

ASDWA CCR Final Rule Summary (5/15/24)

Compliance Dates

- EPA is finalizing a compliance date of **January 1, 2027**, for the revised CCR rule. Reports delivered in 2027 will need to meet the requirements in this final rule.
- Compliance with the CMD requirement will be required no earlier than [INSERT DATE 3 YEARS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. States will be required to report CMD to the EPA annually, on a specific schedule and in a format as prescribed by the Administrator, no earlier than three years after the promulgation of this final rule.

Compliance Monitoring Data (CMD)

- EPA is requiring all primacy agencies to submit CMD for all NPDWRs to EPA annually. This revision to § 142.15(b) does not change existing requirements for PWSs to report CMD to primacy agencies or for primacy agencies to retain records of CMD.
- EPA will collaborate with primacy agencies using SDWIS State and alternative data management systems to assure a low administrative burden for the CMD reporting requirement
- EPA plans to develop an automated data extraction feature into DW-SFTIES. Primacy agencies that choose to adopt DW-SFTIES for data management purposes will be able to use this planned functionality to meet the annual CMD reporting requirement. Prior to adoption of DW-SFTIES, the EPA will facilitate primacy agency reporting to minimize reporting burden.
 - A primacy agency could submit CMD using one of two formats: 1) As a data extract using the EPA's SDWIS State Data Extraction Tool; or 2) As an extracted copy of its database and database documentation.
- "Compliance monitoring data" comprises all sample results that PWSs are already required to collect and report to primacy agencies for purposes of determining compliance with NPDWRs, including MCL, MRDL, and treatment technique (TT) requirements. Related monitoring data are information about each sample result that must be reported to the primacy agency for compliance determination, including data to ensure that the correct number of samples were taken at the right time, in the correct locations, and were analyzed using an approved analytical method.

Biannual Delivery

- EPA will continue to require the first report to be delivered by July 1 of each year and has revised the CCR rule to require that a second CCR must be delivered by December 31 of the same year for systems serving 10,000 or more persons. The report delivered by July 1 must continue to contain information and data collected during the previous calendar year and the second report delivered by December 31 must include a 6-month update, if applicable, based on information and data collected between January 1 and June 30 of the current calendar year. **Systems without a violation or an ALE for the six-month period between reports, i.e., information between January and June of the current year, may resend the original annual report** (summarizing January through December of the previous calendar year). Systems that have an ALE, a violation, or who receive results for UCMR from the reporting year, must include this information in a 6-month update that accompanies the original annual report.

CCR Summaries

- EPA requiring a summary in CCRs that must include a “brief description of the nature of the report”
- The final revised CCR rule sets minimum content requirements for the report summaries in §141.156: contact information, brief overview of compliance information in the report, how to request a paper copy of the report for systems using electronic delivery, translation contact information, identification of public notices included in the report, and standard language to encourage sharing the report.
- The final rule also retains flexibility for systems on how to present the information, include additional features or use infographics.

Misleading Statements

- EPA has decided **not** to include the proposed provision to prohibit false and misleading statements in the final rule for the reasons described in this section. The EPA notes that there may be situations where a description of water as “safe” would not be a misleading statement.

Risk Communication

- EPA is finalizing language in § 141.153 Content of the reports, § 141.154 Required additional health information, and definitions in § 141.153(c) for contaminant, pesticide, and herbicide as proposed.
- EPA is also finalizing revisions to regulatory text in § 141.153(h)(1) that systems include in CCRs to provide a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water including bottled water and § 141.153(h)(7) that include compliance descriptions for systems subject to the Total Coliform Rule in 40 CFR part 141 subpart Y.
- EPA is finalizing the flexibility for systems to use alternative informational statements with approval from their primacy agency. As described in this section, the EPA is not including the proposed requirement in § 141.153(c) for reports to include definitions of ppm, ppb, ppt.

Corrosion Control, ALE, Lead

- EPA is requiring systems to include a description of corrosion control efforts using either a prescribed template depending on whether the system is using OCCT that was designated by the State or the Administrator in § 141.153(h)(8)(iii) or their own statement that includes equivalent information.
- EPA is finalizing § 141.153(d)(8) that requires systems to clearly identify lead ALEs and describe the corrective actions they have taken or will take following the requirement to include the steps consumers can take to reduce their exposure.

