice president of operations for Johnson Utilities.

Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any contamination. Rather the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Over the past two weeks, the water system has not experienced any changes in pressure or increase in flows. There were no leaks found. These would be indicators of contamination getting into the system. We are constantly reviewing our procedures to assure clean and safe water for our customers. Once we receive testing results tomorrow, Johnson Utilities will issue a new statement.

###

DRINKING WATER WARNING

E. coli is present in the Johnson Utilities' water

BOIL YOUR WATER BEFORE USING

E. coli bacteria were found in the water supply on August 19, 2012. These bacteria can make you sick, and are a particular concern for people with weakened immune systems. Please be advised that resamples taken on August 20, 2012, showed no *E. coli* but had one positive sample out of 75 for total coliform.

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

What should I do? What does this mean?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills bacteria and other organisms in the water.
- *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice from their health care providers about drinking this water.

What is being done?

Further tests were taken today, August 22, 2012. We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem by tomorrow August 23, 2012.

For more information, please contact Johnson Utilities at 480-987-9870 or 968 East Hunt Highway, Queen Creek, Arizona 85242. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

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 a public place or distributing copies by hand or mail.

This notice is being sent to you by Johnson Utilities. State Water System ID#: 11-128.
Date distributed: August 22, 2012

Attachment 2

Greg Brown

From: Lisa Parrish <lparrish@legend-group.com>
Sent: Tuesday, August 21, 2012 1:57 PM
To: Greg Brown; Kenny Watkins; 'Rich '; Rod Spencer ; Velma Huntley
Subject: Colilert Results
Attachments: 1671_001.pdf

Importance: High

Good afternoon...

For ALL of the resamples, only one came back positive again and it was Circle Cross 175 Santa Gertudis. It was negative for *E. coli*. They saved the sample if you would like to perform any additional testing on it, such as an organism ID.

Thanks,
Lisa

From: LEGEND Microbiology Laboratory [<mailto:microbiology@legend-group.com>]
Sent: Tuesday, August 21, 2012 12:17 PM
To: Lisa Parrish
Subject: Colilert Results

2081488-44 (.78 Circle Cross, 175 Santa Gertudis) tested positive for Total Coliforms and negative for *E. coli*.

All other samples tested negative for Total Coliforms and negative for *E. coli*.

Thank you for choosing LEGEND for your analytical needs. If you have any questions regarding your results, please contact your LEGEND Project Manager. Any other analysis requested is still pending and a final report will be available within 10-15 working days.

Thank you,

MICROBIOLOGY LABORATORY
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.
17631 N. 25TH AVENUE
PHOENIX, AZ 85023
(602) 324-6100 FAX: (602) 324-6101
microbiology@legend-group.com

Attachment 3

Greg Brown

From: Donna Calderon <Calderon.Donna@azdeq.gov>
Sent: Tuesday, August 21, 2012 4:58 PM
To: Greg Brown
Cc: Janell C. Goatson; John A. Calkins
Subject: RE: DRINKING WATER WARNING.doc
Attachments: DRINKING WATER WARNING.DOC

Hi Greg,

We approve the attached PN and you can distribute according to the Tier 1 PN requirements: Broadcast media (radio or television), posting or hand delivery, as necessary to reach your customers. Mailing will not suffice for a 24 hour PN. Please keep us up to date on the repeat sampling results and work with us to issue a resolved PN, once a clean set of repeats have been received from the lab. Please contact us if you have questions. Thanks.

Donna Calderon, Manager
Drinking Water Monitoring and Protection Unit
Arizona Department of Environmental Quality
1110 West Washington Street, Mail Code 5415B-2
Phoenix, AZ 85007

602-771-4641 (direct line)
602-771-4634 (fax)
e-mail: dml@azdeq.gov
ADEQ website: www.azdeq.gov



Please consider the environment before printing this e-mail.

From: Janell C. Goatson
Sent: Tuesday, August 21, 2012 4:35 PM
To: Donna Calderon
Subject: FW: DRINKING WATER WARNING.doc

From: Greg Brown [<mailto:GBrown@azvision.net>]
Sent: Tuesday, August 21, 2012 4:19 PM
To: Janell C. Goatson
Subject: RE: DRINKING WATER WARNING.doc

Thanks, you're a good writer. If ok with you, this is final.

From: Janell C. Goatson [<mailto:Goatson.Janell@azdeq.gov>]
Sent: Tuesday, August 21, 2012 4:15 PM
To: Greg Brown
Subject: FW: DRINKING WATER WARNING.doc

Greg,

Here is the PN with a few add/deletes. Please let me know if you have questions.

Thank you.

From: Janell C. Goatson
Sent: Tuesday, August 21, 2012 4:10 PM
To: Janell C. Goatson
Subject: DRINKING WATER WARNING.doc

NOTICE: This e-mail (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. It may contain information that is privileged and confidential under state and federal law. This information may be used or disclosed only in accordance with law, and you may be subject to penalties under law for improper use or further disclosure of the information in this e-mail and its attachments. If you have received this e-mail in error, please immediately notify the person named above by reply e-mail, and then delete the original e-mail. Thank you.

NOTICE: This e-mail (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. It may contain information that is privileged and confidential under state and federal law. This information may be used or disclosed only in accordance with law, and you may be subject to penalties under law for improper use or further disclosure of the information in this e-mail and its attachments. If you have received this e-mail in error, please immediately notify the person named above by reply e-mail, and then delete the original e-mail. Thank you.

Attachment 4

Greg Brown

From: Greg Brown
Sent: Wednesday, August 22, 2012 11:37 AM
To: Donna Calderon (Calderon.Donna@azdeq.gov)
Subject: FW: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley
Attachments: DRINKING WATER WARNING.DOC; Johnson Utilities Release final final final 8-22.docx

Donna: Apparently when we spoke the press release was already being sent out. Hope this addresses most of your concerns. Let us know if there is anything else you want us to clarify in subsequent press releases.

