



May 22, 2023

Dr. Jennifer McLain
Director, Office of Groundwater and Drinking Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

**Re: Comments on the Proposed Revisions to the Consumer Confidence Report (CCR) Rule
Docket EPA-HQ-OW-2022-026**

The Association of State Drinking Water Administrators (ASDWA) appreciates EPA’s engagement with ASDWA’s members and staff on the Consumer Confidence Report (CCR) Rule revisions. ASDWA is the non-partisan professional association that serves the men and women (and their staff) who represent the 57 state and territorial drinking water programs serving as the primacy agencies (states) to administer the Safe Drinking Water Act (SDWA). However, these comments do not necessarily represent the specific views and concerns of individual states or consensus from all states.

ASDWA formed its CCR Workgroup with over 20 administrators and staff to develop recommendations¹ to EPA on the changes put forth by America’s Water Infrastructure Act of 2018 (AWIA). CCRs are a critical issue for states as most states play a significant role – 18 states provide resources or assistance, 9 states provide a draft CCR, and 9 states produce most or all of the CCRs for the systems. Since the submission of these previous recommendations, ASDWA has also developed an addendum² to its comments in response to the EPA Charge to the National Drinking Water Advisory Council (NDWAC) and additional comments³ on the compliance monitoring data (CMD) proposal.

While ASDWA recognizes EPA’s well-intentioned proposal to improve public transparency and trust in drinking water, ASDWA respectfully offers the following recommendations for the final rule:

- Biannual delivery will be duplicative and needs clarity;
- EPA’s request for all CMD erodes state, territorial, and tribal SDWA primacy authority and the compilation and submission of data will be burdensome;
- Providing and validating translations will be costly for states, and guidance will be needed;
- The CCR summary is duplicative and adds to CCR length;
- The new definitions need to be reevaluated and corrosion control efforts need a detailed description;
- More information on “misleading statements” is required, and the examples used in the proposal should be reconsidered for the final rule; and

¹ Appendix A

² Appendix B

³ Appendix C

- The timeline of the proposed rule presents serious feasibility concerns and should be adjusted for more time to develop needed guidance and translation services.

Biannual Delivery

ASDWA supports the proposal allowing the same CCR to be delivered biannually. However, the stipulations that allow for the delivery of the same CCR need additional clarification and reconsideration for the final rule.

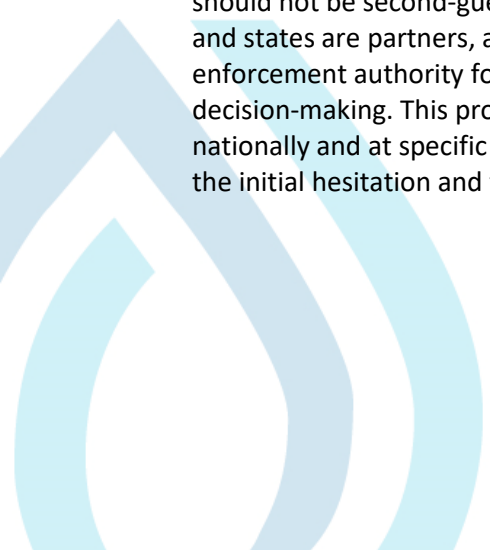
A violation or action-level exceedance (ALE) triggering the need for an updated CCR delivery is duplicative with the Public Notification (PN) requirements, which requires notification to customers when water does not meet standards or systems fail to test their water – both of which are now duplicated in this proposal. The biannual delivery requirements in this proposal will duplicate both the PN and CCR certification forms and PN and CCR completion statements. For the final rule, EPA should reconsider this requirement for an updated second CCR because customers are already receiving this information under an existing rule and lessening any burden on state staff with a myriad of outgoing regulations is necessary to ensure SDWA compliance. The biannual delivery requirements will significantly increase necessary time and resources for states, as 18 states provide resources or assistance, 9 states provide a draft CCR, and 9 states produce most or all of the CCRs for the systems.

Additional clarity is needed in the final rule with the updated biannual CCR delivery requirements. For violations, clarity is needed if a second updated CCR would be required only for health-based violations by systems or if the update would also be triggered by monitoring violations. ASDWA does not support EPA's requirement for an updated biannual CCR delivery for systems with monitoring violations. ASDWA is also requesting clarity on "new information," and what this term entails in the proposal, as without a definition the unclear usage of this term could significantly change the number of updated biannual CCRs.

EPA is proposing to allow a system without a violation or an ALE, or for which no new information is available for the six-month period between reports (i.e., information between January and June of the current year) to resend the original annual report (summarizing January through December of the previous calendar year). Community water systems are monitoring monthly for disinfectants in the distribution system and therefore will always have new information to report for the January through June monitoring period. Without clarity on "new information," every system will need to send an updated CCR biannually.

