



# Ground Water Rule Factsheet: Public Notification and Special Notice Requirements for Noncommunity Water Systems

## WHAT IS THE GROUND WATER RULE?

The U.S. Environmental Protection Agency (EPA) published the Ground Water Rule (GWR) on November 8, 2006. One goal of the GWR is to provide increased protection against microbial pathogens, specifically bacterial and viral pathogens, in public water systems (PWSs) that use ground water (or ground water systems [GWSs]). Instead of requiring disinfection for all ground water sources, the GWR establishes a risk-targeted approach to identifying ground water sources that are susceptible to fecal contamination. The GWR requires GWSs at risk of microbial contamination to take corrective action to protect consumers from harmful bacteria and viruses. Notifying the public of potential risks is a key element of this risk-targeted approach. Procedures for notifying the public differ depending on whether a system is a community or a noncommunity water system (NCWS). This factsheet describes the GWR notification requirements for NCWSs.

A system is a NCWS if it is a PWS that is not connected to 15 or more year-round residences or does not serve 25 or more persons in a residential setting on a year-round basis.<sup>1</sup> A NCWS may be a transient noncommunity water system or a nontransient noncommunity water system.

## WHY DOES THE GWR REQUIRE PUBLIC NOTIFICATION?

The GWR addresses pathogens that can be found in GWSs and the steps that systems must take to protect their customers. The GWR requires NCWSs to make public notification (PN) for a number of situations and violations related to ground water.

GWS are required to notify the public because these and other circumstances can present risks to public health.

### The GWR and the PN Rule

The PN Rule requires PWSs to give notice to persons served by the water system for significant events, including violations of national primary drinking water regulations (NPDWRs) and waterborne emergencies.

The GWR amends the PN Rule by requiring notice for detection of a fecal indicator in a ground water source sample, treatment technique violations, and monitoring violations.

## WHAT TYPES OF NOTIFICATION ARE REQUIRED BY THE GWR?

The type of notification required will differ depending on the severity of the situation or violation. There are two general categories of notification required by the GWR for NCWSs:

- Tier 1, 2, or 3 PN
- Special Notice

The state also has the authority to alter the designated tier of a certain violation or to require additional or repeated notices.

1. Systems that do not fit these criteria are classified as community water systems (CWSs). For information on requirements for CWSs, please see "Ground Water Rule Factsheet: Public Notification, CCR, and Special Notice Requirements for Community Water Systems."

## WHAT TYPES OF SITUATIONS REQUIRE PUBLIC NOTIFICATION UNDER THE GWR?

The following table outlines the various situations or violations that require notification to the public and the corresponding types of notification required.

Issue	Notification Required
Fecal indicator-positive ground water source sample <sup>1</sup>	Tier 1 PN
Failure to take corrective action	Tier 2 PN
Failure to maintain at least 4-log treatment of viruses	Tier 2 PN
Failure to meet monitoring requirements	Tier 3 PN
Uncorrected significant deficiency <sup>2</sup>	Special Notice
1. Consecutive systems served by the ground water source must also notify the public.	
2. Systems must continue to notify the public annually until the significant deficiency has been corrected.	

- Fecal indicator-positive ground water source samples** are detected during 1) triggered source water monitoring, 2) additional source water monitoring (optional), or 3) assessment source water monitoring (if it is required by the state). (See “Ground Water Rule Factsheet: Monitoring Requirements” for more information.)
- State requirements for corrective action** can result from 1) the discovery of a significant deficiency or 2) a fecal indicator-positive source water sample.
- Failure to maintain at least 4-log treatment of viruses** occurs when a system is unable to correct system failures within 4 hours. This situation results in a treatment technique violation.
- Monitoring violations** can result from failure to adhere to state requirements for 1) triggered source water monitoring, 2) additional source water monitoring, 3) assessment source water monitoring, or 4) compliance monitoring for systems that maintain 4-log treatment of viruses. (See “Ground Water Rule Factsheet: Monitoring Requirements” for more information.)
- Significant deficiencies** are identified by the state during sanitary surveys and on other occasions. (See “Ground Water Rule Factsheet: Sanitary Surveys” for more information.)

