Revised State Implementation Guidance for the Consumer Confidence Report (CCR) Rule

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Disclaimer

This document provides guidance to states, Native American tribes, and U.S. Environmental Protection Agency (EPA) exercising primary enforcement responsibility under the Safe Drinking Water Act (SDWA) and contains EPA's current policy recommendations for complying with the Consumer Confidence Report (CCR) Rule. Throughout this document, the terms "state" and "states" are used to refer to all types of primacy agencies including U.S. territories, Native American tribes, and EPA.

The statutory provisions and EPA regulations described in this document contain legally binding requirements. This document is not a regulation itself, nor does it change or substitute for those provisions and regulations. Thus, it does not impose legally binding requirements on EPA, states, or public water systems. This guidance does not confer legal rights or impose legal obligations upon any member of the public.

While EPA has made every effort to ensure the accuracy of the discussion in this guidance, the obligations of the regulated community are determined by statutes, regulations, or other legally binding requirements. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling.

The general description provided here may not apply to a particular situation based upon the circumstances. Interested parties are free to raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation. EPA and other decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from those described in this guidance, where appropriate.

Mention of trade names or commercial products does not constitute endorsement or recommendation for their use.

This is a living document and may be revised periodically without public notice. EPA welcomes public input on this document at any time. Guidance provided in this document reflects provisions published on August 19, 1998 at 63 FR 44526; and as amended at 63 FR 69475, December 16, 1998; 63 FR 69516, December 16, 1998; 64 FR 34733, June 29, 1999; 65 FR 26022, 26023, and 26024, May 4, 2000; 65 FR 76749, December 7, 2000; 66 FR 7064, January 22, 2001; 67 FR 1836, January 14, 2002; 67 FR 70855, November 27, 2002; 67 FR 73011, December 9, 2002; 68 FR 14506, March 25, 2003; 69; 71 FR 483, January 4, 2006; and 71 FR 65651 and 65652, November 8, 2006.

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Acronyms

AL	Action Level
CCR	Consumer Confidence Report
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CWS	Community Water System
DBPP	Disinfection Byproduct Precursor
EPA	Environmental Protection Agency
FBRR	Filter Backwash Recycling Rule
FDA	Food and Drug Administration
GWR	Ground Water Rule
GWUDI	Ground Water Under Direct Influence of Surface Water
HAA5	Five Haloacetic Acids
HQ	EPA Headquarters
ICR	Information Collection Rule
IDSE	Initial Distribution System Evaluation
LCR	Lead and Copper Rule
LRAA	Locational Running Annual Average
LT1ESWTR	Long-Term 1 Enhanced Surface Water Treatment Rule
LT2ESWTR	Long-Term 2 Enhanced Surface Water Treatment Rule
M&R	Monitoring and Reporting
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MDL	Method Detection Limit
mg/L	Milligrams per Liter
MRDL	Maximum Residual Disinfectant Level
MRDLG	Maximum Residual Disinfectant Level Goal
mrem	Millirem
N/A	Not Applicable
NDWAC	National Drinking Water Advisory Council
NOVs	Notices of Violation
NPDWR	National Primary Drinking Water Regulation

OECA	Office of Enforcement and Compliance Assistance
OGC	Office of General Counsel
OGWDW	Office of Ground Water and Drinking Water
ORC	Office of Regional Counsel
pCi/L	Picocuries per Liter
PN	Public Notification
ppb	Parts per Billion
PWSs	Public Water Systems
PWSS	Public Water System Supervision
Q&As	Questions and Answers
RAA	Running Annual Average
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
Stage 1 DBPR	Stage 1 Disinfectants and Disinfection Byproducts Rule
Stage 2 DBPR	Stage 2 Disinfectants and Disinfection Byproducts Rule
SWAP	Source Water Assessment Program
SWTR	Surface Water Treatment Rule
TCR	Total Coliform Rule
TOC	Total Organic Carbon
TT	Treatment Technique
TTHM	Total Trihalomethanes

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Introduction

The Consumer Confidence Report (CCR) Final Rule was published in the *Federal Register* on August 19, 1998, (63 FR 44512). The CCR became effective September 18, 1998 - 30 days after publication [40 CFR 141.152(a)]. This Rule is updated as new rules are promulgated by U.S. Environmental Protection Agency (EPA). An electronic copy of the CCR Final Rule is available at: www.epa.gov/safewater/ccr/regulations.html.