Greg

From: David Weissman [mailto:david.weissman@rrpartners.com]
Sent: Wednesday, August 22, 2012 11:45 AM
To: Greg Brown
Subject: FW: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley

From: David Weissman
Sent: Wednesday, August 22, 2012 11:41 AM
To: assignmentdesk@abc15.com; news923@ktar.com; KFYI News; kpnx-assignment-desk@12news.com; 3tvnews@azfamily.com; cbs5news@kpho.com; fox10.desk@foxtv.com; ilowery@bizjournals.com; mel.melendez@arizonarepublic.com; f1onews190@yahoo.com; elvia.diaz@arizonarepublic.com; News@TodayPublications.com
Subject: Johnson Utilities Responds to Water Contamination Concerns in Lower East Valley

Hi, attached please find Johnson Utilities response to water contamination concerns that have been reported in the media. The company will not be granting interviews today and will have more to say tomorrow once new test results are available. Thanks, David

Johnson Utilities responds to water contamination concerns

FLORENCE--On August 21, 2012, Johnson Utilities initiated the release of a drinking water warning to its customers in the lower east valley. Johnson Utilities apologizes for the inconvenience this warning may have caused to our valuable customers. The warning resulted from a broad-spectrum test that suggested the potential presence of E. coli bacteria; although E. Coli was not detected in retesting in any of the 89 samples, one sample was positive for total coliform.

We first became aware of a potential problem on August 18 when our routine sampling revealed some positive results for E. coli that we believed to be false since they contradicted the results of our previous regular sampling.

We conducted a re-test on August 19. On August 20, results from the lab indicated that of the 75 samples taken, none showed any presence of e-coli. One resample was however positive for total coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.

The tests also showed presence of residual chlorine, which is present in the water as a disinfectant in an amount sufficient to kill any harmful bacteria.

Further, 14 samples taken at our drinking water wells were negative for both total coliform and E. coli. After consulting with the Arizona Department of Environmental Quality, Johnson Utilities issued a drinking water warning in compliance with the drinking water rules. For those who may not have yet received a copy of the warning, a copy is attached to this news release. The drinking water rules require a drinking water system to issue the warning if any resamples are positive for total coliform.

Johnson Utilities will be maintaining the warning in effect until we have confirmed that further resamples are all negative. Three resamples have been submitted to our State approved laboratory and the results will be available early on August 23, 2012. Out of an abundance of caution, we recommend that our customers comply with our warning which recommends that boiled or bottle water be used for drinking, making ice, brushing teeth, washing dishes and food preparation until further notice.

“The safety of our customers is our first concern. Our families live in our service area and consume the same water as our other valued customers. We will take whatever measures are necessary to assure Johnson Utilities’ water is safe and that we have complied with federal and state law,” said Greg Brown, vice president of operations for Johnson Utilities.

Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any contamination. Rather the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Over the past two weeks, the water system has not experienced any changes in pressure or increase in flows. There were no leaks found. These would be indicators of contamination getting into the system. We are constantly reviewing our procedures to assure clean and safe water for our customers. Once we receive testing results tomorrow, Johnson Utilities will issue a new statement.

###



David Weissman | Director of Public Relations

101 N. First Avenue, Suite 2900, Phoenix, AZ 85003

T: 480.317.6072 | M: 602.670.7145 | F: 480.804.0033

E-mail: david.weissman@rrpartners.com | www.rrpartners.com

R&R Social: [Blog](#) | [Twitter](#) | [Facebook](#)

About R&R Partners

R&R Partners operates from a win or die mentality, an unwavering commitment to viewing the business environment from our client's perspective. We're all-in and it's personal – with strategic thinking and creative audacity that captures imaginations, ignites conversations and incites action. Our strategic blend of advertising, public relations, issues advocacy, government affairs, research, media and digital marketing earned us *Brandweek's* "Grand Marketer of the Year" Award for the Las Vegas juggernaut, "What happens here, stays here®" – making us the first agency ever to win this coveted award. We were also named among the top 30 "Best Places to Work in Marketing & Media" by *Advertising Age*. R&R's work in the travel, energy and transportation sectors has been covered by *The New York Times*, *The Wall Street Journal*, *USA Today*, *Forbes*, *MSNBC*, ABC's *Nightline*, *Adweek* and *Advertising Age*. While recognition is nice, it's results that really matter. For more information on how we change perceptions and behavior every day, visit www.rrpartners.com. Or stop by one of our six offices located in Las Vegas, Los Angeles, Phoenix, Salt Lake City, Reno and Washington, D.C.

Attachment 5

Greg Brown

From: Lisa Parrish <lparrish@legend-group.com>
Sent: Thursday, August 23, 2012 8:52 AM
To: Greg Brown; Kenny Watkins; 'Rich '; Rod Spencer ; Velma Huntley
Subject: FW: Johnson Utilities Colilerts 8/22/12

Importance: High

All are negative:

2081720

01A (Circle Cross 175 Santa Hertrudis Tr.), 02A (Circle Cross 165 Santa Hertrudis Tr.) and 03a (Circle Cross 185 Santa Hertrudis tr.) were negative for Total Coliform and negative for E.coli.

Thank you for choosing LEGEND for your analytical needs. If you have any questions regarding your results, please contact your LEGEND Project Manager. Any other analysis requested is still pending and a final report will be available within 10-15 working days.

Thank you,

MICROBIOLOGY LABORATORY
LEGEND TECHNICAL SERVICES OF ARIZONA, INC.
17631 N. 25TH AVENUE
PHOENIX, AZ 85023
(602) 324-6100 FAX: (602) 324-6101
microbiology@legend-group.com

Attachment 6

Greg Brown

From: Donna Calderon <Calderon.Donna@azdeq.gov>
Sent: Thursday, August 23, 2012 12:05 PM
To: Greg Brown
Subject: RE: Acute TCR Resolved PN Johnson Utility 11-128 (2).doc
Attachments: Acute TCR Resolved PN Johnson Utility 11-128 (FINAL).doc

Hi Greg,

We approved all changes except one, and added a different word in it's place (see attached). Please let me know when it is posted to the website and the media and school district have been notified. Thanks.

Donna Calderon, Manager
Drinking Water Monitoring and Protection Unit
Arizona Department of Environmental Quality
1110 West Washington Street, Mail Code 5415B-2
Phoenix, AZ 85007

602-771-4641 (direct line)
602-771-4634 (fax)
e-mail: dml@azdeq.gov
ADEQ website: www.azdeq.gov



Please consider the environment before printing this e-mail.

