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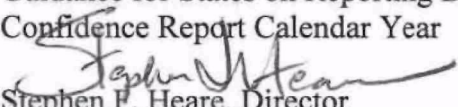
WSG 182

Date Signed: March 11, 2010

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Guidance for States on Reporting Data and Violations for the 2009 Consumer Confidence Report Calendar Year

FROM: 
Stephen F. Heare, Director
Drinking Water Protection Division

TO: Drinking Water Branch Chiefs
Regions I-X

The Consumer Confidence Report (CCR) Rule is an important part of the 1996 Amendments to the Safe Drinking Water Act (SDWA) and the centerpiece of public right-to-know in the SDWA. The CCR Rule requires all community water systems (CWSs) to provide their customers with an annual water quality report or CCR. The information contained in CCRs 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 value of a safe drinking water supply. Consumer confidence reports may promote dialogue between consumers and their drinking water utilities and can encourage consumers to become involved in protecting their source(s) of drinking water.

The main purpose of this memorandum is to summarize the major elements of the CCR Rule, highlighting how the newer rules (i.e., Ground Water Rule, Stage 2 Disinfectants and Disinfection Byproducts Rule, Long Term 2 Enhanced Surface Water Treatment Rule, and Lead and Copper Rule Short Term Regulatory Revisions and Clarifications) create new requirements that are subject to inclusion in the CCR. As a reminder, the CCRs issued by July 1, 2010, must reflect these new requirements. Revised guidance documents for systems and primacy agencies are currently under internal review and will be made available on-line and in print as soon as possible.

General:

- In order to receive primacy for the CCR Rule, states may either adopt by reference or by must provide alternative requirements of the same type and amount of information as the federal requirements and must designed to achieve an equivalent level of public information and education as would be achieved under the federal requirements [40 CFR 141.151(e)].
- Each community water system must mail or otherwise directly deliver an annual water quality report by July 1 to each customer [40 CFR 141.152(b) and §141.155(a)]. The

system must make a good faith effort to reach consumers who do not get water bills using a mix of methods appropriate to the system [40 CFR 141.155(b)].

- Drinking water wholesale systems must provide data to consecutive systems no later than April 1 unless the wholesale system and consecutive system mutually agree upon a different date and specify it in a contract between the two parties [40 CFR 141.152(d)].
- Each CCR must contain the following content [40 CFR 141.153]: (1) water system information; (2) source(s) of water; (3) definitions; (4) table of detected contaminants; (5) information on *Cryptosporidium*, radon and other contaminants; (6) compliance with national primary drinking water rules; (7) any variances and/or exceptions; and (8) additional informational as listed in 40 CFR 141.153(h) and §141.154.
- Certifications must be sent for the reports by October 1 annually. A CWS can deliver the certification to the state at the same time it delivers the CCR to its customers [40 CFR 141.155(c)].
- Each community water system serving 100,000 or more persons must post its current year's report on the Internet [40 CFR 141.155(f)]. See link below.
- The Governor of a State or his designee, or the Tribal Leader where the tribe has met the eligibility requirements, can waive the delivery requirement under 40 CFR 141.155(a) to mail or otherwise directly deliver one copy of the report to each customer for systems serving fewer than 10,000 persons. In lieu of individual delivery, waived systems must publish the reports in one or more local newspapers, inform the customers that the reports will not be mailed, and make the reports available to the public upon request [40 CFR 141.155(g)(1)].
- The Governor of a State or his designee, or the Tribal Leader where the tribe has met the eligibility requirements, can waive the delivery requirements under 40 CFR 141.155(a) and §141.155(g)(1) for systems serving fewer than 500 persons. These waived systems must provide notice that the report is available upon request via mail, door-to-door delivery or by posting [40 CFR 141.155(g)(2)].

Rule-by-Rule Updates:

- *Reporting treatment technique (TT) violations:* EPA recommends that systems include TT violations in a table adjacent to the main detected contaminant table [including those identified in 40 CFR 141.153(f)(2) – (4)]. The table must include an explanation of the violation, the length of the violation, any potential adverse health effects, and steps taken to correct the violation. The following table is an example template.

