

## **Mapping Ground Water Rule Requirements:**

### **Consumer Confidence Report, Public Notification, and Special Notice**

*This is the fifth in a series of five short articles developed by US Environmental Protection Agency (EPA), Office of Ground Water and Drinking Water (OGWDW) that summarize key components of the Ground Water Rule (GWR). As with all drinking water rules, please check with your Primacy Agency for specific State-related requirements.*

The first four articles of this series focused on the other main requirements the Ground Water Rule (GWR): Source Water Monitoring, Compliance Monitoring, Sanitary Surveys and Corrective Action. This final article discusses the new requirements the GWR introduces regarding the ***Public Notification (PN) Rule***, the ***Consumer Confidence Report (CCR) Rule*** and ***Special Notice***.

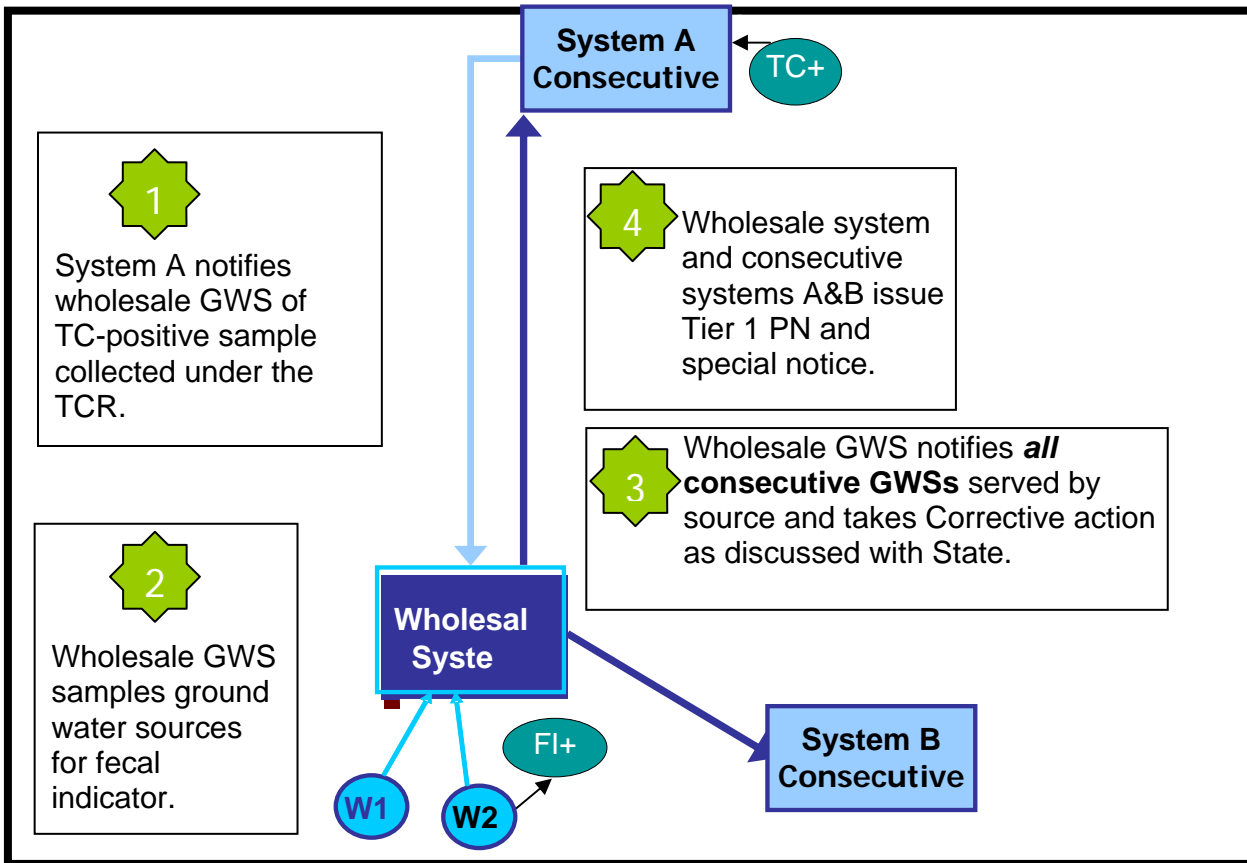
#### **GWR and Public Notification**

The PN Rule specifies how water system operators are to inform consumers of any potential adverse health effects related to the drinking water being supplied to them, and to identify steps that consumers can take to minimize the health impact. Public notification provisions have always been a part of the Safe Drinking Water Act. The GWR has additional PN requirements that apply to all types of ground water systems (GWSs), including consecutive and wholesale systems. Public notification is communicated via three tiers of delivery methods and timeframes depending on the severity of the violation or situation. A summary of the tiers and when GWSs might have to provide a notice under the GWR requirements is shown in Table 1.

<b><u>Table 1: Public Notification Requirements under the Ground Water Rule</u></b>		
<i>Type of Tier</i>	<i>Type of Action</i>	<i>GWR PN requirement</i>
<b>Tier 1</b>	Notice as soon as practical but no later than 24 hrs via radio, TV, hand delivery, posting or other State-approved media.	<ul style="list-style-type: none"> <li>▪ Fecal indicator-positive source water sample.</li> </ul>
<b>Tier 2</b>	Notice as soon as practical but no later than 30 days via mail, direct delivery or other State-approved media. Repeat notice every three months until violation is resolved.	<ul style="list-style-type: none"> <li>▪ Failure to complete a corrective action or be in compliance with State-approved schedule.</li> <li>▪ Failure to maintain 4-log treatment of viruses.</li> </ul>
<b>Tier 3</b>	Notice within 12 months via mail, direct delivery or as part of the CCR (if provided no more than 12 months after the violation). Repeated annually for unresolved issues.	<ul style="list-style-type: none"> <li>▪ Failure to conduct required source water monitoring (triggered, additional or assessment) or compliance monitoring.</li> </ul>