From: Greg Brown [<mailto:GBrown@azvision.net>]
Sent: Thursday, August 23, 2012 11:41 AM
To: Donna Calderon
Subject: FW: Acute TCR Resolved PN Johnson Utility 11-128 (2).doc

Donna, is this ok with you?

Greg

Sent from my Verizon Wireless Droid

-----Original message-----

From: "Thomas, Christopher D." <Christopher.D.Thomas@squiresanders.com>
To: "Breedlove, Fred E." <Fred.Breedlove@squiresanders.com>, David Weissman <david.weissman@rrpartners.com>, Greg Brown <GBrown@azvision.net>, Daniel Hodges <DHodges@azvision.net>
Cc: "Thomas, Christopher D." <Christopher.D.Thomas@squiresanders.com>
Sent: Thu, Aug 23, 2012 18:37:52 GMT+00:00
Subject: FW: Acute TCR Resolved PN Johnson Utility 11-128 (2).doc

37 Offices in 18 Countries

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

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#US

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Attachment 7

Greg Brown

From: David Weissman <david.weissman@rrpartners.com>
Sent: Monday, October 29, 2012 4:38 PM
To: Greg Brown
Cc: Jim Norton
Subject: August 23 email-Johnson Utilities Water is Safe

Here you go Greg. Let me know if you need anything else. Thanks, David

From: David Weissman
Sent: Thursday, August 23, 2012 1:29 PM
To: Assignment 15 TV; cbs5news; Assignment 3 TV; Assignment 10 TV; Assignment 12 TV; Assignment KTAR Radio; Assignment KTAR Radio; Melody Birkett; phughes@ktar.com; lgliha@abc15.com; mel.melendez@arizonarepublic.com; Elvia Diaz; Lindsey <lindsey.collom@arizonarepublic.com> Collom; Ilana Lowery; flonews190@yahoo.com; News@TodayPublications.com; news@santanvalley.com; Mary Drobnik; Lizbeth Licon; Matt Hamada; Margaret Beardsley
Subject: Johnson Utilities Water is Safe

JOHNSON UTILITIES COMPANY, L.L.C.

*5230 East Shea Boulevard, Suite 200 * Scottsdale, Arizona 85254*
PH: (480) 998-3300; FAX: (480) 483-7908

For Immediate Release
August 23, 2012
Media Contact:

David Weissman

R&R Partners

(480) 317-6072

Tests confirm Johnson Utilities drinking water is safe
All restrictions have been lifted

FLORENCE (August 23, 2012)—Johnson Utilities confirmed this morning that water in its Florence area drinking water supply system contains no harmful bacteria. Steps our customers can follow to resume unrestricted use of the water are included in the attached public notice.

After testing suggested the possible presence of coliform bacteria, Johnson Utilities advised its customers on Wednesday to take precautions before using water. Coliforms are naturally occurring bacteria that are used as an indicator of other, potentially harmful bacteria (such as e coli). Because of questions about the initial sampling results, Johnson Utilities had the water retested at two State-certified laboratories. Both labs reported that the water contained no total coliform and no e coli. Based on this information Johnson Utilities has lifted the “Drinking Water Warning” advising customers to boil water before using.

Johnson Utilities apologizes for the inconvenience this warning may have caused. Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case,

we believe there never was any e coli contamination. Rather, the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

Johnson Utilities will exceed the required testing frequencies established by ADEQ to ensure we provide safe and reliable drinking water to our valued customers.

###

DRINKING WATER WARNING LIFTED

Customers of Johnson Utilities were notified on August 21, 2012 and August 22, 2012 of a suspected problem with our drinking water and were advised to use an alternative source of water (e.g., bottled water) or boil the water before using. Follow-up tests have verified that any problem has been corrected and that it is no longer necessary to boil the water. We apologize for any inconvenience and thank you for your patience.

IT IS NO LONGER NECESSARY TO BOIL YOUR DRINKING WATER OR USE AN ALTERNATIVE SOURCE OF WATER

Out of an abundance of caution, please flush all taps, clear out any ice cube trays and/or refrigerator ice and water dispensers. If you currently have a home water filtration system, we recommend changing your filter.

As always, you may contact Johnson Utilities at [\(480\) 987-9870](tel:4809879870) or visit our main office at 968 East Hunt Highway, Queen Creek, Arizona 85242 with any comments or questions.

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 a public place or distributing copies by hand or mail.

This notice is being sent to you by Johnson Utilities, State Water System ID#: [11-128](#).

Date distributed: [08/23/2012](#).

The Boil Water Advisory applied to customers of the Johnson Utilities water system who live north of Franklin Drive, just south of Magic Ranch subdivision. If you are south of Franklin Drive (for instance, you live in Anthem at Merrill Ranch) you are provided water by other water systems. If you pay your water bill to the Town of Queen Creek Diversified Water Utilities, Inc., or H2O, Inc., even if you pay a sewer bill to Johnson Utilities, you were not affected by the boil water advisory, and this public notice does not apply to you.

Any ADEQ translation or communication in a language other than English is unofficial and not binding on the State of Arizona. *Cualquier traducción o comunicado de ADEQ en un idioma diferente al inglés no es oficial y no sujetará al Estado de Arizona a ninguna obligación jurídica.*

David

602-670-7145(m)

Sent from my iPhone-Please excuse typos



David Weissman | Director of Public Relations

101 N. First Avenue, Suite 2900, Phoenix, AZ 85003

T: 480.317.6072 | M: 602.670.7145 | F: 480.804.0033

E-mail: david.weissman@rrpartners.com | www.rrpartners.com

R&R Social: [Blog](#) | [Twitter](#) | [Facebook](#)

About R&R Partners

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Attachment 8

JOHNSON UTILITIES COMPANY, L.L.C.

5230 East Shea Boulevard, Suite 200 * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

For Immediate Release
August 23, 2012

Media Contact:
David Weissman
R&R Partners
(480) 317-6072

Tests confirm Johnson Utilities drinking water is safe *All restrictions have been lifted*

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Johnson Utilities apologizes for the inconvenience this warning may have caused. Some of our customers are wondering how this can happen. Water systems do get contaminated from time to time; however, in this case, we believe there never was any e coli contamination. Rather, the false positives that were detected likely resulted from sampling errors or cross-contamination by the laboratory.