Compliance Monitoring Data (CMD)

ASDWA recognizes EPA's intention to collect compliance monitoring data (CMD) to improve transparency for the public. However, as outlined in ASDWA's initial CMD response comments, EPA should not be second-guessing state compliance decisions and the paths to return to compliance. EPA and states are partners, and EPA has entrusted states to implement SDWA by granting primary enforcement authority for each regulation, a partnership that serves as the backbone of the regulatory decision-making. This proposal would use the submitted CMD to "identify and respond to problems nationally and at specific systems" and would be used to assist EPA with SDWA compliance, confirming the initial hesitation and feedback ASDWA provided on second-guessing state compliance decisions.

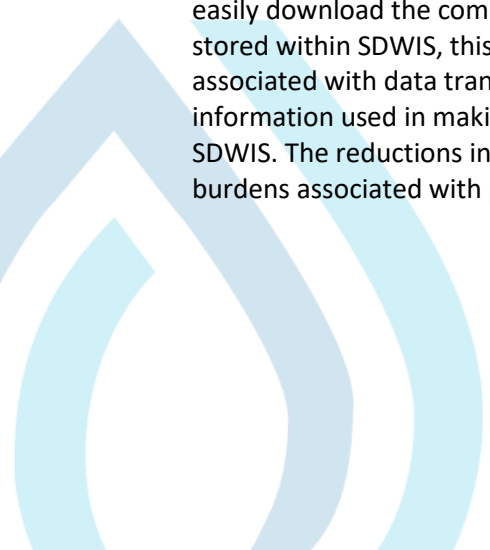


While ASDWA supports government transparency in drinking water, ASDWA recommends EPA not use the collected data to second-guess state compliance decisions, nor should EPA use this data to routinely second-guess state approaches to addressing non-compliance and request detailed follow-up with short turnaround times. This data collection effort undermines the authority given to states to implement SDWA and adds potential burden states may encounter when interfacing with EPA on any compliance issues with which the states are already aware. Submitted data may also be outdated upon EPA review. For example, EPA may follow-up with a state on a system compliance issue as shown in the data that may have already been addressed and resolved by the state. As mentioned in previous comments, state staff time is very limited, and this is a problem that is likely shared with EPA. All interactions between states and EPA should be as efficient as possible, with the outcome of improved public health protection, rather than duplicative or unnecessary. The goal of minimizing state burden wherever possible is critical, especially with the possible convergence in 2024 of the initial lead service line inventories, the final Lead and Copper Rule Improvements (LCRI), the final regulation for Per- and Polyfluoroalkyl Substances (PFAS), and the final CCR Rule Revisions.

States appreciate the critical role data plays in allowing the Agency to fulfill its statutory mandate and are generally willing to share additional data with EPA voluntarily. However, ASDWA's members do not support mandatory reporting of compliance monitoring data due to the resources it would take from other state activities. As outlined in ASDWA's previous CMD comments, many states still receive paper reports and submitting data to EPA would require making all reports electronic, normalizing electronic reports for federal reporting, and resolving report errors. Additionally, many states have made considerable investments in data transparency through the deployment of Drinking Water Watch and similar public data portals, meaning that submitting data to improve transparency would be redundant. Any expectation from states already burdened by new priorities in addition their usual activities for data entry, database development/maintenance, reporting resources and troubleshooting activities should be met with a corresponding increase in the Public Water System Supervision (PWSS) Grant Program, recognizing EPA's limited ability to influence Congressional appropriations for the PWSS program.

Data availability varies considerably from state to state, as primacy agencies do not all enter compliance monitoring data into SDWIS State. As a result, some historical compliance monitoring data may be in other databases outside of SDWIS where a direct electronic transfer process may not be possible. Even if the primacy agency's databases cover the full breadth of drinking water data, program staff may have opted only to enter summary records when the volume of individual samples is large (TCR, LCR, DBP) or only capture results if they were above a detection or reporting limit. When monitoring results are available, all the appropriate metadata may not be captured due to differences in reporting protocols in various state drinking water programs.

For states using SDWIS State, EPA developed an extraction script that allows primacy agency staff to easily download the compliance monitoring data and pass it to EPA. If the Agency sought only data stored within SDWIS, this extraction tool would substantially reduce, if not eliminate, the burdens associated with data transfer. However, the broad language used in the proposed rule indicates all information used in making compliance decisions, and much of this information is found outside of SDWIS. The reductions in burden introduced by using the extraction tool are negated by the additional burdens associated with preparing and transferring the remaining volume of data to EPA.



SDWIS is currently undergoing a modernization process. The new SDWIS, called DW-SFTIES, will allow for new ways of interacting with data held within and outside of the system. As most, if not all primacy agencies are expected to adopt DW-SFTIES, there is an opportunity to address concerns with data transfer through the development effort by building support for this reporting into DW-SFTIES. Further, the Agency could develop web services and provide helpful documentation to assist primacy agencies in preparing to report compliance monitoring data as they will need to modify their interfacing applications to work with DW-SFTIES. For all the above reasons, ASDWA again recommends EPA delay its decision to require compliance monitoring data (CMD) reporting until it has an opportunity to build support for such reporting directly into DW-SFTIES.

