## Instructions for Tier 2 GWR Failure to Comply with Corrective Action Plan or Schedule Template

## Template Attached

A system’s failure to take corrective action within the required timeframe or failure to be in compliance with a State Water Resources Control Board, Division of Drinking Water (DDW)-approved corrective action plan and schedule for a fecal indicator-positive ground water source sample or significant deficiency under the Ground Water Rule is a treatment technique violation and requires Tier 2 notification. As soon as practical, but within 30 days after you learn of the violation, you must provide public notice to persons served [40 CFR 141.203(b)]. **Each water system required to give public notice must submit the notice to the DDW for approval prior to distribution or posting, unless otherwise directed by DDW [per California Code of Regulations, Title 22, 64463(b)]. You must issue a repeat notice every three months for as long as the violation persists.**

If this notice is for failing to address a fecal indicator-positive source sample, a Tier 1 notice for detecting a fecal indicator in the source water should have already been issued. You should consider providing the history of the situation in this notice (i.e., what events led to requiring corrective action) to avoid confusing the public when this second notice is issued.

## Notification Methods

You must use the methods summarized below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

**Community Water Systems** must use the primary method below and one or more secondary methods to reach persons not likely to be reached by the primary method. If you mail, post, or hand deliver, print your notice on letterhead, if available.

#### Primary Method

1. Mail or direct delivery. Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (for example schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

#### Secondary Methods. (Use one or more of the following methods to reach persons not likely to be reached by the primary method)

1. Publication in a local newspaper.
2. Posting in conspicuous public places served by the water system or on the Internet. Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.
3. Delivery to community organizations.

**Non-Community Water Systems** must use the primary method below and one or more secondary methods to reach persons not likely to be reached by the primary method. If you mail, post, or hand deliver, print your notice on letterhead, if available.

#### Primary Method

1. Posting in conspicuous locations throughout the area served by the water system. Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

#### Secondary Methods. (Use one or more of the following methods to reach persons not likely to be reached by the primary method)

1. Publication in a local newspaper or newsletter distributed to customers.
2. Email message to employees or students.
3. Posting on the Internet or intranet. Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.
4. Direct delivery to each customer.

In addition, both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system’s letterhead, if available.

The notice attached is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for radio, TV, or posting. If you do, you must still include all required Public Notification elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

## Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q of Part 141) must be included as written (with blanks filled in) and is presented in this notice in italics.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics.

## Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

## Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

## Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with Ground Water Rule treatment technique violations. Use one or more of the following actions, if appropriate, or develop your own:

* “Although we did not meet our deadline, we are now in consultation with the State Water Resources Control Board, Division of Drinking Water to develop a corrective action plan.”
* “The [insert source of contamination/significant deficiency] has been identified and addressed.”
* “We have implemented a short term plan to address the immediate issue while we pursue a long-term solution.”

## Repeat Notices

For repeat notices, you should state how long the violation has been occurring and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe that progress. If funding or other issues are delaying corrective action, let consumers know.

## After Issuing the Notice

Send a copy of each type of notice, along with certification that you have met all the public notice requirements, to the DDW within ten days after you issue the notice [per 40 CFR 141.31(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

(The following two sentences are in Spanish relaying information on the importance of this notice. Translated to English it would read as follows. [This notice contains important information regarding your drinking water, please read the Spanish notice if it is included. If the Spanish notice is not included, please contact the water system and ask for a copy.])

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

##  [Insert Water System Name] Failed to Comply with a Corrective Action [Plan/Schedule] to [Correct a Significant Deficiency/Address a Fecal Indicator-Positive Source Sample]

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

[An inspection conducted on [insert date] by the State Water Resources Control Board, Division of Drinking Water (DDW) found [describe significant deficiency] in our water system] OR

[Sampling of our groundwater source on [insert date(s)] indicated the presence of fecal contamination of our source(s)].

As required by the Ground Water Rule, we were required to take action to [correct this deficiency/address the fecal-indicator positive source sample]. However, we failed to take this action by the deadline established by the DDW.

## What should I do?

* This is not an emergency. If it had been, you would have been notified within 24 hours.
* Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
* These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.
* There is nothing you need to do. You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
* People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA’s Safe Drinking water Hotline at 1(800) 426-4791.

## What happened? What is being done?

[Insert the corrective action that was taken or will be taken].

For more information, please contact [name of contact] at [phone number] or [mailing address].

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 public notice in a public place or distributing copies by hand or mail.

## Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [per Health and Safety Code Section 116450(g)]:

* SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
* RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
* BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [Insert water system name].

State Water System Number: [Insert water system number].

Date distributed: [Insert date the notice is distributed].