This guidance document contains information that will aid states in implementing the CCR Rule. It also provides examples of ways in which systems can prepare and present data in the CCR. Throughout this document, the terms "state" and "states" are used to refer to all types of primacy agencies including states, U.S. territories, Native American tribes, and EPA Regions that maintain state primacy.

The SDWA provisions and EPA regulations described in this document contain legally binding requirements. This document does not substitute for those requirements, nor is it a regulation itself. It does not impose legally binding requirements on EPA, states, or the regulated community and may not apply to a particular situation based on the circumstances. EPA and state decision makers retain the discretion to adopt approaches on a case-by-case basis that may differ from this guidance, where appropriate. Any decisions regarding a particular facility will be made based on the applicable statutes and regulations. Therefore, interested parties are free to raise questions and objections about the appropriateness of the application of this guidance to a particular situation. EPA will then consider whether or not the recommendations or interpretations in the guidance are appropriate in that situation based on the law and regulations. EPA may change this guidance in the future.

This document includes six sections:

- Section 1 – Rule Requirements.
- Section 2 – Resources and Guidance.
- Section 3 – State Implementation.
- Section 4 – State Primacy Revision Application.
- Section 5 – Violation Determination and Safe Drinking Water Information System (SDWIS) Reporting.
- Section 6 – Consumer Confidence Report Examples

The Appendices of this guidance contain information and example formats that state and EPA may find useful in the primacy revision process. The Appendices are:

- Appendix A – Primacy Revision Crosswalk.
- Appendix B – Consumer Confidence Report Rule (January 2010 edition).
- Appendix C – Rule Factsheets.
- Appendix D – Example Forms, Letters and Checklists.

- Appendix E – Example CCR and Reporting Monitoring Data.

- Appendix F – Memorandum on Alternative MCL Reporting Format.

Please note that, in several sections, the guidance makes suggestions and offers alternatives that go beyond the minimum requirements indicated. EPA does this to provide information and/or suggestions that may be helpful to implementation efforts. Such suggestions are prefaced by "may" or "should" and are to be considered advisory. They are not required elements of the CCR Rule.

Since this document was published in January 2001, EPA has promulgated the following rules:

- Arsenic Rule – January 22, 2001.

- Filter Backwash Recycling Rule – June 8, 2001.

- Long-Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) – January 14, 2002.

- Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) – January 4, 2006.

- Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) – January 5, 2006.

- Ground Water Rule (GWR) – November 8, 2006.

- Lead and Copper Rule (LCR) Short Term Regulatory Revisions and Clarifications (LCR Revisions) – October 10, 2007.

These rules create new requirements that may be subject to inclusion in a CCR. (Note: If you have questions regarding compliance dates for any of these rules, refer to EPA's Web site at www.epa.gov/safewater or Web sites listed in Section 2.1 of this document to obtain each rule's guidance manual.)

- **Arsenic Rule**: A system with a detection 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**: Systems must report in their CCR any 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).

- **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. In addition, positive results of any *Cryptosporidium* monitoring must be reported in the CCR, whether taken for compliance with LT1ESWTR or voluntarily.

- **Stage 2 DBPR:** Based on a system's schedule under the Stage 2 DBPR, systems will change from reporting their system-wide average under Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR) to their highest locational running annual average (LRAA) 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 locational running annual average for all locations that exceed the MCL in its CCR.

  During the calendar year that the water system collected samples for the Initial Distribution System Evaluation (IDSE), systems must include IDSE sample results when reporting the range of TTHM and HAA5, but not the average.

  Systems must also report in their CCR if they failed to monitor for TTHMs and HAA5s.