Translation

ASDWA requests clarity in the final rule on the provision of CCR translations:

- How this will be funded/will there be funding opportunities made available,
- Who bears the responsibility of translation services,
- Guidance and tools that can be used, and
- How translations for systems will be validated by the states.

ASDWA recommends EPA provide states with guidance and/or tools for CCR translations and funding opportunities to hire translators to develop CCRs in multiple languages and then validate the information to be accurate. ASDWA recommends EPA develop translations for all required languages for states and utilities to use as approved go-to examples. Having basic translation examples available would drive down cost, complexity, and unnecessary repetitiveness in CCR development. Additionally, ASDWA recommends EPA have ongoing translation capabilities available to states, water systems and the public to assist with unique situations and the variety of possible language needs. States should not be expected to cover all cases as part of primacy. ASDWA also requests clarity on specifically what feedback or information is required by the state to assist systems in need of translation. The translation addition to the CCR in this proposal will likely pose a significant increase to state costs and workload.

The proposal suggests states are required to provide contact information regarding translation services. This may be acceptable, but states cannot take on the cost of providing translation services in all cases nor can states assume liability for all translation accuracy. The final rule needs to be clear that public water systems are responsible for providing these services to their customers or helping them attain the service. The proposal appears to imply states are required to directly provide translation services; this is not acceptable as a requirement. States need to oversee water system compliance and provide assistance as resources permit. States can provide contact information and facilitate services. Some states may have sufficient resources and choose to provide these services directly, but doing so must not be a condition of primacy. An acceptable way to meet this requirement would be state facilitation of water systems working together to meet the requirements with access to EPA resources. States must not be directly required to take on this task by EPA; doing so can create an inherent conflict of interest with states' oversight role.

Readability

ASDWA requests further explanation regarding the addition of a summary at the beginning of the CCR. Specifically, the level of detail needed in the CCR summary and any organizational structure that is expected in the summary. The CCR is already too lengthy for the public, and while the addition of the summary is intended to improve transparency and readability, any addition to CCR length may further

dissuade readers. The CCR is a summary of system actions and monitoring results, and focusing on simplifying existing tables and descriptions may be a better approach than adding to CCR length. A CCR summary should not be a requirement for all systems, but instead a regulatory option states can impose on certain systems that deliver lengthy CCRs. Additionally, many states have developed their own CCR generators for their systems, and adding a summary will require a complete overhaul of these generators/software, adding state burden and cost.

If EPA elects to keep a summary, it should be as concise as possible and generally answer the most relevant question for consumers, i.e. "Is the water safe to drink." Despite the other provisions in this draft rule about the term "safe," this is most consumers' immediate concern, and a concise delivery of this information aligns with the stated goals of this rule revision.

ASDWA requests EPA review its newly revised language, such as the nitrate and arsenic education statements, as these are currently reading at a 12th-14th-grade level. To improve readability, EPA should simplify much of its new language to a lower reading level. This comment is intended generally, however specific examples where the language is overly complicated include: "Drinking water, including bottled water, may reasonably be expected..." and "Some people may be more vulnerable to contaminants in drinking water..." Including *simple* optional templated language at an appropriate reading level for water system use would be helpful.

Corrosion Control and New Definitions

ASDWA recommends EPA reevaluate the definition changes included in the proposal. The new definition for parts per million, for example, is less descriptive than the previous definition. The definition of corrosion control should also be reconsidered, as it does not improve clarity on corrosivity of water. ASDWA also requests that EPA offer guidelines/examples on treatment implementation and objectives, as the general public will not understand technical aspects of corrosion control.

With the addition of corrosion control efforts to the CCR, ASDWA requests specificity on what should be considered a corrosion control effort. For example, states want to know if this description would only be necessary for systems deliberately conducting corrosion control treatment or does this also require systems inadvertently performing corrosion control by feeding sequestrant and accidentally getting orthophosphate to provide a description of their unintended corrosion control efforts. ASDWA recommends this addition only apply to systems deliberately conducting corrosion control treatment, and this should be made clear in the final rule.

Contaminant Data Tables

EPA is proposing to replace "contaminant data table(s)" with "contaminant data section." As proposed, § 141.153(d), would require water systems to display the contaminant data in logical groupings that would make it easier for consumers to read and understand the contaminant information. The majority of small and medium systems do not have the technical ability to manipulate their data into "logical groupings" or make it into infographics. Some states that produce draft CCRs for their water systems may have the ability to do this, but without added clarity many variations of the current contaminant data tables could be generated, making implementation very challenging for states.