### Tiers of Public Notification

#### Tier 1 (Immediate notice):

This tier is for violations and situations with significant potential to have serious and immediate adverse effects on human health as a result of short-term exposure. Notice is required within 24 hours.

#### Tier 2 (Notice as soon as possible):

This tier is for other violations and situations with the potential to have adverse effects on human health that do not pose an immediate risk. Notice is required within 30 days.

#### Tier 3 (Annual notice):

This tier is for all other violations and situations requiring public notice not included in Tier 1 and Tier 2 or that do not have a direct impact on human health. These violations are typically monitoring and reporting violations. Notice is required within 12 months.

### Situations requiring Tier 1 PN

- A system is notified of a **fecal indicator-positive ground water source sample** (either a triggered source water monitoring sample, one of its **five additional samples** required by a positive triggered source water monitoring sample, or an assessment source water monitoring sample) *that is not invalidated by the state*.
- A system has a **replacement source water sample** that is fecal indicator-positive.

### Situations requiring Tier 2 PN

- ✿ A system has a **treatment technique (TT)** violation under the GWR. TT violations result from:
  - Failing to comply with or be on a compliance schedule for a state-approved *corrective action plan* within *120 days* of being notified of a *significant deficiency*.
  - Failing to comply with or be on a compliance schedule for a state-approved *corrective action plan* within *120 days* of being notified of a *fecal indicator-positive source water sample*.
  - Failing to maintain at least 4-log treatment of viruses *for more than 4 hours*.

### Situations requiring Tier 3 PN

- ✿ A GWS fails to meet GWR monitoring requirements if the system:
  - Fails to conduct *triggered source water monitoring* within *24 hours* of being notified of a total coliform-positive routine sample.
  - Fails to collect *five additional samples* after a fecal indicator-positive triggered source water sample (unless the state requires corrective action).
  - Fails to collect a *replacement source water sample* within *24 hours* of being notified that a fecal indicator-positive sample has been invalidated by the state.
  - Fails to conduct or follow the requirements for **assessment source water monitoring** as directed by the state for **existing or new sources** (coming into service after November 30, 2009).
- ✿ A GWS fails to meet **compliance monitoring** requirements if the system:
  - Fails to conduct monitoring to demonstrate compliance with **4-log treatment** requirements.

### Situations requiring Special Notice

- ✿ **Uncorrected significant deficiency.**
  - A system is unable to correct a significant deficiency within 1 year of being notified of the significant deficiency.
  - The system must continue to **notify the public annually** until the significant deficiency has been addressed.
  - A state may direct a system to make special notice even if the significant deficiency has been corrected.

#### What must be included in a Special Notice?

- ➔ The **nature** of the significant deficiency.
- ➔ The **date** the significant deficiency was identified by the state.
- ➔ For each significant deficiency, the state-approved **plan and schedule for correction**, including interim measures, progress to date, and any interim measures completed.
- ➔ For GWSs with large populations of non-English speaking consumers, **information on the importance of the notice** in the appropriate language(s), as determined by the state.

## WHAT ARE THE NOTIFICATION REQUIREMENTS?

Each category of notification has different requirements. NCWSs may use a variety of delivery methods as long as these methods have been approved by the state and are used to reach as many consumers as possible. The following table describes the GWR notification requirements.

Notification Requirements				
Notice Type	Deadline for initial notice	Repeated Notices <sup>1</sup>	Consultation with the State <sup>2</sup>	Delivery Methods <sup>3</sup>
Tier 1 PN	24 hours	As dictated by the state	Within 24 hours	☀ Broadcast media (radio or television), hand delivery, posting, or any other method as needed to reach as many consumers as possible.
Tier 2 PN	30 days	Every 3 months	Within 48 hours	☀ Posting, hand delivery, or mail, or any other method as needed to reach as many consumers as possible.
Tier 3 PN	1 year <sup>4</sup>	Annually	As soon as is practical/possible	☀ Posting, hand delivery, mail or any other method as needed to reach as many consumers as possible.
Special Notice	1 year	Annually	As soon as is practical/possible	☀ Posting, hand delivery, mail or any other method as needed to reach as many consumers as possible.

