Consumer Confidence Report Rule/Safe Drinking Water Act: U.S. Environmental Protection Agency Proposes Revisions

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The United States Environmental Protection Agency ("EPA") announced on March 28th a Notice of Proposed Rulemaking ("NPR") that would revise the Safe Drinking Water Act ("SDWA") Consumer Confidence Report Rule.

Consumer Confidence Reports ("CCRs") are sometimes denominated "Annual Drinking Water Quality Reports" and provide information about the local drinking water for the previous year.

The SDWA is the federal law that protects drinking water supplies. The statute requires that EPA identify drinking water contaminants. The federal agency is then required to develop rules to either set maximum permissible levels for the contaminants or establish protocols to treat the water to minimize the level of contaminant. All owners or operators of public water systems are required to comply with the primary (health-related) standards.

The states can be delegated the ability to enforce their requirements by the SDWA. The Arkansas Department of Health implements this program in Arkansas.

Congress had amended the SDWA in 1996 to add a provision requiring all community water systems deliver to their customers an annual water quality report (CCR). The CCR is a document that provides consumers information about the quality of drinking water in an easy-to-read format. It summarizes information that the water system already collects to comply with SDWA regulations. The information includes:

- Sources of water used (i.e., rivers, lakes, reservoirs, or aquifers)
- Chemical contaminants
- Bacteriological contaminants
- Compliance with SDWA rules
- Educational health information
- Water system content information
- Public participation opportunities

The CCR is provided to the public water system's customers on an annual basis.

EPA states that it has proposed revisions to the CCR for the purpose of:

- Improving readability, clarity, and understandability of water quality reports

- Enhance risk communication
- Encourage modern electronic delivery options
- Clarify information regarding lead levels in efforts to reduce lead in drinking water
- Provide translation for customers with limited English proficiency
- Require reports be issued twice a year (for systems that serve 10,000 or more people)
- Require states to submit compliance monitoring to EPA

EPA notes that it sought recommendations from the National Drinking Water Advisory Council in four key areas:

- Addressing accessibility challenges (including translating CCRs and meeting American with Disabilities requirements)
- Advancing environmental justice in supporting underserved communities
- Improving readability, understandability, clarity and accuracy of information, improve risk communication of CCRs
- CCR delivery manner and methods including electronic delivery

A link to the prepublication NPR can be found here.