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###

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IT IS NO LONGER NECESSARY TO BOIL YOUR DRINKING WATER OR USE AN ALTERNATIVE SOURCE OF WATER

Out of an abundance of caution, please flush all taps, clear out any ice cube trays and/or refrigerator ice and water dispensers. If you currently have a home water filtration system, we recommend changing your filter.

As always, you may contact Johnson Utilities at (480) 987-9870 or visit our main office at 968 East Hunt Highway, Queen Creek, Arizona 85242 with any comments or questions.

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 a public place or distributing copies by hand or mail.

This notice is being sent to you by Johnson Utilities, State Water System ID#: 11-128.
Date distributed: 08/23/2012.

The Boil Water Advisory applied to customers of the Johnson Utilities water system who live north of Franklin Drive, just south of Magic Ranch subdivision. If you are south of Franklin Drive (for instance, you live in Anthem at Merrill Ranch) you are provided water by other water systems. If you pay your water bill to the Town of Queen Creek Diversified Water Utilities, Inc., or H2O, Inc., even if you pay a sewer bill to Johnson Utilities, you were not affected by the boil water advisory, and this public notice does not apply to you.

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Attachment 9

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04-11-12B	PWS Name: Johnson Utilities L L C
Sample Date: 8.20.12	Owner / Contact Person: Rod Spencer
Sample Time (24-hr clock): 10:47 A	Phone Number: 480 987-9870

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample _____

Original Location (Distribution System)
 Upstream Location (Distribution System)
 Downstream Location (Distribution System)
 Other Location (Distribution System)
 4th Repeat "Other" Sample Taken at Well
 (raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55- xxxxxx
main yard		55-
		Cl ₂ mg/L

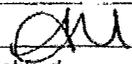
(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

Lab Specimen ID	3104 Total Coliform		3013 Fecal Coliform		3014 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-01	9225B	A					8/21/12	1520	8/22/12	1020
Only report below for Ground Water Rule 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result.										

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive

Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature: 	
Date PWS Notified	PWS Person Notified:
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified	ADEQ Person Notified:
Comments	

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 3415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule.
 Call (602) 771-4560
 within AZ (800) 234-1-77, ext 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04-11-128

PWS Name: Johnson Utilities, L.L.C.

Sample Date: 8-20-11

Owner / Contact Person: Rod Spencer

Sample Time (24-hr clock): 11:11 A

Phone Number: 480-987-9870

Repeat Samples Only - Check One

Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well
(raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55- xxxxxx
Edwards tank		55-
		Cl ₂ mg/L

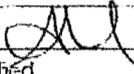
(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

Lab Specimen ID	3106 Total Coliform		3013 Fecal Coliform		3014 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-02	9223B	A					8/21/12	1520	8/22/12	1020
Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result.										

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature: 	PWS Person Notified:
Date PWS Notified:	ADEQ Person Notified:
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified:	ADEQ Person Notified:

Comments

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04 - 11-12B PWS Name: Johnson Utilities L L C
 Sample Date: 8-20-11 Owner / Contact Person: Rod Spencer
 Sample Time (24-hr clock): 11:23 A Phone Number: 480-967-9870

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

Original Location (Distribution System)
 Upstream Location (Distribution System)
 Downstream Location (Distribution System)
 Other Location (Distribution System)
 4th Repeat "Other" Sample Taken at Well
 (raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55- xxxxxx
MSF tank		55-
		Cl ₂ mg/L

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

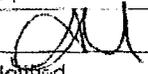
Lab Specimen ID	3006 Total Coliform		3013 Fecal Coliform		3014 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-03	MSF	A					8/21/12	1520	8/22/12	1020

Only report below for Ground Water Rule 4th Repeat "Other" (raw water sample). Must use method that provides E. coli as a result

--	--	--	--	--	--	--	--	--	--	--

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature: 	
Date PWS Notified:	PWS Person Notified:
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified:	ADEQ Person Notified:

Comments

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B-1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 224-6677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04 - 11-12R	PWS Name: Johnson Utilities L.L.C.
Sample Date: 8-20-12	Owner / Contact Person: Rod Spencer
Sample Time (24-hr clock): 11:41 A	Phone Number: 480 987-9870

Repeat Samples Only - Check One
 Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

Original Location (Distribution System)
 Upstream Location (Distribution System)
 Downstream Location (Distribution System)
 Other Location (Distribution System)
 4th Repeat "Other" Sample Taken at Well
 (raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55-xxxxxx
Circle Cross		55-
		Cl ₂ mg/L

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

Lab Specimen ID	3109 Total Coliform		3013 Fecal Coliform		3014 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-04	9223B	A					8/21/12	15:20	8/22/12	10:20
Only report below for: Ground Water Rule 4 th Repeat "Other" (raw water sample) Must use method that provides E. coli as a result										

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000 then no more than 5% of the samples may be total coliform-positive

Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature: <i>[Signature]</i>	
Date PWS Notified	PWS Person Notified
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified	ADEQ Person Notified
Comments	

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit 5435P 1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4560
 within AZ (800) 234-5677, ext. 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04 - 11-128

PWS Name: Johnson Utilities L L C

Sample Date: 8-20-11

Owner / Contact Person: Rod Spencer

Sample Time (24-hr clock): 12:00p

Phone Number: 480-987-9870

Repeat Samples Only - Check One

Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55-xxxxxx
Ricky tank		55-
		Cl ₂ mg/L

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

Lab Specimen ID	3106 Total Coliform		3013 Fecal Coliform		3014 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-05	9223F	A					8/21/12	1520	8/22/12	1020
Only report below for Ground Water Rule 4 th Repeat "Other" (raw water sample) Must use method that provides E. coli as a result.										

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive

Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature:	
Date PWS Notified	PWS Person Notified:
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified	ADEQ Person Notified:
Comments	

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 Phoenix, AZ 85007

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 Call (602) 771-4560
 within AZ (800) 234-6577, ext 771-4560

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04 - 11-12B

PWS Name: Johnson Utilities L.L.C.

