



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.¹ 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

¹ ASDWA CCR Survey (see attachment)

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.

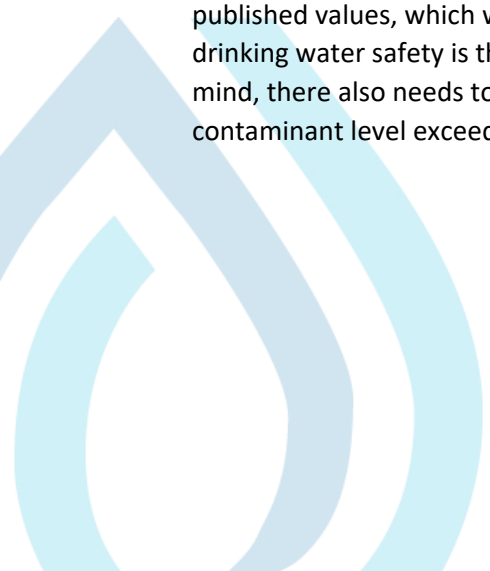
Readability

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 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