EPA also points out that "Despite allowing additional flexibility on how the information is presented, this proposed rule would not change the type of information on detected contaminants that systems need

to report in § 141.153(d)(4), such as reporting the maximum contaminant level, maximum contaminant level goal, the highest contaminant level used." This limits how systems can present data and make it easier for consumers to interpret. EPA should provide guidance on creating infographics, making tables more visually appealing, or ways to organize data in a way that the general public can understand. However, ASDWA recommends EPA clearly discourage the use of narrative format to be used in place of data tables in the final rule. Several systems are already attempting to submit data in a narrative format, and language in the proposed CCR changes should not encourage this, as it adds to reader confusion.

Misleading Statements

ASDWA recommends EPA provide more detail on what may be considered a "misleading statement." For example, some systems use their CCR as an update of additional system activities like construction. If ongoing construction is written in the CCR to be completed in a timeframe, and the construction is not completed by that timeline, is this misleading?

Consumers' top concern with the CCR is knowing if their water is safe to drink. ASDWA understands that the answer to this simple question can be complicated. However, including the use of the word "safe" as a misleading statement in the draft rule is problematic. This example could logically lead consumers to believe that tap water could never be safe. This example also implies that utilities that comply with all Safe Drinking Water Act requirements and state that their water is "safe" to drink in the CCR could be subject to violations and enforcement with penalties if they do so. There are other unintended consequences if this line of reasoning is carried further as the term "safe" is used in several key places throughout the Safe Drinking Water Act and in communications throughout the industry. For example, the Act requires that primacy agencies adequately plan for the provision of "safe" drinking water under emergency circumstances. How can states do this under this new line of thinking? Is bottled water "safe?"

ASDWA recommends using a different example of misleading statements and removing this example from the final rule. For clarity on what constitutes a misleading statement for which there can be enforcement, the example should be egregious and misleading to consumers i.e. "Our system did not exceed any maximum contaminant levels (MCLs)" when a system did in fact exceed MCLs. ASDWA insists that systems that comply with SDWA standards and treatment techniques and use the word "safe" in their CCRs should not be subject to violations and potential enforcement with penalties. It is acceptable to relate that "safe" doesn't mean "pure" or "risk free." The provisions in the proposed rule that provide additional communications about "safety" for infants and vulnerable populations are accurate and acceptable.

Timeline

ASDWA recommends that EPA conduct an internal evaluation to determine if the Agency has sufficient resources for enforcement actions during the early implementation timeframe. ASDWA requests that EPA reevaluate their timeline in this proposal, as a compliance date of April 2025 does not allow enough time for primacy agencies to adopt the rule to attain primacy and develop the necessary guidance/policy and business processes to support implementation. With the new requirements in this proposal for primacy agencies, this timeline does not adequately address the amount of time primacy agencies may need to develop translation assistance. The proposed date compliance date of April 2025 is too soon and incredibly challenging from a feasibility standpoint.

Specifically, this is not enough time for states to adopt the rule and attain primacy. This is also not enough time for states to develop the needed policies, guidance, and business processes to support implementation. This is not enough time to develop translation assistance efforts and materials needed. This is not enough time for water systems to prepare for the translation efforts needed. This is not enough time to determine how states will respond to water systems when they request approval of alternate educational language that is found throughout the rule.

The draft rule expects states to comply with the requirement to provide compliance monitoring data in 2025 also. Again, this is not enough time for the needed guidance and mechanisms to support implementation. If EPA uses this timeline in the final rule, it must provide sufficient guidance and tools, such as updates to SDWIS and data transfer.

Additionally, ASDWA recommends that EPA explore opportunities for releasing the final regulations for PFAS, LCRI, and CCR in the same timeframe for efficiency in state implementation. This convergence of new regulations and submissions will further stretch states' limited resources.

Cost

ASDWA recommends that EPA appropriately consider the states' costs in the final rule. As previously mentioned, most states play a significant role in CCRs – 18 states provide resources or assistance, 9 states provide a draft CCR, and 9 states produce most or all the CCRs for the systems. Given the new proposed requirements for primacy agencies, EPA's total average annual cost of \$22.2 million underestimates the cost of compliance. Translation services alone will be a very expensive process for primacy agencies. ASDWA requests that EPA collaborate with states to develop more appropriate estimates for state burden and costs and recalculate the Agency's estimated average cost. The proposed rule, and, ultimately, the final rule has several new primacy agency requirements that will require significant state staff time.

ASDWA appreciates the Agency's willingness to work with ASDWA and ASDWA's members to promote changes to the CCR that offer public health benefits without overburdening state staff. ASDWA respectfully submits these comments, with the intent of working together with EPA to resolve the issues states currently have with the proposed rule in the final rule.

If you have any questions regarding these comments or if ASDWA can be of assistance in another way, please feel free to contact me (aroberson@asdwa.org) or Kevin Letterly (kletterly@asdwa.org).

