

Aircraft Drinking Water Rule (ADWR)

U.S. Environmental Protection Agency's Clarification and Questions and Answers from the ADWR Training Sessions

April 11, 2011

Forward..... 3

Coliform Monitoring and Sampling..... 5

 Routine Monitoring Requirements..... 5

 Sample Invalidation 6

 Sample Designation 8

 Sampling Locations 8

 Special/Special Purpose Samples..... 8

 Certified Laboratories 9

Disinfection and Flushing (D&F) 10

Operation and Maintenance Plans (O&M) 11

Procedures for Conducting Self-Inspections –40 CFR §141.808(b)..... 12

Procedures for Boarding Water – 40 CFR 141.805 14

Public Notification 15

Compliance Audits – 40 CFR §141.808 15

In November 2010 and February 2011, the U.S. Environmental Protection Agency provided free training sessions on the implementation of the newly promulgated “Aircraft Drinking Water Rule” (ADWR). The invitation to attend was extended to regulated air carriers, air carrier associations, contractors, other federal government agencies, and interested members of the general public. The invitation was published on EPA’s website and was published in the Federal Register for maximum participation potential.

During the training sessions, numerous questions and concerns were brought up requiring further clarification, including guidance on how to address various scenarios that could be faced by the air carriers. This document provides answers to those questions, and attempts to provide resolution to the concerns brought up. Included in this document are both technical clarifications, as well as policy clarifications. Additionally, for more implementation details refer to the “*Guidance Manual for the Aircraft Drinking Water Rule (ADWR) – Interim Final*”.

This document provides guidance and contains EPA’s current policy recommendations for complying with the Aircraft Drinking Water Rule. This is a living document and may be revised periodically without public notice.

The statutory provisions and the final regulations described in this document contain legally binding requirements. This document is not a regulation itself, nor does it change or substitute for those provisions and regulations. Thus, it does not impose legally binding requirements on EPA or public water systems. This guidance does not confer legal rights or impose legal obligations upon any member of the public.

While EPA has made every effort to ensure the accuracy of the discussion in this guidance, the obligations of the regulated community are determined by statutes, regulations, or other legally binding requirements. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling. The general description provided here may not apply to a particular situation based upon the circumstances. EPA retains the discretion to adopt approaches on a case-by-case basis that differ from those described in this guidance, where appropriate.

Abbreviations

ADWR = Aircraft Drinking Water Rule

ARCS=Aircraft Reporting and Compliance System

AOC= Administrative Order on Consent

NPDWR=National Primary Drinking Water Regulations

SDWA=Safe Drinking Water Act

Routine Monitoring Requirements

Q: I took a routine sample, disinfected and flushed the system, then took follow-up samples. The routine sample was negative, but the follow-up sample was positive. What must I do?

A: In accordance with §141.806(b)(3), all sample results (i.e., required and not required by the ADWR) must be reported to EPA no later than 10 calendar days following the monitoring period in which the sampling occurred. However, in accordance with §141.806(b)(4), positive sample results must be reported to EPA no later than 10 calendar days of the event (e.g., notification of the positive result from the laboratory). Additionally, if the positive “follow-up” sample is a special purpose sample (not required by ADWR) that was collected in connection to the disinfection and flushing performance, the expectation is that the air carrier follows the appropriate corrective actions in accordance with §141.803(e). In lieu of or in addition to these actions, EPA may use its authority and require public notification as necessary to protect public health [§141.805(a)(7)].

Q: Do I need to report the time my samples were taken as well as the date?

A: Yes, you should report the time and date a sample was taken. The sample time and date are the factors used to determine compliance with the ADWR based on the event (e.g., positive sample result) and performing the required actions within the applicable timeframes in accordance with the rule (e.g., §141.803(a)(4), §141.803 (b)(6), §141.803 (c)(2), and (c)(3), §141.803 (e)(4) and (e)(5), §141.803 (f), §141.803 (g), §141.803 (h), §141.803(i)), 141.805(f)(2)).