TT Violation	Explanation of the TT Violation	Length of the Violation	Steps Taken to Correct the Violation	Health Effect Language

- *Arsenic Rule*: A system with a detect of arsenic above 5 parts per billion (ppb) or 0.005 milligrams per liter (mg/L) and up to and including 10 ppb or 0.010 mg/L must include a short informational statement in the report. Systems that exceed the revised arsenic MCL of 10 ppb or 0.010 mg/L on or after January 23, 2006, must report the violation and include the health effects language.
- *Filter Backwash Recycle Rule (FBBR)*: Systems must report in their CCR the treatment technique violation of failure to return recycle flows through the processes of the existing filtration system or to an alternate state-approved location (conventional and direct filtration systems only).
- *Long-Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)*: A surface water system serving fewer than 10,000 people must report violations related to this rule in their CCR. These include a single exceedance of the maximum turbidity limit, beginning construction of an uncovered finished water reservoir, failure to conduct disinfection profiling and benchmarking, failure to notify the state before making a change to a disinfection practice, and failure to monitor for turbidity.
- *Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR)*: Based on a system's schedule under the Stage 2 DBPR, systems will change from reporting their system-wide running annual average under Stage 1 DBPR to their highest locational running annual average for total trihalomethanes (TTHM) and five haloacetic acids (HAA5). Systems will also report the range of individual sample results for all monitoring locations. If more than one location exceeds the TTHM or HAA5 maximum contaminant level (MCL), the system must include the location running annual average for all locations that exceed the MCL. Systems must also include failure to monitor for TTHMs and HAA5s. During the calendar year that the water system collected samples for the Initial Distribution System Evaluation (IDSE), systems must consider individual sample results when determining the range of TTHM and HAA5 results to report.
- *Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)*: Based on a system's schedule under the LT2ESWTR, a surface water system must report violations related to this rule in their CCR. These include failure to monitor for *Cryptosporidium*; and treatment technique violations including failure to address an uncovered finished water reservoir (i.e., cover or treat), failure to determine and report a bin classification or calculate and report a mean *Cryptosporidium* level, failure to install additional treatment (filtered systems) or a second disinfectant by required date (unfiltered systems), failure to achieve treatment credit (filtered system) or inactivation level (unfiltered systems) by required date, failure to maintain required inactivation (filtered systems), and failure to notify the state before making a change to a disinfection practice.
- *Ground Water Rule*: Beginning with the report due July 1, 2010, a ground water system must report any detection of a fecal indicator (*E. coli*, enterococci, coliphage) at the source and provide special notice regarding the detect. It is recommended that fecal indicator-positive source sample be included in a separate line item in the Detected Contaminant Table. For *E. coli*, list the MCL and MCLG as zero; for enterococci or coliphage, list "TT" in the column for MCL and "N/A" in the column for MCLG. A

ground water system must also provide special notice for any significant deficiency that is uncorrected by the end of the calendar year. In addition, a ground water system must report treatment technique violations in their CCR including failure to maintain 4-log treatment of viruses for more than 4 hours for systems required to treat to 4-log, failure to take corrective action or be in compliance with a schedule for a fecal indicator-positive source sample, and failure to take corrective action or be in compliance with a schedule for a significant deficiency. Ground water systems must also report monitoring violations for fecal indicators or compliance monitoring.

- *Lead and Copper Rule (LCR) Short Term Regulatory Revisions and Clarifications:* Beginning with the report due July 1, 2009, systems whose states adopted the LCR revisions before January 1, 2009, must include an educational statement about lead in every report released to the public. For systems whose states have not adopted the revisions by January 1, 2009, the lead information statement must be included in reports due by July 1, 2010. Treatment technique violations for the LCR Rule include failure to meet corrosion control treatment, source water treatment or lead service line replacement.

Additional guidance and tools are already available to assist systems and states in the interim of the EPA publishing the revised CCR guidance documents, including:

- The CCRiWriter, which has been updated to comply with all of the new rules' CCR reporting requirements, and is available for free on-line at www.ccriwriter.com.
- Community water systems can link their CCR to EPA's on-line CCR repository at <http://www.epa.gov/safewater/ccr/whereyoulive.html>.

If you have questions, please let me know or you may contact Maura Browning (202-564-2550).

Cc: CCR/PN Workgroup Members, EPA Regions I-X
James Taft, Executive Director, Association of State Drinking Water Administrators