- **LT2ESWTR:** Based on a system's schedule under the LT2ESWTR, a surface water system must report violations related to this rule in their CCR which include:

  - Treatment technique violations for: failure to address an uncovered finished water reservoir (i.e., cover or treat); failure to determine and report a bin classification (filtered systems); failure to calculate and report a mean *Cryptosporidium* level (unfiltered systems); failure to provide, install or maintain a required level of additional treatment (filtered systems); failure to achieve the required inactivation level or maintain it once achieved (unfiltered systems); and failure to install a second disinfectant (unfiltered systems).

  - Monitoring and reporting violations for failure to monitor for *Cryptosporidium* for any three months, failure to monitor for *E. coli* and turbidity, and failure to notify the state before making a change to a disinfection practice. In addition, positive results of any *Cryptosporidium* monitoring must be reported in the CCR, whether taken for compliance with LT2ESWTR or voluntarily.

  Note: Surface water systems that collected *E. coli* samples at the source under LT2ESWTR are not required to report these results in their CCR. However, they are required to discuss if they failed to monitor for *E. coli* at the source.

- **GWR:** 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 detection. 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 violations of the GWR in its CCR which include: Treatment technique violations for 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 within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a fecal indicator-positive source sample, and failure to take corrective action within the required timeframe or be in compliance with a state-approved corrective action plan and schedule for a significant deficiency.

  - Monitoring and reporting violations for failure to conduct source water monitoring for fecal indicators or failure to conduct compliance monitoring.

- **LCR Revisions:** 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.

Section 1
Rule Requirements

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1.1 Introduction

The CCR Final Rule, published in the *Federal Register* on August 19, 1998, (63 FR 44512). The CCR became effective September 18, 1998 - 30 days after publication [40 CFR 141.152(a)]. The CCR Rule has and will be updated as new rules are promulgated by EPA. An electronic copy of the CCR Final Rule is available at: www.epa.gov/safewater/ccr/regulations.html.

The CCR Rule is an important part of the 1996 Amendments to the Safe Drinking Water Act (SDWA). Reports issued under the CCR Rule will give consumers information regarding their drinking water and opportunities to get involved in protecting their source(s) of drinking water. Under 40 CFR Part 141 Subpart O, all community water systems (CWSs) are required to provide their customers with an annual water quality report or CCR. The purpose of this document is to provide states with guidance on implementation of the CCR Rule.

The CCR Rule provides a framework that water suppliers will use to give consumers information about their drinking water, including the water source, contaminants detected in finished water, health effects of contaminants when violations occur, likely sources of detected contaminants, and availability of source water assessments. By understanding their water supplies, customers, especially those with special health needs, can make informed decisions regarding their use of drinking water. States and water suppliers should view these reports as a public information tool to not only educate and involve the public but also to promote a dialogue between customers and their drinking water utilities. It is an opportunity that water systems can use to their advantage to explain how their community's drinking water supplies are protected.

1.1.1 Development of the Consumer Confidence Report Rule

The CCR Proposed Rule was issued on February 13, 1998. In the development of the proposal of the CCR Rule the EPA met extensively with a broad range of groups. In particular, EPA formed a working group under the aegis of the National Drinking Water Advisory Council (NDWAC) to analyze and debate issues related to the proposal. In addition, EPA convened a one-day meeting of a panel of experts in public health and communication of risk-related information. These consultations helped EPA draft proposed rule language, which was then reviewed by NDWAC. The provisions contained in the proposal included all the provisions for which NDWAC reached consensus. After EPA proposed the Rule, the Agency held a series of four focus groups. The purpose of the focus groups was to test various alternatives for the definitions of MCL and MCLG and to gauge the public's reactions to health effects statements. In addition, focus group participants were asked to give their reaction to two CCRs that had actually been issued by community water systems. The availability of a report on the results of these focus groups was announced in the *Federal Register* on May 15, 1998, with a request for comments to be submitted to EPA no later than June 15, 1998.

1.2 Requirements of the Rule: Public Water Systems

1.2.1 Applicability and Compliance Dates

Every CWS, defined as a system that serves at least 25 residents year round or that has at least 15 service connections used by year-round residents, must prepare and distribute a CCR annually [40 CFR 141.151(b)]. CWSs must have delivered the first CCR to their customers by October 19, 1999. The second CCR was due by July 1, 2000, and subsequent reports by July 1, annually thereafter. A new CWS

must deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.