Q: If my aircraft PWS consists of “separate” water systems with different tanks that use different filling ports for each tank, and different piping from each tank to the tap(s), do I need to “deactivate” the system(s) that was not positive for coliforms?

A: As specified in the ADWR, the components of an aircraft water system include the water service panel, the filler neck of the aircraft finished water storage tank, and all finished water storage tanks, piping, treatment equipment and plumbing fixtures within the aircraft that supply water for hum consumption. These components collectively define a single aircraft PWS, regardless of the number of “separate” systems that exists on the aircraft. Subsequently, the ADWR requirements apply to the entire aircraft PWS. However, if an aircraft PWS has identified and fully documented in the operation and maintenance plan required under §141.804 one or more entirely “separate” water systems, EPA interprets its rule as requiring corrective action only for the separate water system that did test positive for coliforms.

As a result, as long as the aircraft PWS consists of (1) different water tanks that use different filling ports for each tank, and (2) has different piping (no physical connection) from each tank to the tap(s), then, if a “separate” system tests positive for coliforms and the other(s) does not, the following must be completed by the air carrier:

- (1) all corrective action, including applicable Restrict Public Access requirements, must be performed and reported to EPA within the required timeframe(s) for the “separate” system with the positive event;
- (2) the “separate” system design must be explained, including make and model of the aircraft, in the O&M plan that is submitted for approval under the FAA-O&M program; and
- (3) the O&M plan and documentation of the “separate” water system design must be made available to EPA upon request.

Q: On our larger aircraft, we took more than the required *two* routine samples. Do we have to report the extra samples?

A: Yes, in accordance with §141.806(b)(3), all sample results (i.e., required and not required by the ADWR) must be reported to EPA no later than 10 calendar days following the monitoring period in which the sampling occurred. However, in accordance with §141.806(b)(4), positive sample results must be reported to EPA no later than 10 calendar days of the event (e.g., notification of the positive result from the laboratory). Additionally, to determine compliance with the ADWR, samples should be reported based on the type (e.g., routine, repeat, follow-up, special purpose) and identified as such on the sample bottles and the paperwork/chain-of custody sent with the samples to the lab.

Q: After boarding water, we received a positive sample result. Do I have to report it to EPA?

A: Yes, in accordance with §141.806(b)(3), all sample results (i.e., required and not required by the ADWR) must be reported to EPA no later than 10 calendar days following the monitoring period in which the sampling occurred. However, in accordance with §141.806(b)(4), positive sample results must be reported to EPA no later than 10 calendar days of the event (e.g., notification of the positive result from the laboratory). Additionally, If the positive sample is a routine, repeat, or follow-up sample, you must follow the corrective actions in accordance with §141.803(c) for the applicable positive result. If the positive sample is a special purpose sample (not required by ADWR) the expectation is that the air carrier follows the appropriate corrective actions in accordance with §141.803(c)(2), §141.803(c)(3), or §141.803(e). In lieu of or in addition to these actions, EPA may use its authority and require public notification as necessary to protect public health [§141.805(a)(7)].

Sample Invalidation

Q: If my repeat sample or other sample, prompted by an *E. coli* positive sample, is invalidated by EPA or state certified lab, what do I have to do?

A: Only total coliform-positive and *E.coli*-negative samples can be invalidated by EPA in accordance with §141.21(c)(1)(i),(ii), or (iii), or by the certified lab in accordance with §141.21(c)(2). When a sample is invalidated in accordance with one of these sections, a replacement sample must be collected and provided for analysis. The timeframe by which you provide a replacement sample under §141.21(c)(1)(i),(ii), or (iii), is stipulated

by EPA on case-by-case basis. However, under §141.21(c)(2), the replacement sample must be collected within 24 hours of being notified, unless EPA waives the 24-hour time limit.

For any routine, repeat, or follow-up sample result that is positive, the air carrier must perform all the corrective actions in accordance with §141.803(c), or §141.803(e), even though the initial sample was invalidated.