As mentioned in the second article, the GWR utilizes the wholesale and consecutive system relationship. This mainly applies to GWSs that do not provide 4-log treatment for viruses and must comply with the GWR triggered and additional source water monitoring requirements. Under to the GWR, consecutive systems are required to inform their wholesale system within 24 hours of any total coliform-positive (TC+) sample collected for Total Coliform Rule (TCR) monthly monitoring compliance. A wholesaler that is not conducting compliance monitoring must collect a triggered source water sample within 24 hours of learning of a TC+ sample either in the wholesaler’s or consecutive system’s distribution system. If the triggered source water monitoring sample is fecal indicator-positive (FI+), the wholesaler is required to inform all the consecutive systems that are provided ground water from that source. In turn, both the wholesalers and the consecutive systems that delivered finished water from the FI+ ground water source must notify their consumers via the Tier 1 and Special Notice. For an example of the PN requirements under the GWR and the wholesale and consecutive relationship, please see Figure 1.

**Figure 1. GWR Requirements for Public Notification and the Wholesale/Consecutive Relationship**



### ***GWR & Consumer Confidence Report Requirements***

The Consumer Confidence Rule requires Community Water Systems (CWSs) to provide consumer confidence reports (CCRs) to their customers. While the GWR does not require Non-Community Water Systems (NCWSs) to provide CCRs, they are required to issue special notice.

In general, community GWSs must deliver their CCR to their consumers by July 1 of each year. The CCRs are based on the previous calendar-year data. This means that a CCR published in July reflects system status and data collected between January and December of the previous calendar year. Community GWSs are required to include any treatment techniques violations, any failure to meet the GWR monitoring requirements, any fecal indicator-positive samples from source water monitoring results, and the range of the results for the chemical disinfectants and byproducts in their CCRs. GWR treatment technique violations are defined as failure to be in compliance with an approved corrective action plan (resultant from either a fecal indicator-positive sample or from a significant deficiency) and/or failure to maintain 4-log treatment of viruses for more than four hours. A GWS must provide an explanation of the treatment technique violations, the length of the violation(s), any potential adverse health effects, and a description of the steps the public water system took to address the violation(s) in the CCR.