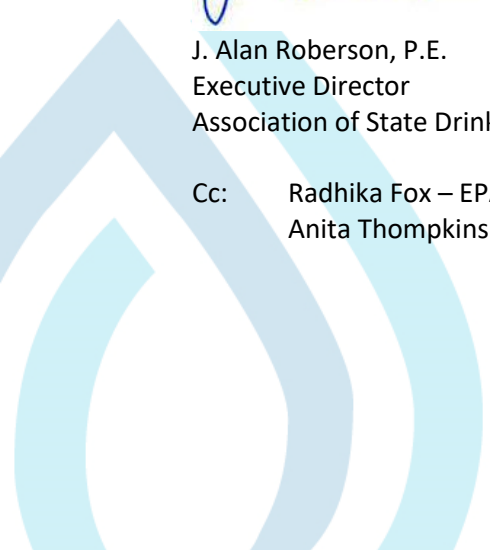
Best Regards,



J. Alan Roberson, P.E.
Executive Director
Association of State Drinking Water Administrators (ASDWA)

Cc: Radhika Fox – EPA OW
Anita Thompkins – EPA OGWDW

Bruno Pigott – EPA OW
Sarah Bradbury – EPA OGWDW



Appendix A

ASDWA's 2020 CCR Recommendations

September 29, 2020

Dr. Jennifer McLain
Director, Office of Groundwater and Drinking Water
U.S. Environmental Protection Agency

The Association of State Drinking Water Administrators (ASDWA) would like to thank EPA for being open to communications and recommendations from ASDWA's Consumer Confidence Report (CCR) Workgroup. ASDWA formed the CCR Workgroup with its state administrators and staff to address the upcoming CCR changes in America's Water Infrastructure Act of 2018 (AWIA), Section 2008, which:

- Amends existing SDWA provisions regarding annual consumer confidence reports (CCRs) by requiring reports to include additional information on corrosion control, exceedances, and violations.
- Requires EPA to revise its CCR regulations to improve readability and accuracy, provide biannual delivery for large systems, and facilitate electronic delivery.

After conducting several conference calls with the CCR Workgroup and review by the ASDWA Board, we are providing the following recommendations below organized by CCR Frequency, Readability, Electronic Delivery, and Risk Communication for EPA to consider when revising the CCR regulation.

CCR Frequency

For the requirement of providing the CCR biannually for public water systems that serve 10,000 or more persons, ASDWA recommends that this be the same CCR that is already required, sent twice. The first delivery would be by July 1st (as the current CCR regulation mandates) and the second delivery would be by December 31st, both using the same data from the previous calendar year. With delivery of paper CCRs, this would entail two mailings or door hangings. With electronic delivery under the current distribution flexibilities, this would entail two notifications to customers.

Generating two **different** reports would be a large burden on state staff that are already spending a lot of time preparing CCRs, tracking compliance, and helping systems. Most states play a significant role in CCRs – 18 states provide resources or assistance, 9 states provide a draft CCR, and 9 states produce most or all of the CCRs for the systems.

Additionally, the review time of systems' compliance with the CCR regulation by state staff and rerunning data, even if it is the same, is a big undertaking with regards to time and resources. While acknowledging the statutory requirement, generating two different CCR reports per year would effectively double the time and resources necessary for states to review and track CCRs for systems that serve 10,000 or more – even if systems prepared their own CCRs.

As ASDWA has previously reported in its [2019 Analysis of State Drinking Water Programs' Resources and Needs](#), states are taking on a larger workload with limited resources, and the work associated with the CCR is referenced throughout the report. The report estimates that states spend approximately 58,656

hours on CCR work in 2020, and this number would increase with a second CCR review cycle. With tight budgets due to eroded resources and funding, the burden on state staff should be minimized in the revised CCR regulation.

Readability

ASDWA recommends that EPA improve the readability of the CCR by making it more concise, providing information in more graphical ways, and utilizing weblinks to utility webpages for more detailed information for customers. Many excellent public health communication resources, such as the Centers for Disease Control and Prevention's (CDC's) [Clear Communication Index](#), are available to improve the readability of CCRs.

The current CCR is problematic, based on the literacy level, and this issue needs to be remedied. The literacy level of the CCR is at the grade 11-14 level, which is too high for the general public. Instead, EPA should revise CCR required language to closer to grade 5-6 level.

The current CCR is bogged down by tables of non-detects and information that does not concisely present immediate threats to consumers. We encourage EPA to shorten the CCR by only including information that is necessary for the customer's knowledge, and for transparency purposes encourage customers to access weblinks for more or full information on system contaminants on the public water system's webpage. Additionally, we encourage EPA to utilize graphics to improve the display of information to increase readability.