When reporting to the Aircraft Reporting and Compliance System (ARCS), and resubmitting to the lab, the sample collected as a result of invalidation should be identified as a “replacement sample”.

Q: If my sample is rejected by a laboratory and never analyzed (i.e., broken bottle), can I have it invalidated?

A: No. The sample does not qualify for laboratory invalidation, which only applies to analyzed samples. The ADWR clearly defines what criteria must be met. The lab will ask the carrier to re-sample. Carriers should leave sufficient time to re-sample if necessary before the end of the compliance period.

Q: I am required to provide a replacement sample for a total coliform-positive and *E. coli* negative result, but my aircraft is on an international route. What should I do?

A: A replacement sample is required when a total coliform-positive and *E.coli*-negative sample is invalidated by EPA in accordance with §141.21(c)(1)(i),(ii), or (iii), or by the certified lab in accordance with §141.21(c)(2).

If the aircraft PWS is on an international route when notified that a sample was invalidated and a replacement sample is required, under this rare condition, immediately change the aircraft PWS activity status to INACTIVE and identify “foreign route” as the ‘reason code’ in the Aircraft Reporting and Compliance System (ARCS). In this way, compliance will not be determined until the aircraft is ACTIVE. When the aircraft PWS is returned to the US, immediately change the activity code to ACTIVE, and perform the appropriate corrective actions in accordance with §141.803(c), or §141.803(e) for any routine, repeat, or follow-up sample result that was positive. Under 141.803(f), the air carrier must perform all the corrective actions, even though the initial sample was invalidated.

Additionally, collect the replacement sample in the timeframe stipulated by EPA, or within 24 hours if the sample was invalidated in accordance with §141.21(c)(2). EPA may grant a waiver to the 24-hour limit under §141.21(c)(2). If a replacement sample is coliform positive you should follow the appropriate corrective actions in §141.803(c), or §141.803(e) .

When reporting to the Aircraft Reporting and Compliance System (ARCS), and resubmitting to the lab, the sample collected as a result of invalidation should be identified as a “replacement sample”.

Sample Designation

Q: My Administrative Order on Consent (AOC) does not require me to designate the sample type (e.g., routine, follow-up, repeat, and special) before sending them off to the lab. Is the ADWR different?

A: Yes, to determine compliance with the ADWR, designating the sample type before sending to the lab is necessary. EPA recommends that you label the sample bottle with the sample type and include on the paperwork (e.g., chain-of-custody) submitted to the lab.

Sampling Locations

Q: My aircraft have numerous galleys and lavatories. Which ones do I need to take samples from to conduct my routine sampling?

A: For aircraft with multiple water taps, the ADWR requires that samples for routine monitoring be taken at a galley *and* a lavatory tap. Which ones is a choice for the air carrier, as long as there is one from each. However, EPA suggests that the sample collection locations be rotated each monitoring period to ensure the entire aircraft water system is sampled periodically.

Q: My aircraft only has one small removable tank that we drain every day, and only connects to a single galley (or lavatory) tap. Do I have to take two samples from the same tap?

A: No. For aircraft with a small removable/portable tank that is drained every day of passenger service, *and* has only one tap in the aircraft, only one 100 mL sample needs to be taken for routine samples. However, the sample count for a “follow-up” sample (i.e., two 100 mL) and a “repeat” sample (i.e., three 100 mL) must be taken in accordance with §141.803 of the rule.

Q: After receiving positive routine sample results, where must I take follow-up samples?

A: Follow-up samples must be taken at the same locations from which the routine samples were taken.

Special/Special Purpose Samples

Q: If I take a “special purpose” sample do I have to report the results to US EPA, and what actions do I need to perform for special purpose samples that are coliform positive?

A: “Special purposes” are collected by the air carrier on a voluntary basis, as needed, to indicate the quality of the onboard water. This sample type is not required by the ADWR, and cannot be the basis for a violation due to a positive *E. coli* sampling result [§141.810(b)]. However, if a “special purpose sample” is collected by the air carrier it should be identified as such when submitting to the certified laboratory for analysis and it

must be reported to EPA. The following explains how the rule requirements apply to this kind of sample.