1. Repeated notices are required if the violation or situation persists, unless otherwise directed by the primacy agency. Posted notices must remain posted and may need periodic updating.  
2. Systems are required to send a copy of the PN to the state within 10 days of the notification. Systems must also keep documentation of public notices as required under § 141.403(a)(7) for a period of not less than 3 years.  
3. Primacy agencies may approve other methods.  
4. EPA recommends consolidating all Tier 3 notifications required within a given year into one notice as long as the notice is issued within 12 months of the earliest violation.

## WHAT IS THE STATE'S ROLE IN GWR NOTIFICATION?

State primacy agencies can serve as a valuable resource for helping systems maintain compliance with the GWR. States also have authority to determine the appropriate notification requirements for a GWS following a situation or violation. Under the GWR, states must:

- ☀ Be available to consult with GWSs after a significant deficiency has been identified or a fecal indicator-positive sample has been detected. (However, GWSs must still notify the public by the required deadline even if consultation has not occurred.)
- ☀ Determine the appropriate method(s) for NCWSs to inform the public of uncorrected significant deficiencies in their Special Notices.
- ☀ Approve notification processes for noncommunity water systems.

Under this rule states can:

- ☀ Require a more stringent PN tier (e.g. Tier 1 instead of Tier 2) for certain violations if it is deemed necessary to protect public health.
- ☀ Invalidate a positive ground water source sample if it is determined that the sample is not related to source water quality (thus, not requiring notification unless an additional sample is positive).
- ☀ Require systems to distribute additional notices if it is deemed necessary.

## ADDITIONAL GUIDANCE MATERIALS

The following guidance materials for states and PWSs have been released or will be released in 2008:

**[Ground Water Rule: A Quick Reference Guide](#)** - This guide provides a description of the GWR and includes critical deadlines and requirements.

[www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html](http://www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html).

**[Ground Water Rule Factsheets](#)** - Including factsheets on GWR general requirements, monitoring requirements, and Public Notice, Consumer Confidence Reports, and Special Notices.

**Ground Water Sanitary Survey Guidance Manual. November 2007. EPA 815-D-07-006** - This guidance provides states, tribes, and other primacy agencies with a brief review of the sanitary survey regulatory provisions, give examples of what may constitute a significant deficiency, and provide a checklist of elements that should be evaluated during the course of a sanitary survey inspection. [www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html](http://www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html).

**Source Water Assessment Guidance Manual. September 2007. EPA 815-R-07-023** - This guidance provides states, tribes, and other primacy agencies with a brief review of hydrogeologic sensitivity assessments, an overview of the characteristics of a sensitive aquifer, information about how source water assessments may be used, and information about how to determine if a sensitive aquifer has a hydrogeologic barrier. [www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html](http://www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html).

**Ground Water Rule Source Water Monitoring Methods Guidance Manual. July 2007. EPA 815-R-07-019** - This guidance provides GWSs, states, tribes, and other primacy agencies with a brief review of the source water monitoring provisions. Primacy agencies may select fecal indicators (e.g., *E. coli*, enterococci, coliphage) that systems would be required to test for in the ground water source sample. The source water monitoring guidance manual provides criteria to assist primacy agencies in their determination of which fecal indicator(s) may be most appropriate. [www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html](http://www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html).

**Corrective Action Guidance Manual (under development)** - This guidance will provide states, tribes, other primacy agencies and GWSs with an overview of the treatment technique requirements of the GWR. The guidance manual will provide assistance with determining the information that should be included in a system's corrective action plan.

**Consecutive System Guide for the Ground Water Rule. July 2007. EPA 815-R-07-020** - This guidance describes the regulatory requirements of the GWR that apply to wholesale GWSs and the consecutive systems that receive and distribute that ground water supply. [www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html](http://www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html).

**Complying with the Ground Water Rule: Small Entity Compliance Guide: One of the Simple Tools for Effective Performance (STEP) Guide Series. July 2007. EPA 815-R-07-018** - This document is intended to be an official compliance guide to the GWR for small PWSs, as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This guide contains a general introduction and background for the GWR, describes the specific requirements of the GWR and provides information on how to comply with those requirements. [www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html](http://www.epa.gov/ogwdw/disinfection/gwr/compliancehelp.html).

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For additional information, please contact the Safe Drinking Water Hotline at 1-800-426-4791, or visit [www.epa.gov/safewater/disinfection/gwr](http://www.epa.gov/safewater/disinfection/gwr).