Sample Date: 8-20-11

Owner / Contact Person: Rod Spencer

Sample Time (24-hr clock): 12:18p

Phone Number: 480-987-9870

Repeat Samples Only - Check One

Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55-xxxxxx
wildhorse tank		55-
		Cl ₂ mg/L

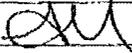
(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

Lab Specimen ID	3006 Total Coliform		3013 Fecal Coliform		3014 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-06	9223F	A					8/21/12	1520	8/22/12	1020
Only report below for Ground Water Rule. 4 th Repeat "Other" (raw water sample) Must use method that provides E. coli as a result.										

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive

Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc.	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature: 	
Date PWS Notified:	PWS Person Notified:
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified:	ADEQ Person Notified:
Comments:	

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B.1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule:
 Call (602) 771-4156
 within AZ (800) 734-6077, ext. 771-4590

Arizona Department of Environmental Quality
 Total Coliform Rule Distribution System Monitoring
 Drinking Water Microbiological Analysis Report

PWS ID Number: AZ 04 - 11-12B

PWS Name: Johnson Utilities L L C

Sample Date: 8-20-12

Owner / Contact Person: Rod Spencer

Sample Time (24-hr clock): 1250P

Phone Number: 480 907-9870

Repeat Samples Only - Check One

Use if Initial Sample was Positive

Lab Specimen ID # of Initial Sample

- Original Location (Distribution System)
- Upstream Location (Distribution System)
- Downstream Location (Distribution System)
- Other Location (Distribution System)
- 4th Repeat "Other" Sample Taken at Well (raw water) if PWS serves 1,000 or less

Sampling Distribution Site ID:	OR	Well 55- xxxxxx
Oasis tank		55-
		Cl ₂ mg/L

(Not for MRDL reporting)

Microbiological Analysis (To be filled out by lab personnel)

Lab Specimen ID	3106 Total Coliform		3113 Fecal Coliform		3114 E. coli		Analysis Start		Analysis Complete	
	Method	Result	Method	Result	Method	Result	Date	Time	Date	Time
2081639-07	9223F	A					8/21/12	1520	8/22/12	
Only report below for Ground Water Rule 4 th Repeat "Other" (raw water sample) Must use method that provides E. coli as a result.										

MCL: If system is ≤ 33,000, then MCL is 2 or more total coliform-positive.
 If system is > 33,000, then no more than 5% of the samples may be total coliform-positive.

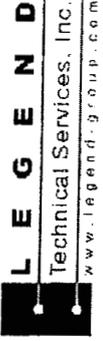
Laboratory Information (To be filled out by lab personnel)

Lab Name: Legend Technical Services, Inc	Lab Certified ID Number: AZ0004
Lab Contact, printed name: Trina Spangle	Lab Phone Number: 602-324-6103
Signature:	
Date PWS Notified	PWS Person Notified:
Any positive routine or increased routine TCR sample triggers the GWR and requires ADEQ notification.	
Date ADEQ Notified	ADEQ Person Notified:
Comments:	

Please mail completed form to:
 Arizona Department of Environmental Quality
 Water Quality Data Unit, 5415B.1
 1110 West Washington Street
 Phoenix, AZ 85007

Questions Regarding the Total Coliform Rule.
 Call (602) 771-4560
 within AZ (800) 234-5077, ext 771-4560

CHAIN OF CUSTODY RECORD



47931 N. 25th Avenue • Phoenix, AZ 85023 • (602) 324-6100 • Fax (602) 324-6101
 4585 S. Palo Verde Rd. Ste 423 • Tucson, AZ 85714 • (520) 327-1234 • Fax (520) 327-0518

Page 1 of 1

Laboratory Sample ID: 2081639

Please Print Clearly

CLIENT INFORMATION

Client Name: **Johnson Utility** Address: **968 East Hunt Hwy.** City: **Queen Creek** State: **AZ** Zip: **85242** Phone: **480-226-9226** Fax Number or Email Address: **See Notes**

Project Name: **Drinking Water Analysis** Project Number: **11-128** Contact: **Rod Spencer** P O No. Fax Results Email Results QC Report EDD Special Detection Limits

SAMPLE TYPE CODES

S=Soil/Solid
 T=Travel Blank
 WW=Wastewater
 F=Food
 SW=Surface
 Water
 G=Groundwater
 O=Other

TURN AROUND TIME

Laboratory Authorization Required for Rush Standard 10 - 15 Day Other

Client's	Date	Time	Sample Location	Composite	Grab	Sample Type	Compliance	No. of Containers	pH (Lab Use Only)	Requested Analytes	LAB NO
Main yard	8-20-12	10:47A	Main yard tank	X	DW	X	X	1	X	Total Coliform	-01
Edwards	8-20-12	11:11A	Edwards tank	X	DW	X	X	1	X		02
MSF	8-20-12	11:23A	MSF tank	X	DW	X	X	1	X		03
Circle Cross	8-20-12	11:41A	Circle Cross tank	X	DW	X	X	1	X		04
Ricky	8-20-12	12:00P	Ricky tank	X	DW	X	X	1	X		05
Wildhorse	8-20-12	12:58P	Wildhorse tank	X	DW	X	X	1	X		06
Oasis	8-20-12	12:50P	Oasis tank	X	DW	X	X	1	X		07
				X	DW	X	X				
				X	DW	X	X				
				X	DW	X	X				
				X	DW	X	X				

TO ENSURE COMPLETION OF ANALYSIS, SAMPLES MUST BE RECEIVED AT LEAST 3 HOURS PRIOR TO THE HOLD TIME EXPIRATION

Comments / Special Instructions: Notify Greg Brown, Kenny Watkins, Rod Spencer and Veima Huntley of positives via email.

SAMPLE CONDITION UPON RECEIPT (Lab Use)

No. of Containers	7
Temperature	2.7-C
Custody Seals	Y
Seals Intact	Y
Preserved	Y

RELINQUISHED BY

Sampler Signature	<i>[Signature]</i>	Date	8-20-12
Sampler Printed Name	Jessie Mejia	Time	7:00
Sampler Signature	<i>[Signature]</i>	Date	8-21-12
Printed Name	Billy Lopez	Time	09:50
Sampler Signature	<i>[Signature]</i>	Date	
Printed Name	David S. Howell	Time	
Sampler Signature	<i>[Signature]</i>	Date	
Printed Name	R. Cob	Time	11:05

WHITE-LAB YELLOW-CLIENT

Attachment 10

APPENDIX D
PUBLIC NOTIFICATION RULE

Environmental Protection Agency

§ 141.33

[73 FR 31623, June 3, 2008]

Subpart D—Reporting and Recordkeeping

§ 141.31 Reporting requirements.