If the “special purpose” sample result is coliform negative, you must report the sample result(s) to EPA under §141.806(b)(3) by the 10th day following the aircraft PWS’s routine monitoring period (e.g., if annual sample frequency, the result of the “special purpose” sample collected in 2011 would need to be reported to by Jan. 10, 2012). You must also keep records of the bacteriological result for at least 5 years in accordance with §141.807(a).

If the “special purpose” sample result is coliform positive (i.e., total-coliform or *E. coli*), it must be reported to EPA under §141.806(b)(3). Report the coliform positive sample results and the actions you take to correct the positive result to EPA by the 10th day of receipt of the results from the laboratory. EPA may request public notification [§141.805(a)(7)] if necessary to protect public health. If the “special purpose” sample is *E. coli*-positive, the air carrier should perform the actions in accordance with §141.803(c)(2)(i), (ii), and (iii). If the “special purpose” sample is total-coliform positive and *E. coli*-negative, the air carrier should perform the actions in accordance with §141.803(c)(3)(i), (ii), or (iii). If follow-up samples are coliform positive, the air carrier should perform actions in accordance with §141.803(e)(5). You must also keep the records of the bacteriological result for at least 5 years in accordance with §141.807(a).

Certified Laboratories

Q: How do I know if my lab is certified?

A: There are several ways to identify whether your lab is certified:

- Ask your lab to see their state certification when you hire them. If they cannot or will not produce a certificate for you, they may not be certified.
- Contact the state drinking water agency where the lab is located. All states, with the exception of Wyoming and D.C., are the certifying agencies.
- You may also contact your EPA ADWR Regional contact. A list of Regional contacts is provided in ARCS and at <http://water.epa.gov/lawsregs/rulesregs/sdwa/airlinewater/contacts.cfm>.

Q: My lab was certified when we hired them, and we had them analyze samples in October. In December, we found out that they had *lost* their certification *before* they conducted our last analysis. What does this mean for us?

A: If your laboratory loses its certification and still analyzes your samples afterward, those samples *cannot* be used to show compliance. In this circumstance, EPA views this to be the same as failure to collect required routine samples. Therefore, you must follow the corrective actions in accordance with 141.803(f). If you had your samples re-taken within the *same* monitoring period, you will not be in violation. However, if you re-sample *after* the end of the monitoring period, a violation will be issued.

Q: The ADWR states that I must disinfect and flush in accordance with the manufacturer’s recommendation, but I have a Federal Aviation Administration (FAA) approved method that is different from what the manufacturer recommends. Can I follow the FAA approved method?

A: Yes, as long as certain conditions are met. An air carrier may follow an FAA approved method for disinfection and flushing which is different from the manufacturer’s recommendation under the following conditions:

- An air carrier may conduct D&F *more* frequently, but *not less* frequently than the manufacturer recommends.
- The air carrier should ensure the FAA approved procedures will *not* result in damage to the aircraft water system.

Q: In the “Disinfection and Flushing” section of the ADWR Technical Guidance Manual, it states that air carriers must “Flush the water system with potable water by allowing the water to flow from each tap until disinfectant is no longer observed or otherwise detected.” Our company uses chlorine as a disinfectant, and chlorine is in the “finished” water. How can we flush it until there is no trace?

A: If you are using chlorine as a disinfectant and then flushing that with chlorinated potable water, we recommend that you flush until the disinfectant residual (from the potable water) is reached and does not exceed the NPDWR for Chlorine (Cl₂) of 4.0 mg/L.

Q: Can I somehow minimize the amount of time my aircraft is out of service by combining D&F with routine monitoring in case my routine sample(s) is positive for coliforms?