Electronic Delivery

For the electronic delivery method of the CCR, ASDWA recommends EPA consider issues with contract operators and this delivery method. Some community water system owners/operators own and or operate multiple systems, each with different CCRs. The challenge is that their billing software does not allow printing a unique web URL to the CCR on their bills. ASDWA requests additional flexibility around the requirements to "deliver directly" the CCR to the customers, including allowing the utility to provide a single URL for multiple CCRs.

Another solution would be to expand the interpretation of "direct delivery" by allowing the URL to direct customers to a CCR home page. This would allow for retrieval of not only the current year CCR for multiple systems a contract operator is responsible for, but also allow systems that maintain previous years of CCR documents and additional CCR information for customers to be quickly located on a single webpage as being "directly delivered." It is difficult to make the water systems have the exact URL on the bill/postcard – there are many characters that must be exactly correct and checked for accuracy to get credit for "direct delivery."

Risk Communication

ASDWA recommends that EPA use this opportunity with improving CCR readability to also improve risk communication. As mentioned above on readability, understanding immediate threats and violations is not evident in the current CCR. To improve risk communication, we encourage EPA to develop standard language for systems when they have violations, and when they do not have violations. The current CCR has a negative association with customers, so we suggest EPA find a way to use the CCR to promote positive changes systems have made, while being transparent about violations and interventions taken to resolve them.

We thank EPA for being willing to work with state administrators and ASDWA's CCR Workgroup to promote changes to the CCR that offer public health benefits without overburdening state staff. We encourage EPA to consult with states and this workgroup going forward through the rulemaking process.

Thank you for this opportunity to provide early input on these important issues. If you have any questions regarding these comments or if ASDWA can be of assistance in another way, please feel free to contact me (aroberson@asdwa.org) or Kevin Letterly (kletterly@asdwa.org).

Best Regards,



J. Alan Roberson, P.E.
Executive Director
Association of State Drinking Water Administrators (ASDWA)

Cc: Anita Thompkins – EPA OGWDW
Sarah Bradbury – EPA OGWDW
Eddie Viveiros – EPA OGWDW



Appendix B

ASDWA Recommendations for NDWAC CCR Working Group

October 5, 2021

Ms. Lisa Daniels and Members of the National Drinking Water Advisory Council
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20009

Re: Meeting of the National Drinking Water Advisory Council

Dear Lisa Daniels and Members of the National Drinking Water Advisory Council, The Association of State Drinking Water Administrators (ASDWA) and its members would like to commend EPA for the utilization of the National Drinking Water Advisory Council (NDWAC) and formation of the Consumer Confidence Report (CCR) Working Group. ASDWA previously formed its CCR Workgroup to develop [recommendations](#) to EPA on the changes put forth by the America's Water Infrastructure Act of 2018 (AWIA), Section 2008, which introduced the following:

- Amends existing SDWA provisions regarding annual CCRs by requiring reports to include additional information on corrosion control, exceedances, and violations.
- Requires EPA to revise its CCR regulations to improve readability, clarity and understandability, the accuracy of information presented and risk communication, and provide biannual delivery for large systems, and facilitate electronic delivery.

ASDWA recommends that EPA and the NDWAC CCR Working Group review our previous recommendations regarding CCR frequency, readability, electronic delivery, and risk communication. In response to the [EPA Charge to the NDWAC](#), ASDWA offers the following points as an addendum to our previous recommendations. These comments do not necessarily represent the specific views and concerns of individual states or consensus from all states. We encourage EPA to consider individual state's comments, in addition to ASDWA's, to gain further perspective.

General CCR Concerns

In terms of reaching the public and providing information on drinking water quality, ASDWA feels that the current CCR is not ideal in accomplishing either of these objectives. ASDWA suggests that EPA think bigger picture with presenting water quality information and consider the development of an online database to provide this information to the public. The CCR in its current state, designed as a report for customers to sit and read, may not meet the reality of today. An online database that could quickly give a snapshot of drinking water quality from public water systems may better serve the original purpose of keeping the public informed. The database would allow up-to-date information on water quality and violations and could be made available through Drinking Water Watch or other similar avenues. A database would also allow individuals and businesses that are not rate payers or area residents such as home buyers, home loan agents, businesses, renters, and travelers to access water quality data. Individual state directors have noted that for all the effort that water systems are required to take in preparation of the CCRs, most of the water system customers do not read it and simply throw it out. The database would be EPA-hosted and would not require primacy agencies to scan or upload files. The

remainder of these ASDWA recommendations, however, address the CCR process currently and acknowledge statutory limitations.

Requests for Clarity

With the updates to the CCR required by AWIA, ASDWA recommends that EPA keep in consideration the responsibility of regulators to certify that CCR requirements are being met. ASDWA requests clarity from EPA on exactly what is required in the new CCR for primacy agencies and what the expectations are for regulators in ensuring compliance. For example, if the CCR is sent biannually, is a second certification form required? There are many similar unanswered questions, and an explanation, whether that be a factsheet or guidance document, on specific responsibilities of primacy agencies is needed.

