



October 21, 2022

Dr. Jennifer L. McLain
Director
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency

Via Email

Re: Consumer Confidence Report Rule Revision federalism consultation

Dear Dr. McLain,

The Association of Metropolitan Water Agencies (AMWA) is pleased to have the opportunity to provide comments on potential revisions to the Consumer Confidence Report (CCR) rule. AMWA is an organization of the largest publicly owned drinking water systems in the United States. Members serve over 100,000 customers and collectively provide clean drinking water to over 160 million people. 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 consider Congress’ intent under America’s Water Infrastructure Act of 2018 (AWIA) and limit unnecessary burdens on community water systems (CWSs), particularly regarding the frequency of CCRs.

Content considerations

Congress was clear in AWIA that revisions to the CCR rule should seek to increase readership, clarity, and understandability of the reports by 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.

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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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 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, because as with any communication, persistent, repeated communication is often effective in getting a message across.

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 including 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 six and 12 months old, would not be clearly associated with a single calendar year, and in some – but not all – cases, would repeat the same test results that were already reported in the previous six-month CCR.

Alternatively, AMWA’s recommended approach of delivering the same CCR twice a year, would 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. Requiring a new CCR twice a year would double the time and cost associated with creation of these reports, and any additional costs would, most likely, fall to ratepayers.

AMWA would also 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. More importantly, these notices are also sent to all persons served by the CWS, not just the customers that are billed.

Delivery considerations

Many CWSs have worked to improve the effectiveness of CCR content and delivery in communities, particularly to non-bill paying customers. For example, many reach out to local libraries, schools, and other federal and state offices to provide hard copies of reports for individuals. AMWA members specifically have also created mass communication system subscription services, reached out to post offices, employed social media, and used a variety of other techniques that help them reach a wider audience than just single bill payers. It makes sense that efforts to reach the community be at the discretion of the utility and its partners to customize delivery in a way that works for their customers. A uniform requirement for delivery to ensure non-bill paying customers receive the report would put unnecessary burdens on those who already have a system in place.

Translation considerations

AMWA members work hard to ensure information is readily available to customers, which includes translation of CCRs in other languages. CWSs with large populations of non-English speaking residents, as determined by the primacy agency, must already supply information in the appropriate language that highlights the importance of the information, or provide information on where a resident can find a translated copy or assistance. It is important that residents have access to the important information provided in these reports, and AMWA is committed to making them clear, readable, and accessible to customers.

Translation services can be a large expense for utilities, especially since some reports can exceed 50 pages. To minimize burdens on CWSs while still making reports accessible, EPA again should only require utilities to create one CCR annually that is sent out at least every six months. This would save utilities from having to have a new report translated twice a year. This is especially important for utilities that contain several populations of non-English speaking customers who have the report translated into multiple languages.

Other considerations

Some CWSs can partner with State and local health departments to develop language to be used in the CCR, while some may not have that assistance. AMWA supports the development of guidance and suggested language that CWSs can use for their reports but does not recommend making its inclusion mandatory. CWSs, along with their partners, are best suited to determine what language will be most helpful to customers. For those without additional support, guidance provided by EPA can reduce staff time required to complete reports.

Dr. Jennifer McLain

October 21, 2022

Page 4

Conclusions

In summary, AMWA recommends that EPA 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 customers "at least biannually," and helps keep the public informed on the quality of their drinking water without increasing burdens on utility staff and resources. The association believes that a clear and understandable yearly report will help inform the public on its drinking water and further improve the relationship between CWSs and the public.

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,

A handwritten signature in black ink, appearing to read "Thomas Dobbins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas Dobbins
Chief Executive Officer

cc: Sarah Bradbury, OGWDW
Michael Plastino, OGWDW