A: Yes. An air carrier has the option to combine routine D&F with routine monitoring. The way to accomplish this would be to have the aircraft available and (in this order):

- 1) Collect routine samples;
- 2) Immediately conduct disinfection and flushing procedures; and
- 3) To further save time, an air carrier may collect follow-up samples immediately following the disinfection and flushing.

What this accomplishes:

- If the *routine* sample analysis is returned negative, the air carrier continues business as usual.
- If the *routine* sample analysis is returned positive, the air carrier has already performed corrective D&F. Use the results of the follow-up samples to determine next course of action.
 - If the follow-up sample results is positive, the air carrier must follow all required corrective actions in accordance with §141.803(e).

Operation and Maintenance Plans (O&M)

Q: How should my aircraft public water system's O&M Plan be formatted?

A: EPA is not requiring any specific format for the development of an O&M Plan. As an example, however, an O&M plan could be developed as one single document with all of the required information included. Alternatively, the O&M Plan could be developed as a document that refers the reader to other manuals or files that have each been updated to address the provisions of the ADWR. The main requirement is that EPA has access to all of the required information upon request, or during a compliance audit. The O&M plan must include at a minimum the items listed §141.804 of the rule.

Q: Do I need to contact the Food and Drug Administration (FDA) for each watering point that is located at my airport?

A: No, FDA will assign an establishment number that will include *all* watering points owned by a firm, instead of for each watering point that the firm owns.

Q: A watering point I want to use is not on FDA's list of "approved" watering points; do I have to find alternate watering points?

A: Not necessarily. If a watering point is not on the list, it could mean that FDA has not inspected it yet, and it could have a provisional approval. Contact your FDA district office to obtain the status for that particular watering point.

Q: I know the watering points we use are in conformance with FDA regulations, but what about the water carts/trucks that actually serve my aircraft?

A: FDA's list of approved watering points will include all water cabinets, carts, and trucks owned by a firm. Refer to FDA's list or contact the FDA district office for information regarding these "mobile" points.

Q: FDA's list of watering points is not yet available. How do I determine if my watering points are in conformance with the FDA regulations?

A: Contact the FDA district office to obtain a list in your area.

Personnel Training Requirements – 40 CFR §141.804(b)(4)

Q: The ADWR requires us to ensure that *all* of our employees are trained in the O&M provisions of ADWR (40 CFR §141.804(b)(4)). Does this mean that even our data entry person needs to be trained on how to disinfect and flush, take samples, etc.?

A: No. EPA interprets the regulation to mean that only persons who are directly "involved with" compliance with the operation and maintenance provisions of the ADWR are required to be trained, and that the amount of training may vary depending upon the specific tasks that they are responsible for as it relates to carrying out functions of the ADWR. This training can be in-classroom or on-the-job-training (OJT).

Q: Our mechanics are trained on most of these provisions in their formal mechanical schools, or are trained in the use of work cards that relate directly to implementing parts of the ADWR requirements. Do we need to provide additional training here in house?

A: If a mechanic receives formal training on conducting a general visual inspection using work cards, then you must simply note that they have been properly trained, and note how that training was provided. Additionally, they must be trained on the “public health and safety reasons for the requirements of this regulation.” 40 CFR §141.804(b)(4)(iv)

Q: Can we use technical manuals for training?

A: Yes. If you have a technical manual that is used by personnel that specifies how to carry out specific tasks, you may use that as training for your personnel.

Q: Are the flight attendants required to be trained as well?

A: Specific training is not generally required for flight attendants because they are not directly involved with compliance with the operation and maintenance provisions of the ADWR,. However, where flight attendants are responsible for implementing other parts of the ADWR, air carriers should provide training.

Procedures for Conducting Self-Inspections –40 CFR §141.808(b)

Q: What does “deficiency” mean regarding self-inspections (§141.808)?

A: Under the ADWR, a deficiency is any defect that causes, or has the potential to cause, the introduction of contamination into the water delivered to passengers and crew for human consumption. This includes defects (i.e., cracks, leaks, corrosion, damage) in the design, operation, or maintenance of the storage tank, distribution system, supplemental treatment, fixtures, valves, backflow prevention devices, and fittings of the aircraft public water system.