(a) Except where a shorter period is specified in this part, the supplier of water shall report to the State the results of any test measurement or analysis required by this part within (1) The first ten days following the month in which the result is received, or (2) the first ten days following the end of the required monitoring period as stipulated by the State, whichever of these is shortest.

(b) Except where a different reporting period is specified in this part, the supplier of water must report to the State within 48 hours the failure to comply with any national primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

(c) The supplier of water is not required to report analytical results to the State in cases where a State laboratory performs the analysis and reports the results to the State office which would normally receive such notification from the supplier.

(d) The public water system, within 10 days of completing the public notification requirements under Subpart Q of this part for the initial public notice and any repeat notices, must submit to the primacy agency a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(e) The water supply system shall submit to the State within the time stated in the request copies of any records required to be maintained under §141.33 hereof or copies of any documents then in existence which the State or the Administrator is entitled to inspect pursuant to the authority of section 1445 of the Safe Drinking Water

Act or the equivalent provisions of State law.

[40 FR 59570, Dec. 24, 1975, as amended at 45 FR 57345, Aug. 27, 1980; 65 FR 26022, May 4, 2000]

§ 141.32 [Reserved]

§ 141.33 Record maintenance.

Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:

(a) Records of microbiological analyses and turbidity analyses made pursuant to this part shall be kept for not less than 5 years. Records of chemical analyses made pursuant to this part shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(1) The date, place, and time of sampling, and the name of the person who collected the sample;

(2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

(3) Date of analysis;

(4) Laboratory and person responsible for performing analysis;

(5) The analytical technique/method used; and

(6) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

(e) Copies of public notices issued pursuant to Subpart Q of this part and

Arizona Department of Environmental Quality Certificate of Public Notice Distribution

Public water systems (PWSs) must submit this signed Certificate of Distribution and provide a copy of each public notice within ten days of issuance. PWSs should consult with the ADEQ Rule Specialists for appropriate methods of public notice.

PWS Name _____
PWS ID # _____ Violation Type: MCL Monitoring Other
Date of Violation _____ Contaminant _____
Date Notice Distributed _____

Public Notice was distributed by the following method(s):
[Please check all that apply]

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

- Direct Hand Delivery to Customer – (Tiers 1, 2, 3)
- Individual Customer Mailing – (Tiers 2, 3)
- Posting at Conspicuous Locations throughout System (Tiers 1, 2, 3) –
Please indicate location & number of postings _____
- Publication in Local Newspaper – (Tiers 2, 3)
- TV Station – (Tier 1)
- Radio Station – (Tier 1)
- Consumer Confidence Report – (Tier 3)
- Other (Must be approved by ADEQ) _____

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

- Direct Hand Delivery to Customer – (Tiers 1, 2, 3)
- Individual Customer Mailing – (Tiers 2, 3)
- Posting at Conspicuous Locations throughout System (Tiers 1, 2, 3) –
Please indicate location & number of postings _____
- Publication in Local Newspaper – (Tiers 2, 3)
- E-mail to notify employees and students – (Tiers 1, 2)
- Other (Must be approved by ADEQ) _____

I certify that the above information is true and accurate to the best of my knowledge:

Name and Title (PRINT) _____
Signature _____ Date _____
Certified Operator # (if applicable) _____

- Tier 1 – Acute MCL violation, 24-hour public notice
- Tier 2 – Non-Acute MCL violation, 30-day public notice
- Tier 3 – Monitoring violation, 1 year public notice

For questions, please contact Donna Calderon at 602-771-4641 • Fax number: 602-771-4634
1110 West Washington Street Phoenix, Arizona 85007

Regulatory Expansion Fee

	Total No. Acres	\$50K CC&N Expansion Fee	\$30K CC&N Engineering Fee	\$170K Engineering Fee*	Total
Johnson Ranch Estates (New Plan)	1112	\$35,664	\$21,398	\$121,257	\$178,319
Florence Majestic Ranch	160	\$5,131	\$3,079	\$17,447	\$25,657
Majestic Ranch	134	\$4,298	\$2,579	\$14,612	\$21,488
Florence Crossing	45	\$1,443	\$866	\$4,907	\$7,216
Sunaire	108	\$3,464	\$2,078	\$11,777	\$17,319
TOTALS	1559	\$50,000	30,000	\$170,000	\$250,000

*50% to be paid with the agreement and 50% at the time regulatory approval is obtained and the MOU is dissolved.

The Public Notification Rule (40 CFR Part 40 CFR 141, Subpart Q)

§ 141.201

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than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a comprehensive performance evaluation by the State or a third party approved by the State no later than 30 days following the exceedance and have the evaluation completed and submitted to the State no later than 90 days following the exceedance.

(c) *Additional reporting requirements.*

(1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.

(2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the State under § 141.173(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the system must inform the State as soon as possible, but no later than the end of the next business day.

[63 FR 69516, Dec. 16, 1998, as amended at 66 FR 3779, Jan. 16, 2001]

Subpart Q—Public Notification of Drinking Water Violations

SOURCE: 65 FR 26035, May 4, 2000, unless otherwise noted.

§ 141.201 General public notification requirements.

Public water systems in States with primacy for the public water system supervision (PWSS) program must comply with the requirements in this subpart no later than May 6, 2002 or on the date the State-adopted rule becomes effective, whichever comes first. Public water systems in jurisdictions where EPA directly implements the PWSS program must comply with the requirements in this subpart on October 31, 2000. Prior to these dates, public water systems must continue to com-

ply with the public notice requirements in § 141.32 of this part. The term “primacy agency” is used in this subpart to refer to either EPA or the State or the Tribe in cases where EPA, the State, or the Tribe exercises primary enforcement responsibility for this subpart.

(a) *Who must give public notice?* Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1. The term “NPDWR violations” is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in this part 141. Appendix A to this subpart identifies the tier assignment for each specific violation or situation requiring a public notice.

TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE

- (1) NPDWR violations:
 - (i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
 - (ii) Failure to comply with a prescribed treatment technique (TT).
 - (iii) Failure to perform water quality monitoring, as required by the drinking water regulations.
 - (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.
- (2) Variance and exemptions under sections 1415 and 1416 of SDWA:
 - (i) Operation under a variance or an exemption.
 - (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.
- (3) Special public notices:
 - (i) Occurrence of a waterborne disease outbreak or other waterborne emergency.

Environmental Protection Agency

§ 141.202

TABLE 1 TO § 141.201—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE—Continued

- (ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the primacy agency under 141.11(d) of this part.
- (iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.
- (iv) Availability of unregulated contaminant monitoring data.
- (v) Other violations and situations determined by the primacy agency to require a public notice under this subpart, not already listed in Appendix A.

(b) *What type of public notice is required for each violation or situation?* Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in Table 1 of this section are determined by the tier to which it is assigned. Table 2 of this section provides the definition of each tier. Appendix A of this part identifies the tier assignment for each specific violation or situation.

TABLE 2 TO § 141.201—DEFINITION OF PUBLIC NOTICE TIERS

- (1) *Tier 1 public notice*—required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
- (2) *Tier 2 public notice*—required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
- (3) *Tier 3 public notice*—required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

(c) *Who must be notified?*

(1) Each public water system must provide public notice to persons served by the water system, in accordance with this subpart. Public water systems that sell or otherwise provide drinking water to other public water systems (*i.e.*, to consecutive systems)

are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(2) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the primacy agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the primacy agency for limiting distribution of the notice must be granted in writing.

(3) A copy of the notice must also be sent to the primacy agency, in accordance with the requirements under § 141.31(d).

§ 141.202 Tier 1 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 1 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE

- (1) Violation of the MCL for total coliforms when fecal coliform or *E. coli* are present in the water distribution system (as specified in § 141.63(b)), or when the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform (as specified in § 141.21(e));
- (2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in § 141.62, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in § 141.23(f)(2);
- (3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the primacy agency under § 141.11(d), as required under § 141.209;

TABLE 1 TO § 141.202—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE—Continued

- (4) Violation of the MRDL for chlorine dioxide, as defined in § 141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in § 141.133(c)(2)(i);
- (5) Violation of the turbidity MCL under § 141.13(b), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR) or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (7) Occurrence of a waterborne disease outbreak, as defined in § 141.2, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- (8) Detection of *E. coli*, enterococci, or coliphage in source water samples as specified in § 141.402(a) and § 141.402(b);
- (9) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the primacy agency either in its regulations or on a case-by-case basis.

(b) *When is the Tier 1 public notice to be provided? What additional steps are required? Public water systems must:*

- (1) Provide a public notice as soon as practical but no later than 24 hours

after the system learns of the violation;

(2) Initiate consultation with the primacy agency as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the primacy agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(c) *What is the form and manner of the public notice? Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:*

- (1) Appropriate broadcast media (such as radio and television);
- (2) Posting of the notice in conspicuous locations throughout the area served by the water system;
- (3) Hand delivery of the notice to persons served by the water system; or
- (4) Another delivery method approved in writing by the primacy agency.

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002; 71 FR 65652, Nov. 8, 2006]

§ 141.203 Tier 2 Public Notice—Form, manner, and frequency of notice.

(a) *Which violations or situations require a Tier 2 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix A to this subpart identifies the tier assignment for each specific violation or situation.*

Environmental Protection Agency

§ 141.203

TABLE 1 TO § 141.203—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 2 PUBLIC NOTICE

- (1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 1 notice is required;
- (2) Violations of the monitoring and testing procedure requirements, where the primacy agency determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and
- (3) Failure to comply with the terms and conditions of any variance or exemption in place.
- (4) Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer under § 141.403(a).

(b) *When is the Tier 2 public notice to be provided?*

(1) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The primacy agency may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. It is not appropriate for the primacy agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the primacy agency must be in writing.

(2) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the primacy agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the primacy agency to allow

less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the primacy agency to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. Primacy agency determinations allowing repeat notices to be given less frequently than once every three months must be in writing.

(3) For the turbidity violations specified in this paragraph, public water systems must consult with the primacy agency as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under § 141.202(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the system learns of the violation), following the requirements under § 141.202(b) and (c). Consultation with the primacy agency is required for:

(i) Violation of the turbidity MCL under § 141.13(b); or

(ii) Violation of the SWTR, IESWTR or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(c) *What is the form and manner of the Tier 2 public notice?* Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(1) Unless directed otherwise by the primacy agency in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which

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water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(2) Unless directed otherwise by the primacy agency in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

[65 FR 26035, May 4, 2000, as amended at 67 FR 1836, Jan. 14, 2002; 71 FR 65652, Nov. 8, 2006]

§ 141.204 Tier 3 Public Notice—Form, manner, and frequency of notice.

(a) Which violations or situations require a Tier 3 public notice? Table 1 of this section lists the violation categories and other situations requiring a Tier 3 public notice. Appendix A to this subpart identifies the tier assign-

ment for each specific violation or situation.

TABLE 1 TO § 141.204—VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 3 PUBLIC NOTICE

- (1) Monitoring violations under 40 CFR part 141, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 2 notice is required;
- (2) Failure to comply with a testing procedure established in 40 CFR part 141, except where a Tier 1 notice is required under § 141.202(a) or where the primacy agency determines that a Tier 2 notice is required;
- (3) Operation under a variance granted under Section 1415 or an exemption granted under Section 1416 of the Safe Drinking Water Act;
- (4) Availability of unregulated contaminant monitoring results, as required under § 141.207; and
- (5) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under § 141.208.

(b) When is the Tier 3 public notice to be provided?

(1) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

(2) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of paragraph (b)(1) of this section are met.

(c) What is the form and manner of the Tier 3 public notice? Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required

time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(1) Unless directed otherwise by the primacy agency in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

(2) Unless directed otherwise by the primacy agency in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

(d) *In what situations may the Consumer Confidence Report be used to meet*

the Tier 3 public notice requirements? For community water systems, the Consumer Confidence Report (CCR) required under Subpart O of this part may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as:

(1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under § 141.204(b);

(2) The Tier 3 notice contained in the CCR follows the content requirements under § 141.205; and

(3) The CCR is distributed following the delivery requirements under § 141.204(c).