Another big unanswered question is whether this will be the same CCR delivered biannually. ASDWA would like to reemphasize the points made in its previous recommendations that generating two different reports would be a large burden for both state and water system staff. As a reminder, most states play a significant role in CCRs – 18 states provide resources or assistance, 9 states provide a draft CCR, and 9 states produce most or all of the CCRs for the systems.⁴ To reduce workload of primacy agency staff that are already stretched thin, ASDWA recommends the same CCR be delivered biannually. Primacy agency requirements could also be clarified in the [National Primary Drinking Water Regulations Implementation, 40 C.F.R. § 142 \(2021\)](#).

Tool Development

EPA has created tools to assist in the development and publishing of CCRs, but not all of them are reaching their full potential. ASDWA would like to emphasize that tool development should be equal priority to rule revisions and meeting rule intent. If there is no new tool development, the rule will not reach its intent. Without the support of specific EPA guidance and a robust toolbox, the CCR will continue to be a regulatory box-checking exercise for most systems and an onerous regulatory chore for the regulators while not meeting the rule's objective. ASDWA has the following tool development recommendations:

1. ASDWA recommends that EPA build a robust CCR generating tool. This would reduce the burden on the water systems and primacy agencies, who depend on report accuracy for required language and sample results.
 - This generating tool could be built off an updated version of the CCRiWriter. An updated CCRiWriter would need a SDWIS data connection that would be able to work with state databases, as this is one of the big hurdles for small systems.
2. With regards to the current CCR accessibility, ASDWA requests that EPA use resources to improve online CCR access. ASDWA encourages EPA to aid small systems in getting their CCRs online, noting that it may be helpful to contact other organizations in the water sector who have done some of this work.
 - While online CCR access is important, primacy agencies should not be required to host CCRs on their website or upload or scan CCRs to an EPA website.
3. Guidance on CCR translation needs: when translation is suggested, and how to translate the document.
4. Guidance or a tool on gauging document reading level.

⁴ ASDWA CCR Survey (see attachment)

Readability

Readability remains a concern for ASDWA that was highlighted in detail in our previous recommendations, and the lengthiness and technical language in the current CCR are barriers to providing the public with helpful water quality updates. Additionally, the CCR does not distinguish between health-based and administrative violations, which is an important distinction that ASDWA recommends in the CCR update. To better meet the core purpose of the CCR, ASDWA recommends an upfront statement on the CCR whether a system does or does not meet state and federal requirements. For example, “Your water system routinely met state and federal standards.” or “Your water system experienced health-based violations with X.”

ASDWA would also like to express concern with the amount of mandatory and duplicative language in the CCR. The current mandatory language is problematic due to the reading level and length. We recommend that EPA find ways to cut back on duplicative language that will further lengthen the CCR, potentially confuse customers, and complicate the reports for small systems. ASDWA also encourages bringing more order and simplicity to the data tables to promote readability, understandability, and clarity of CCRs, which could be effectively promoted if EPA provides revised and improved tools and templates for creating CCRs and data tables.

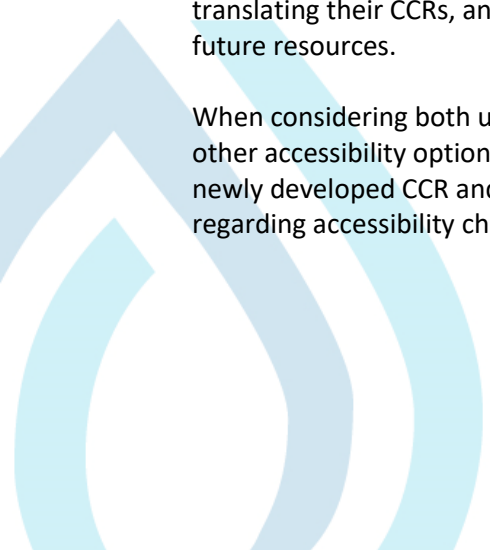
After participating in the listening sessions for the NDWAC CCR Working Group, ASDWA is concerned with the Working Group’s approach to adding trends to CCRs. Adding trends to the CCR would change the scope of the CCR beyond what it was intended to accomplish, and it would be difficult to construct a CCR that would provide this type of information in an accurate way. States that are already dealing with limited resources will not be able to generate trends or check water system-generated trends and including these in the CCR would be an unfunded mandate.

The NDWAC CCR Working Group also recently held conversations on the usage of units. Units in the CCR should be the same as and consistent with information provided through the Public Notification Rule, and published drinking water standards. By including units, the sample results will not match other published values, which will be counterintuitive to building consumer trust. The most important point in drinking water safety is the sample result’s relationship to the health standard. Keeping this point in mind, there also needs to be a clear differentiation between action level exceedances and maximum contaminant level exceedances.