Q: What does “Addressed” mean regarding “deficiencies addressed” during a self-inspection and audits [as applied to §§141.806(c) and 141.808(c)] respectively?

A: For purposes of the ADWR, “Addressed” means the air carrier has taken the appropriate measures (e.g. ordered part, scheduled maintenance, etc.) to fix a deficiency identified as a result of a self-inspection or audit of the aircraft PWS. The air carrier would report the following result of the self-inspection or audit to US EPA, through the Aircraft Reporting and Compliance system (ARCS):

- 1) If no deficiencies were found, the air carrier would report the [Date of Self-Inspection] and that [No] deficiency was found. When the entire aircraft PWS is inspected within the 5-year period, the air carrier would report the [Date Self-Inspection Completed].

- 2) If a deficiency was found and fixed in 90 days, the air carrier would report the [Date of Self-Inspection]; [Yes] deficiency was found; and [Yes] the deficiency was addressed in 90-days. When the entire aircraft PWS is inspected within the 5-year period, the air carrier would report the [Date Self-Inspection Completed].
- 3) If a deficiency was found and not fixed in 90 days, the air carrier would report the [Date of Self-Inspection]; [Yes] deficiency was found; [No] the deficiency was not addressed in 90 days; describe the deficiency by selecting the component of the aircraft PWS (i.e., storage tank, distribution system, supplemental treatment, fixtures, valves, backflow prevention device) with the deficiency; describe why the deficiency was not addressed; and provide a [Date] by which the deficiency will be addressed. When the entire aircraft PWS is inspected within the 5-year period, the air carrier would report the [Date Self-Inspection Completed].

NOTE: Regardless of whether a deficiency was fixed in 90 days or not, from the date of identification, air carriers must maintain records (written reports, summaries, or communications related to self-inspection in accordance with §141.807 (c) (e.g., work cards or other types of documentation) for at least 10 years.

Q: Since we inspect different sections of the aircraft at different times throughout the five-year period, do we have to report to EPA after we inspect each section?

A: If no deficiencies are found, EPA only requires that you report the “completion” of the inspection within 90 days of its completion. However, if deficiencies are found, you must report required information in accordance with § 141.806(c) to EPA within 90 days of conducting the partial inspection (See question above regarding “Addressed”),

Q: We discovered a deficiency in the aircraft’s water system during a partial general visual inspection (GVI). Do we have to report the deficiency to EPA?

A: Not necessarily. EPA requires that an air carrier report to EPA within 90 days that any discovered deficiency “has been addressed.” This does not mean that the deficiency must be fixed within 90 days, but does require that some action has been taken to correct it, such as ordering a part and scheduling the maintenance. (See question above regarding “Addressed.”)

Q: We do not always complete a full self-inspection all at once. Is this okay?

A: Yes. An air carrier may conduct partial self-inspections over the five-year period required under the ADWR. For example, some air carriers inspect the aircraft by zones at different times throughout this period. So long as the complete aircraft public water system is inspected during the five-year period, EPA will consider the air carrier to be in compliance.

Q: How detailed do our self-inspections have to be, and what do we have to look at?

A: EPA requires that all parts of the aircraft’s public water system be inspected during the self-inspection period. Conducting a general visual inspection (GVI) is acceptable. Refer to section 5.6 (page 61) of the ADWR Technical Guidance Manual for more details.

Q: What does “becomes aware” mean and how does it apply to boarding water?

A: “Becomes aware” means that a responsible person at an air carrier has received credible information through EPA, laboratory reporting, employee complaints, or any other means, that an aircraft PWS is not in compliance with the ADWR (e.g., failed to perform routine D&F, boarded water from a watering point not in accordance with NPDWRs).