[65 FR 26035, May 4, 2000; 65 FR 38629, June 21, 2000]

§ 141.205 Content of the public notice.

(a) *What elements must be included in the public notice for violations of National Primary Drinking Water Regulations (NPDWR) or other situations requiring a public notice?* When a public water system violates a NPDWR or has a situation requiring public notification, each public notice must include the following elements:

(1) A description of the violation or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) When the violation or situation occurred;

(3) Any potential adverse health effects from the violation or situation, including the standard language under paragraph (d)(1) or (d)(2) of this section, whichever is applicable;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the system is doing to correct the violation or situation;

(8) When the water system expects to return to compliance or resolve the situation;

(9) The name, business address, and phone number of the water system

owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

(10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under paragraph (d)(3) of this section, where applicable.

(b) *What elements must be included in the public notice for public water systems operating under a variance or exemption?*

(1) If a public water system has been granted a variance or an exemption, the public notice must contain:

(i) An explanation of the reasons for the variance or exemption;

(ii) The date on which the variance or exemption was issued;

(iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(iv) A notice of any opportunity for public input in the review of the variance or exemption.

(2) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in paragraph (a) of this section.

(c) *How is the public notice to be presented?*

(1) Each public notice required by this section:

(i) Must be displayed in a conspicuous way when printed or posted;

(ii) Must not contain overly technical language or very small print;

(iii) Must not be formatted in a way that defeats the purpose of the notice;

(iv) Must not contain language which nullifies the purpose of the notice.

(2) Each public notice required by this section must comply with multilingual requirements, as follows:

(i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the primacy agency, the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the no-

tice or to request assistance in the appropriate language.

(ii) In cases where the primacy agency has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in paragraph (c)(2)(1) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.

(d) *What standard language must public water systems include in their public notice?* Public water systems are required to include the following standard language in their public notice:

(1) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption. Public water systems must include in each public notice the health effects language specified in Appendix B to this subpart corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix A to this subpart, and for each violation of a condition of a variance or exemption.

(2) Standard language for monitoring and testing procedure violations. Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix A to this subpart:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time.

(3) Standard language to encourage the distribution of the public notice to all persons served. Public water systems must include in their notice the following language (where applicable):

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 a public place or distributing copies by hand or mail.

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§ 141.206 Notice to new billing units or new customers.

(a) *What is the requirement for community water systems?* Community water systems must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

(b) *What is the requirement for non-community water systems?* Non-community water systems must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

§ 141.207 Special notice of the availability of unregulated contaminant monitoring results.

(a) *When is the special notice to be given?* The owner or operator of a community water system or non-transient, non-community water system required to monitor under §141.40 must notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

(b) *What is the form and manner of the special notice?* The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in §§141.204(c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

§ 141.208 Special notice for exceedance of the SMCL for fluoride.

(a) *When is the special notice to be given?* Community water systems that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l as specified in §143.3 (determined by the last single sample taken in accordance with §141.23), but do not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride (as specified in §141.62), must provide the public notice in paragraph (c) of this section to persons served. Public notice must be provided as soon as practical but no

later than 12 months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the State public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the primary agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

(b) *What is the form and manner of the special notice?* The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in §141.204(c) and (d)(1) and (d)(3).

(c) *What mandatory language must be contained in the special notice?* The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/l.

Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

§ 141.209 Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the primacy agency under § 141.11(d)

(a) *When is the special notice to be given?* The owner or operator of a non-community water system granted permission by the primacy agency under § 141.11(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under § 141.202(a) and (b).

(b) *What is the form and manner of the special notice?* Non-community water systems granted permission by the primacy agency to exceed the nitrate MCL under § 141.11(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under § 141.202(c) and the content requirements under § 141.205.

§ 141.210 Notice by primacy agency on behalf of the public water system.

(a) *May the primacy agency give the notice on behalf of the public water system?* The primacy agency may give the notice required by this subpart on behalf of the owner and operator of the public water system if the primacy agency complies with the requirements of this subpart.

(b) *What is the responsibility of the public water system when notice is given by the primacy agency?* The owner or operator of the public water system remains responsible for ensuring that the requirements of this subpart are met.

§ 141.211 Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level.

(a) *When is the special notice for repeated failure to monitor to be given?* The owner or operator of a community or non-community water system that is

required to monitor source water under § 141.701 must notify persons served by the water system that monitoring has not been completed as specified no later than 30 days after the system has failed to collect any 3 months of monitoring as specified in § 141.701(c). The notice must be repeated as specified in § 141.203(b).

(b) *When is the special notice for failure to determine bin classification or mean *Cryptosporidium* level to be given?* The owner or operator of a community or non-community water system that is required to determine a bin classification under § 141.710, or to determine mean *Cryptosporidium* level under § 141.712, must notify persons served by the water system that the determination has not been made as required no later than 30 days after the system has failed report the determination as specified in § 141.710(e) or § 141.712(a), respectively. The notice must be repeated as specified in § 141.203(b). The notice is not required if the system is complying with a State-approved schedule to address the violation.

(c) *What is the form and manner of the special notice?* The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in § 141.203(c). The public notice must be presented as required in § 141.205(c).

(d) *What mandatory language must be contained in the special notice?* The notice must contain the following language, including the language necessary to fill in the blanks.

(1) The special notice for repeated failure to conduct monitoring must contain the following language:

We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the (treatment plant name) is sufficient to adequately remove *Cryptosporidium* from your drinking water. We are required to complete this monitoring and make this determination by (required bin determination date). We "did not monitor or test" or "did not complete all monitoring or testing" on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required

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treatment modifications, if any, completed by the deadline required, (date).

For more information, please call (name of water system contact) of (name of water system) at (phone number).

(2) The special notice for failure to determine bin classification or mean *Cryptosporidium* level must contain the following language:

We are required to monitor the source of your drinking water for *Cryptosporidium* in order to determine by (date) whether water treatment at the (treatment plant name) is sufficient to adequately remove *Cryptosporidium* from your drinking water.

We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of (date). For more information, please call (name of water system contact) of (name of water system) at (phone number).

(3) Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.

[71 FR 768, Jan. 5, 2006]

Attachment 11

**JOHNSON UTILITIES
EMERGENCY RESPONSE PLAN**

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