It is recommended that this information be presented in a table adjacent to the Water Quality Data table. Please see the revised *Preparing Your Drinking Water Consumer Confidence Report* (April 2010) for guidance. Failure to monitor includes all monitoring required under triggered, additional, or assessment source water monitoring as well as compliance monitoring. All positive results from source water monitoring results as well as the range of the results for the chemical disinfectants and byproducts must be included under the Water Quality Data table in the CCR. If you are reporting fecal indicator-positive sample results under the GWR: list the MCL and MCLG as zero for *E. coli*; list “TT” in the column for MCL and “N/A” (not applicable) in the column for MCLG for enterococci or coliphage; and enter the number of positive samples for the year in the column for MCL and zero in the column for MCLG for total coliform bacteria. A summary of the CCR and Special Notice requirements for CWSs and NCWSs is shown in Table 2.

### ***GWR & Special Notice Requirements***

Special Notice is a new type of notice introduced by the GWR. Special Notice is required for both community and non-community GWSs. A CWS is required to issue a Special Notice for any FI+ source water sample and all uncorrected significant deficiencies. CWSs must comply with the Special Notice requirement by

including this information in their CCR. Unresolved significant deficiencies must be included in the CCR every year that a significant deficiency goes unaddressed or corrected.

Special notices prepared by community GWSs to address FI+ samples must include:

- Source of fecal contamination (if known)
- Date(s) of the positive sample(s)
- Whether the source of contamination has been addressed and the date of such action
- State-approved corrective action plan schedule if the fecal contamination has *not* been addressed
- Potential health effects language as indicated by the rule

NCWSs are only required to do Special Notices if they have uncorrected significant deficiencies.

However, since NCWSs are not required to publish yearly CCRs they will need to inform the public in a manner approved by the State. The non-community GWS must continue to notify the public annually until the significant deficiency has been corrected. Special Notices prepared by non-community GWSs to address uncorrected significant deficiencies must include:

- Nature of the significant deficiency
- Date the significant deficiency that was identified by the state
- Description of state-approved plan
- Schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed
- Information in the appropriate language(s) regarding the importance of the notice for GWSs with a large community of non-English speaking consumers

Please check with your State or Primacy Agency to ensure that your notices meet their requirements.

<b>Table 2: CCR and Special Notice Requirements for CWS &amp; NCWS</b>	
<u><i>Community Water Systems</i></u>	
<b>CCR</b>	<b>Special Notice*</b>
<ul style="list-style-type: none"> <li>▪ All fecal indicator-positive samples from source water monitoring</li> <li>▪ Range of results from chemical disinfectants</li> <li>▪ Special Notice*</li> </ul>	<ul style="list-style-type: none"> <li>▪ Uncorrected Significant Deficiencies</li> <li>▪ FI+ Source Water Sample (until corrective action is complete)</li> </ul> <p><i>*CWS can include Special Notices in their CCR</i></p>
<u><i>Non-Community Water Systems</i></u>	
<b>CCR</b>	<b>Special Notice**</b>
<i>No CCR Requirements</i>	<ul style="list-style-type: none"> <li>▪ <i>Uncorrected significant deficiencies</i></li> </ul> <p><i>** State-approved method, annually until significant deficiency addressed.</i></p>

### **Frequently Asked Questions:**

**Question #1:** Does a FI+ source water sample result require a confirmation sample before Tier 1 Public Notification?

**Answer #1:** No. Every FI+ source water sample results (whether from triggered, additional, or assessment monitoring) requires Tier 1 public notification.

**Question #2:** If a consecutive system collects a TC+ sample, does it need to notify the wholesaler?

**Answer #2:** Yes. If a consecutive GWS learns of a TC+ in the distribution system, they are required to inform the wholesaler under the GWR. Failure to notify the wholesaler within 24 hours is a violation requiring Tier 3 PN.

**Question #3:** Will the CCRiWriter and the PNIwriter address GWR requirements?

**Answer #3:** Yes, EPA has updated these tools to reflect GWR requirements.

### **Training Opportunities**

EPA has concluded conducting its workshops and webcast trainings on the GWR at this time; however there still may be trainings sponsored by your State, EPA Region, or technical assistance providers. Contact your EPA Region or State for more information on workshops or trainings that might be conducted near you. For more information on the GWR, please visit the GWR homepage at:

[www.epa.gov/safewater/disinfection/gwr](http://www.epa.gov/safewater/disinfection/gwr)