



LEADERS IN WATER

1620 I Street, NW, Suite 500
Washington, DC 20006

P 202.331.2820 F 202.785.1845
amwa.net

October 1, 2021

Ms. Lisa D. Daniels
Chair
National Drinking Water Advisory Council

Via OGWDWCCRrevisions@epa.gov

Re: Meeting of the National Drinking Water Advisory Council to discuss NDWAC's Consumer Confidence Report Rule Revision Working Group's preliminary recommendations

Dear Ms. Daniels,

The Association of Metropolitan Water Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. AMWA members support the Consumer Confidence Report (CCR) rule as an important tool to clearly communicate with customers about water quality and compliance with drinking water standards. AMWA is therefore asking for the National Drinking Water Advisory Council (NDWAC) to consider this statement as you develop recommendations to guide EPA's revisions to the CCR rule.

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 “reduces burdens on community water systems.” Therefore, AMWA believes that as NDWAC develops recommendations on how EPA can best revise 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 community water systems (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 their traditional annual CCR.

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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]. 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. This also means that a revised rule should not require a water system to produce more than one new CCR during a single calendar year. In many cases, it would not carry any new information and could actually 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 current timelines, the CCR that a customer receives in July would 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, repeat the same test results that were already reported in the previous 6-month CCR. This method could increase customer confusion and run against the new law’s goal of making CCRs more clear and understandable to the public. This would also substantially increase burdens on water systems.

In other words, rather than providing a one-year overview, 6-month CCRs would send customers new reports more frequently, but only with some of the included information updated from the previous report. Expecting recipients to accurately keep track of which information is updated and which is not would make it much more difficult to make the reports more comprehensible to the public.

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 but require water systems to notify customers of its availability at least twice annually. This process would fulfill Congress’ requirement that a utility “provide” a CCR to customers “at least biannually” because the “provide” requirement does not mandate the completion of a completely new report. This approach is consistent with Congress’ direction to increase the understandability of the report and avoids making the CCRs less straightforward 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. 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.

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AMWA would also like to bring to the NDWAC's attention 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 (PN) 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 highly supports the overall goal to increase readership and clarity for a CWS's customers. However, the association greatly discourages requiring the development of a new CCR every six months, which would put unnecessary burdens onto CWSs with little to no benefit to the public.

AMWA appreciates the opportunity to provide this statement for NDWAC's consideration as it works to help guide EPA's revisions to the Consumer Confidence Reports. If you have any questions about these comments, please contact Stephanie Hayes Schlea, AMWA's Director of Regulatory and Scientific Affairs, at schlea@amwa.net.

Sincerely,



Diane VanDe Hei
Chief Executive Officer

cc: Jennifer McLain, Director, Office of Ground Water and Drinking Water
Elizabeth Corr, Office of Ground Water and Drinking Water