



# Water and Wastewater Regulatory Compliance Corner

## Consumer Confidence Report Rule

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## Background

### Drinking Water Regulation in America

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources—rivers, lakes, reservoirs, springs, and ground water wells.

SDWA authorizes the United States Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally occurring and synthetic contaminants that may be found in drinking water. EPA, Tribal Nations, states, and water systems then work together to make sure that these standards are met.

### Introduction to Regulation

To protect customers, the EPA has issued specific regulations and rules that water utility systems must follow to make sure they are providing safe drinking water. EPA has issued the Consumer Confidence Report (CCR) rule that requires community water systems to prepare and provide to their customers annual consumer confidence reports on the quality of the water delivered by the systems.

### Timeline of Regulation

**1998:** The Complete proposed rule language as published in the Federal Register: February 13, 1998.

**2011:** The CCR Rule was included in U.S. EPA's Final Plan for Periodic Retrospective Reviews of Existing Regulations (August 2011).

### Why is this important?

CCRs provide valuable information to customers of community water systems and allow them to make personal health-based decisions regarding their drinking water consumption. These reports are the centerpiece of public right-to-know in SDWA.

The information contained in consumer confidence reports can raise consumers' awareness of where their water comes from, help them understand the process by which safe drinking water is delivered to their homes, and educate them about the importance of preventative measures, such as source water protection, that ensure a safe drinking water supply.

The Water and Wastewater Regulatory Compliance Corner provides analyses and details about changes to national drinking water standards and regulations, and national regulatory standards for wastewater discharged to surface waters and sewage treatment plants. These technical analyses are intended for Tribal water and wastewater utility professionals, and do not necessarily reflect USET/USSET SPF policy positions about national environmental laws; EPA regulations, rules, and guidance documents; EPA trust and treaty obligations; and EPA strategy for implementing federal environmental programs in the USET region.

## Content of the reports

### INFORMATION ON THE SOURCE OF THE WATER DELIVERED

- CCR reports must identify the source(s) of the water by type (ground, surface, etc) and location or common name of the body of water
- If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it.
- Each report must include the following definitions:
  - **Maximum Contaminant Level Goal or MCLG:** The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
  - **Maximum Contaminant Level or MCL:** The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
  - **Variations and Exemptions:** EPA permission not to meet an MCL or a treatment technique under certain conditions.
  - **Treatment Technique or TT:** A required process intended to reduce the level of a contaminant in drinking water.
  - **Action Level:** The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

### INFORMATION ON DETECTED CONTAMINANTS

- CCR must include in each report contaminants subject to mandatory monitoring, applies to
  - Contaminants subject to an MCL, action level, or treatment technique (regulated contaminants)
  - Detected unregulated contaminants (list can be found here; [Fourth Unregulated Contaminant Monitoring Rule | Monitoring the Occurrence of Unregulated Drinking Water Contaminants | US EPA](#))
  - Disinfection by-products or microbial contaminants for which monitoring is required.
- This data must be displayed in one table or in several adjacent tables. Any additional monitoring results must be displayed separately.
- For detected regulated contaminants the table(s) must contain:
  - The MCL for that contaminant expressed as a number equal to or greater than 1.0  
Example – 300 ppb, not 0.3 ppm
  - The MCLG for that contaminant expressed in the same units as the MCL
- If there is no MCL for a detected contaminant table must indicate
  - there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level
- For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with a National Public Drinking Water Regulation (NPDWR) and the range of detected levels, as follows:

When	Then
When MCL compliance is determined annually or less frequently	The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point	the highest average of any of the sampling points and the range of all sampling points expressed
When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points:	the average and range of detection expressed in the same units as the MCL

- Detected contaminants have requirements for values that must be posted in a CCR

Detected Contaminants	Requirements
Turbidity	The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits. The report should include an explanation of the reasons for measuring turbidity;

Detected Contaminants	Requirements
Lead and Copper	the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;
For total coliform	The highest monthly number of positive samples for systems collecting fewer than 40 samples per month The highest monthly percentage of positive samples for systems collecting at least 40 samples per month
Fecal Coliform	The total number of positive samples

- The likely source(s) of detected contaminants to the best of the operator’s knowledge.
  - Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator.
- If a CWS sources water from multiple independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system.
- The table must clearly identify any data indicating violations of MCLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including:
  - the length of the violation
  - the potential adverse health effects
  - actions taken by the system to address the violation
- For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the table must contain:
  - the average and range at which the contaminant was detected.
  - The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

#### INFORMATION ON CRYPTOSPORIDIUM, RADON, AND OTHER CONTAMINANTS

- If the system has performed any monitoring for Cryptosporidium which indicates that Cryptosporidium may be present in the source water or the finished water, the report must include:
  - A summary of the results of the monitoring
  - An explanation of the significance of the results.
- If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:
  - The results of the monitoring
  - An explanation of the significance of the results.

