



May 23, 2022

Eric Burneson
Director, Standards and Risk Management Division
Office of Ground Water and Drinking Water
US Environmental Protection Agency
1201 Constitution Ave NW
Washington, DC 20004

Re: Docket ID EPA-HQ-OW-2022-0260, Consumer Confidence Report Rule Revision

Dear Mr. Burneson,

The Association of Metropolitan Water Agencies (AMWA) is pleased to have the opportunity to provide comments on revisions to the Consumer Confidence Report (CCR) rule. AMWA is an organization of the general managers and CEOs of large publicly owned drinking water utilities. Members serve communities of more than 100,000 people and work hard to provide safe, clean drinking water to the public. The association supports the CCR rule as an important tool to clearly communicate with customers about water quality and compliance with drinking water standards. However, AMWA urges EPA to limit unnecessary burdens on community water systems (CWSs), particularly regarding the frequency of CCRs.

America’s Water Infrastructure Act of 2018 (AWIA) was clear that revisions to the CCR rule should seek to increase readership, clarity, and understandability of the reports among the public. Additionally, the House Energy and Commerce committee’s November 1, 2017, report for H.R. 3387 – legislation that was later incorporated into AWIA – directed EPA to implement the CCR rule changes in a way that “reduce[s] burdens on community water systems.”¹ Therefore, AMWA believes that as EPA develops revisions to the rule in line with Congress’ intent, these considerations should remain paramount.

One of the most effective ways to reduce burdens on water systems and avoid customer confusion is to avoid a new mandate that would require CWSs to develop entirely new CCRs

¹ November 1, 2017, House Energy and Commerce Committee report on H.R. 3387, <https://www.congress.gov/congressional-report/115th-congress/house-report/380/1>.

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every six months. While we recognize that AWIA directs EPA to update the CCR rule to require large water systems to “provide” a CCR to customers “at least biannually,” the association believes that a revised rule can fulfill this requirement by directing water systems to notify customers at least twice per year of the availability of its traditional annual CCR.

This approach would ensure maximum consistency with the structure of the current CCR rule. That rule requires data presented to be “derived from data collected to comply with EPA and State monitoring and analytical requirements during calendar year 1998 for the first report and *subsequent calendar years thereafter*” [emphasis added].² Exceptions are made for contaminants for which monitoring is required less than once a year. In those cases, the rule requires the CCR to report the results of “the most recent sampling” along with a notation of when the sample was collected.

This means that CCRs have always reported the results of water quality testing conducted during a single calendar year, except for when the most recent data precedes that year. To ensure maximum clarity for customers, revisions to the rule should ensure that CCRs continue to primarily report data collected during a single calendar year. Otherwise, the production of a second CCR during a single calendar year could lead to increased confusion for customers and increased burdens for water systems.

For example, consider if EPA were to require two CCRs per calendar year: one covering the first six months (January-June) and the other carrying data from July-December. Based on the amount of time necessary to compile and format the data, the CCR that a customer receives in July would most likely convey water quality information that was collected during the previous July-December period. Subsequently, the next CCR (presumably due the following January) would include water quality data collected from the previous January through June. This would mean that the data sent out to customers would always be between 6 and 12 months old, would not be clearly associated with a single calendar year, and in some – but not all – cases, it would repeat the same test results that were already reported in the previous 6-month CCR.

To put it simply, rather than providing a one-year overview of water quality, 6-month CCRs would send reports to customers more frequently, but with only some of the information updated from the previous report. Expecting recipients to accurately keep track of which information is updated and which is not would only add to customer confusion.

To avert this confusion while fulfilling Congress’ mandate, EPA should continue to require community water systems to develop one comprehensive CCR that covers each calendar year, while also requiring water systems to notify customers of the report’s availability at least twice annually. This process would fulfill Congress’ requirement that a utility “provide” a CCR to

² August 19, 1998, Federal Register notice of Final Rule: Consumer Confidence Reports, <https://www.govinfo.gov/content/pkg/FR-1998-08-19/pdf/98-22056.pdf>.

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customers “at least biannually,” and avoids making CCRs less understandable by decoupling most reported test results from a single calendar year.

This approach would also align with Congress’ direction to reduce burdens on CWSs by not requiring them to double the frequency with which they would be required to develop new CCRs. Most importantly, this approach would offer more opportunities for customers to interact with their CWSs and be made aware of their community’s CCR.

AMWA also supports the option for electronic delivery of CCRs, which AWIA required to be part of the CCR rule revisions developed by EPA. According to the J.D. Power 2022 U.S. Water Utility Residential Customer Satisfaction Study, satisfaction scores are highest when customers recall receiving electronic communication from their water utility.³ This increased communication would almost certainly increase the readership of the document – whether it is mailed in hard copy form or provided through an online channel.

Lastly, AMWA would like to emphasize that the CCR is not the only form of communication that a CWS has with its customers about water quality and compliance with drinking water standards. For example, EPA’s Public Notification Rule ensures that the public is notified of drinking water violations or situations that may pose a risk to the public health of their community. The PN rule requires all CWSs to notify their customers whenever a water system violates a national primary drinking water standard. Additionally, these notices must be sent within a specified time window, either 24 hours, 30 days, or within one year, depending on the violation. Therefore, a customer would be informed of any significant issues with their drinking water far ahead of the CWS’s CCR. Importantly, these notices are also sent to all persons served by the CWS, not just the customers that are billed.

AMWA appreciates the opportunity to provide this statement to EPA as it works to revise the CCR Rule. If you have any questions about these comments, please contact Brian Redder, AMWA’s Manager of Regulatory and Scientific Affairs, at Redder@amwa.net.

Sincerely,



Michael Arceneaux
Acting Chief Executive Officer

cc: Jennifer McLain, OGWDW
Sarah Bradbury, OGWDW

³ J.D. Power 2022 U.S. Water Utility Residential Customer Satisfaction Study, <https://www.jdpower.com/business/press-releases/2022-us-water-utility-residential-customer-satisfaction-study>.