Translation

- EPA is finalizing a requirement for primacy states to provide technical assistance to water systems to provide translated reports or translation assistance. The requirement to provide technical assistance for this purpose is consistent with the obligations that states accept when they obtain primacy to oversee implementation of the NPDWRs and the CCR rule and is typically covered by the scope of work when they accept EPA grants under section 1443 of SDWA.
 - Examples of technical assistance include providing water systems with contact information for inclusion in the system’s report where consumers can contact the state for translation assistance upon request or providing resources for water systems to translate their reports, including EPA-provided translations of required content for CCRs (e.g., health effects language, definitions) and translated templates of reports. Each application for approval of a program revision that adopts the revised CCR must include: A description of how the state intends to provide water systems with technical

assistance in meeting the requirement in § 141.53(h)(3) to provide translation assistance in communities with a large proportion of consumers with limited English proficiency. In communities with a large proportion of consumers with limited English proficiency, as determined by the Primacy Agency, the report must contain telephone number, address, or contact information in the appropriate language(s) regarding the importance of the report and either contain information where such consumers may obtain a translated copy of the report or assistance in the appropriate language(s), or the report must be in the appropriate language(s).

- The final rule requires water systems serving communities with a large proportion of consumers with limited English proficiency, as determined by the primacy agency, to include in the report a telephone number, address, or contact information in the appropriate language(s) regarding the importance of the report and either information where such consumers may obtain a translated copy of the report or assistance in the appropriate language(s), or the report must be in the appropriate language(s).

Meaningful Access

- EPA is **not** finalizing a requirement for systems to take reasonable steps to provide meaningful access to information in the reports to persons with limited English proficiency who are served by the water system.

Language Access Plans

- EPA is finalizing the requirement in § 141.155(i) for systems that serve 100,000 or more people to develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated approach to address translation needs. Plans must be evaluated annually and updated as necessary and reported with the certification required in § 141.155(c). Systems may use an existing plan if it meets the requirements in § 141.155(i).

Electronic Delivery

- The final rule allows CWSs to use electronic CCR delivery methods consistent with the 2013 delivery options memo (Safe Drinking Water Act–Consumer Confidence Report Rule Delivery Options) if they provide a paper copy of their CCR to any customer upon request.
- For systems that electronically deliver the reports by posting the report to a website and providing a notification either by mail or email, the report must be publicly available on the website at the time notification is made.
- These requirements are consistent with the requirements of SDWA section 1414(c)(4)(F)(ii), as amended by AWIA, and require systems to mail a notification that the report is available on a website via a direct link; email a direct link or electronic version of the report; or mail a paper copy of the report if requested by the customer.
- The EPA also added in § 141.155(a)(iv) the clause “Another direct delivery method approved in writing by the primacy agency” to allow primacy agencies to approve additional direct delivery methods.

Posting Online

- This final rule requires each system serving 50,000 or more to post its current year's report to a publicly accessible site on the internet.

Delivery Certification

- The final rule revises § 141.155(c) to reduce the timeline from three months **to no later than 10 days** after the date the system is required to distribute the report to its customers, that systems will need to provide a certification to their primacy agency indicating that the report was distributed to customers and the information is correct and consistent with the compliance monitoring data submitted to the primacy agency.

Good Faith Delivery

- EPA added the following examples of “good faith” delivery methods to § 144.155(b) for reaching non-bill paying consumers: mailing reports or postcards with a link to the report to all service addresses and/or postal customers; using an opt-in notification system to send emails and/or texts with a link to the report to interested consumers; advertising the availability of the report on social media; publication in newsletters, posting a copy of the report or notice of availability with links (or equivalent, such as Quick Response (QR) codes) in public places; and holding a public meeting to educate consumers on the reports. Systems must make a good faith effort to reach consumers who do not get water bills, using means recommended by the primacy agency.
- **EPA recommendation:** Where a system is aware of a substantial number of bill-paying consumers without access to electronic forms of the report, the system should use at least one non-electronic form.

Additional Primacy Agency Requirements

- EPA is requiring the states’ primacy application to include a description of how the state intends to provide CWSs with technical assistance in meeting the requirements in § 141.153(h)(3) for providing translation assistance in communities with a large proportion of consumers with limited English proficiency.
- 40 CFR 142.14(h)(2) requires states to keep a record of the language access plans submitted by systems serving 100,000 or more people for five years (see section IV. C. of this preamble).
- Also, in § 142.16(f)(5)(ii), primacy applications will need to include a description of the state’s procedures for issuing small system mailing waivers consistent with § 141.155(g). Section VI. B. 3. of this preamble describes the final rule requirement for states to report CMD to the EPA annually.