If water is boarded from a watering point not in accordance with Food and Drug Administration (FDA) regulations, EPA National Primary Drinking Water Regulations (NPDWRs), or procedures in an aircraft PWS’ Operations and Maintenance (O&M) plan, EPA interprets its rule as follows:

(1) If the air carrier “becomes aware” of such an event at the time water for human consumption is boarded onto the aircraft PWS, air carriers must perform the appropriate corrective actions in accordance with §141.803(h) (for *E. coli*-positive events) or §141.803 (i) (for non-*E. coli*-positive events); or

(2) If the air carrier “becomes aware” of such an event after boarding water for human consumption onto the aircraft PWS, and from the time the event occurred to the time an air carrier “becomes aware,” a routine disinfection and flushing and/or routine sample was performed on the aircraft PWS, and the results were total coliform negative, no further actions are required. If the results are positive, the air carriers must follow the actions in accordance with §141.803(h) (for *E. coli*-positive events) or §141.803 (i) (for non-*E. coli*-positive events).

Air carriers should maintain all records associated with these events in accordance with § 141. 807 and report the actions to EPA through its ARCS.

Q: Some of our aircraft fly both domestically and internationally. How do we board water in a foreign country and stay in compliance with the ADWR?

A: EPA does not have jurisdiction while an aircraft is flying an international route. However, if an aircraft boards water at an international location, and the aircraft returns to the U.S. to fly a domestic route, the quality of water must meet FDA and EPA standards before being served for human consumption. It is the air carrier’s responsibility to ensure that the water meets these standards. Additionally, EPA is requiring that air carriers specify in their O&M plans the steps they will take to ensure that the quality of water boarded outside of the U.S. meets these standards.

Public Notification

Q: We received a positive sample result (total coliform or *E. coli*) from the lab and immediately disconnected the water system. Do we still need to provide public notice?

A: Under the ADWR, if the water system is disconnected and the passengers and crew cannot access the water, the air carrier is only required to provide a briefing to the entire crew during the MEL (or equivalent) briefing or post the notice in the galley where the crew will see it prior to flying.

Q: We have crew changes several times during a day. Must the incoming crew be read the entire notice as well?

A: Yes, if a crew briefing is conducted as part of an MEL is being used in lieu of posting the public notice in accordance with §141.805. When using the crew briefing process *all* crewmembers on the aircraft *must* be read the entire notice prior to flying. If there is a crew change out, the new crew must also be read the entire notice.

Q: In the event of an EPA compliance audit, how would we prove to EPA that we provided verbal notification to the crew?

A: Air carriers are required to maintain records of *all* public notifications (including crew-only and verbal) for a period of three years. These records may be retained electronically or in hard copy. The air carrier may also elect to keep records of the crew-only verbal notification in the aircraft's logbook. However, if the air carrier chooses to keep records this way, it must be prepared to produce the logbook to EPA during a compliance audit, or when requested.

Q: The public notice example in the ADWR Technical Guidance Manual shows that we must insert the number of positive samples. Is this necessary?

Yes, in accordance 141.805(g)(1), "number of samples detected" must be included in the health effects language used in a public notification to the crew.

Compliance Audits – 40 CFR §141.808

Q: When will our company be audited?

A: The timing and frequency of EPA compliance audits on aircraft public water systems will be left to the discretion of the EPA Regions.

Q: How will we know when we are going to be audited, and are there surprise audits?

A: The EPA Region with jurisdiction for your air carrier will attempt to provide ample notice for air carriers to compile all the necessary records and otherwise prepare for the audit. However, the timing will depend upon a number of factors.

Q: Some of our records are located in different parts of the country. Where will the audit take place?

A: EPA Regions will ultimately make the decision as to where the audit will occur, although it will most likely occur at the air carrier's headquarters. They will work with air carriers to gather all of the required materials and records prior to the audit.

Q: Will EPA want to see our aircraft during a compliance audit?

A: It is possible that EPA will want to observe your aircraft while boarding water, taking samples, or other procedures to ensure compliance with the ADWR. The Regional auditor will generally inform you in advance.