#### COMPLIANCE WITH NPDWR

- The report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.
  - Monitoring and reporting of compliance data
  - Filtration and disinfection processes.
  - Lead and copper control requirements
  - Recordkeeping of compliance data.
  - Violation of the terms of a variance, an exemption, or an administrative or judicial order.
- Variances and Exemptions. If a system is operating under the terms of a variance or an exemption, the report must contain:
  - An explanation of the reasons for the variance or exemption
  - The date on which the variance or exemption was issued
  - A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption
  - A notice of any opportunity for public input in the review, or renewal, of the variance or exemption.

## ADDITIONAL INFORMATION

- The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. These are verbatim from the rule
  1. The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
  2. Contaminants that may be present in source water include:
    - **Microbial contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
    - **Inorganic contaminants**, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
    - **Pesticides and herbicides**, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
    - **Organic chemical contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.
    - **Radioactive contaminants**, which can be naturally-occurring or be the result of oil and gas production and mining activities.
  3. EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.
  4. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).
- The report must also include:
  1. the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report
  2. information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.
- In communities with a large proportion of non-English speaking residents, as determined by the Primacy Agency, the report must contain information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

## REQUIRED ADDITIONAL HEALTH INFORMATION.

- **All reports must prominently display the following language**

*Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/ CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).*
- A system which detects arsenic at levels above 25 ppb, but below the MCL must include in its report:
  1. a short informational statement about arsenic, using language such as:

*EPA is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally-occurring mineral known to cause cancer in humans at high concentrations.*

2. May write its own educational statement, but only in consultation with the Primacy Agency.
- A system which detects nitrate at levels above 5 ppm, but below the MCL:
  1. Must include a short informational statement about the impacts of nitrate on children using language such as:
 

*Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider*
  2. May write its own educational statement, but only in consultation with the Primacy Agency.
- Systems which detect lead above the action level in more than 5%, but fewer than 10%, of homes sampled:
  1. Must include a short informational statement about the special impact of lead on children using language such as:
 

*Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).*
  2. May write its own educational statement, but only in consultation with the Primacy Agency

#### **REPORT DELIVERY AND RECORDKEEPING.**

- Each community water system must mail or otherwise directly deliver one copy of the report to each customer.
- The system must make a good faith effort to reach consumers who do not get water bills, using means recommended by the primacy agency. EPA expects that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers would include a mix of methods appropriate to the particular system such as:
  - Posting the reports on the Internet
  - advertising the availability of the report in the news media
  - publication in a local newspaper
  - posting in public places such as cafeterias or lunch rooms of public buildings
  - delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers
  - delivery to community organizations.
- Each CWS must
  - mail a copy of the report to the primacy agency, followed within 3 months by a certification that the report has been distributed to customers
  - deliver the report to any other agency or clearinghouse identified by the primacy agency.
  - make its reports available to the public upon request.
- Each community water system serving 100,000 or more persons must post its current year's report to a publicly-accessible site on the Internet.
- The Tribal Leader can waive the mandatory delivery requirement of this section for community water systems serving fewer than 10,000 persons.
- In consultation with the Tribal government, the Regional Administrator may waive the mandatory notice requirement in areas in Indian country where no tribe has been deemed eligible.
  1. Such systems must:
    - (i) Publish the reports in one or more local newspapers serving the area in which the system is located
    - (ii) Inform the customers that the reports will not be mailed, either in the newspapers in which the reports are published or by other means approved by the Tribal Nation
    - (iii) Make the reports available to the public upon request.

- Systems serving 500 or fewer persons may forego the mandatory notice requirements if they provide notice at least once per year to their customers by mail, door-to-door delivery or by posting in an appropriate location that the report is available upon request.

#### **TREATMENT AS STATE**

The CCR Rule (§ 142.72 Requirements for Tribal eligibility for treatment as same manner as State) requires Tribal water utilities to provide CCRs to their customers each year whether or not the Tribal Nation has obtained “Treatment as same manner as State” (TAS) under the SDWA. The mandatory notice requirement may be waived by EPA Regional Administrators in consultation with Tribal Leaders for community water systems in certain circumstances.

- For reference, Tribal Nations who seek TAS under the SDWA must meet certain criteria as specified below:
  - The Tribal Nation is recognized by the Secretary of the Interior.
  - The Tribal Nation has a Tribal governing body which is currently “carrying out substantial governmental duties and powers” over a defined area, (i.e., is currently performing governmental functions to promote the health, safety, and welfare of the affected population within a defined geographic area).
  - The Tribal Nation demonstrates that the functions to be performed in regulating the public water systems that the applicant intends to regulate are within the area of the Indian Tribal government’s jurisdiction.
  - The Tribal Nation is reasonably expected to be capable, in the Administrator’s judgment, of administering (in a manner consistent with the terms and purposes of the Act and all applicable regulations) an effective Public Water System program.