Addressing Accessibility Challenges and Supporting Underserved Communities

ASDWA recommends that EPA develop guidance, as mentioned above, on when translation of CCRs is suggested, and how to translate a CCR. However, EPA should not establish a minimum threshold for translation, and this decision should be left to the primacy agencies. ASDWA encourages EPA to consider communication in other languages when developing resources. Some primacy agencies have experience translating their CCRs, and EPA should be sure to consult with them when developing guidance and future resources.

When considering both underserved communities and accessibility challenges, EPA needs to consider other accessibility options for areas and customers without stable internet or computer access. The newly developed CCR and associated resources should be compatible for mobile phone access. Also, regarding accessibility challenges, ASDWA recommends that EPA include in the CCR the opportunity for



primacy agencies to provide additional information on the public water supply through links, for example water loss audits, source water protection plans, and other reports.

If you have any questions regarding these comments, please contact me (aroberson@asdwa.org) or Kevin Letterly (kletterly@asdwa.org).

Sincerely,



J. Alan Roberson, P.E.
Executive Director



Appendix C

ASDWA Comments on EPA's CMD Proposal

October 24, 2022

Dr. Jennifer McLain
Director, Office of Groundwater and Drinking Water
U.S. Environmental Protection Agency

The Association of State Drinking Water Administrators (ASDWA) appreciates EPA's engagement through a Federalism Consultation with ASDWA's members and staff on the Consumer Confidence Reports (CCR). ASDWA is the non-partisan professional association that serves the men and women (and their staff) who represent the 57 state and territorial drinking water programs serving as the primacy agencies (states) to administer the Safe Drinking Water Act. However, these comments do not necessarily represent the specific views and concerns of individual states or consensus from all states.

The Association of State Drinking Water Administrators (ASDWA) formed its CCR Workgroup made up of several state administrators and staff to develop [recommendations](#) to EPA on the changes put forth by the America's Water Infrastructure Act of 2018 (AWIA). Since the submission of these previous recommendations, ASDWA has also developed an [addendum](#) to our recommendations in response to the EPA Charge to the NDWAC. We recommend EPA review both documents through the provided links or in the attached appendices in addition to our comments below.

CCR Recommendations from Previous Comments

ASDWA would like to reiterate some recommendations from our previous comments that are vital to the successful implementation of the revised CCR.

- With regards to CCR frequency, ASDWA recommends the same CCR be delivered twice.
 - At least 18 states provide resources or assistance in the development of the CCR and generating two different reports would add an unnecessary burden on primacy agencies and provide very little, if any, new information to the consumer.
- ASDWA suggests EPA rethink how water quality information is presented in the CCR and explore online alternatives as opposed to delivering a lengthy paper report.
- ASDWA recommends EPA develop a CCR-generating tool to reduce burden on primacy agencies and water systems.
- ASDWA recommends EPA reevaluate the language included in the CCR by reducing technical and mandatory language wherever possible to lower the reading level and report length.
- Regarding translations, ASDWA recommends EPA develop guidance on when a translation is needed and how to conduct a CCR translation.

Recommendations for Clarity and Engagement

After consulting with ASDWA's CCR Workgroup in response to EPA's proposal for primacy agencies to submit comprehensive compliance monitoring data annually to the Agency, ASDWA's membership requests clarity from EPA on their approach for gathering/requesting data and EPA's intent with the data. ASDWA strongly recommends that EPA engage with states to discuss the proposed approach. Without clarity on this proposal, states have varying concerns over burden.

State Concerns with Burden and State Decision-Making

This proposal could potentially place a significant burden on states, as many states still receive paper reports and submitting data to EPA would require making all reports electronic, normalizing electronic reports for federal reporting, and resolving report errors. Additionally, many states have made considerable investments in data transparency through the deployment of Drinking Water Watch and similar public data portals, meaning that submitting data to improve transparency would be redundant. Any expectation from states already burdened by varying new priorities on top of their usual activities to support the data entry, database development/maintenance, reporting resources and troubleshooting activities should be met with a corresponding increase in the PWSS.

States have also expressed concern over the data that would be submitted in this proposal being used to second-guess primacy agency decision-making. If the proposal to submit data to EPA is carried forward, data collected should be used strictly for transparency as opposed to questioning state decisions. There is also confusion with EPA's potential handling of state monitoring data that goes above and beyond federally required rules. As mentioned above, much of this concern could be remedied with clarity from EPA on this specific approach and additional engagement with primacy agencies.

Thank you for this opportunity to provide input on these important issues. If you have any questions regarding these comments or if ASDWA can be of assistance in another way, please feel free to contact me (aroberson@asdwa.org) or Kevin Letterly (kletterly@asdwa.org).

Best Regards,



J. Alan Roberson, P.E.

Executive Director

Association of State Drinking Water Administrators (ASDWA)

Cc: Anita Thompkins – EPA OGWDW
Sarah Bradbury – EPA OGWDW