A system may contract with a laboratory to provide monitoring data analysis or CCR development assistance. If the system chooses to use a laboratory to assist with the development of the CCR, the system must work with the laboratory to make sure that all of the required elements are included in the CCR. Otherwise, a system may need to add the missing elements. Regardless of whether the laboratory or system prepares the CCR, the system is ultimately responsible for the content and must always distribute the CCR to its customers.

Drinking water wholesale systems are CWSs that sell water to other CWSs (the purchasing system is often referred to as the "consecutive" system). Under the CCR Rule, a wholesale system must deliver relevant monitoring and compliance data to the consecutive system before reports are due to customers so that the consecutive system has lead-time to prepare a CCR. Wholesale systems must provide the information to the consecutive system no later than April 1 unless the wholesale system and the consecutive system mutually agree upon a different date and specify it in a contract between the two parties [40 CFR 141.152(d)]. Wholesale systems are not responsible for creating the report for the consecutive system, nor are they responsible for providing data on contaminants that the consecutive system monitors (such as total coliforms, lead, or TTHMs). In some cases, however, a consecutive system will contract with the wholesale system to produce the report. There are several options in this relationship. If the consecutive system had no new data to add, it could simply send out the wholesale system's CCR with a cover letter explaining their relationship. If the consecutive system did need to add data, it might choose to reprint the wholesale system's CCR with a new title/letterhead and extra data. Either of these options is acceptable. Regardless of who produces the report, the consecutive system is still responsible for ensuring that its customers receive a report containing all required content.

1.2.2 CCR Content and Report Delivery Requirements

The requirements of the CCR Rule can be divided into two categories: (1) report content requirements and (2) report delivery and recordkeeping requirements. The CCR Rule identifies eight required content items. These eight items of information are displayed in Table 1-1. Each item is discussed in more detail in Section 3.

Table 1-1. Required Information for the CCR

Items	Content Requirements	Federal Citation
Item 1	Required Information about the Water System	40 CFR 141.153(h)(2) 40 CFR 141.153(h)(3) 40 CFR 141.153(h)(4)
Item 2	Source(s) of Water	40 CFR 141.153(b)
Item 3	Definitions	40 CFR 141.153(c)
Item 4	Reporting Levels of Detected Contaminants	40 CFR 141.153(d)
Item 5	Information on Monitoring for *Cryptosporidium*, Radon, and Other Contaminants	40 CFR 141.153(e)
Item 6	Compliance with Other Drinking Water Regulations	40 CFR 141.153(f) 40 CFR141.153(h)(6)

Items	Content Requirements	Federal Citation
Item 7	Variances and Exemptions	40 CFR 141.153(g)
Item 8	Required Educational Information	40 CFR 141.153(h)(1) 40 CFR 141.154

The CCR Rule also establishes eight report delivery and recordkeeping requirements for CWSs. Each requirement is shown in Table 1-2 and is discussed in more detail in Section 3.

Table 1-2. Report Delivery and Recordkeeping Requirements for CWSs

Items	Requirement	Federal Citation
Item 1	CCR Delivery to Customers Each CWS must mail or otherwise directly deliver one copy of the CCR to each customer, unless granted a mailing waiver. (Refer to Item 7 for mailing waivers)	40 CFR 141.155(a)
Item 2	"Good Faith" Effort for Delivery to Non-Bill Paying Consumers CWSs must make a "good faith" effort to reach those consumers who they serve but who do not get water bills, such as renters. "Good faith" efforts mean using a mix of several methods recommended by the state.	40 CFR 141.155(b)
Item 3	Delivery of CCR and Certification to State CWSs must mail to the state: (1) a copy of the CCR no later than the date the system is required to deliver the report to customers; and (2) within 3 months of the required CCR delivery date, a certification that the CCR was distributed to customers with information that is correct and consistent with compliance monitoring data previously submitted to the state.	40 CFR 141.155(c)
Item 4	CCR Delivery to Other Agencies CWSs must deliver the CCR to any other agency identified by the state no later than the required date to send the CCR to its customers.	40 CFR 141.155(d)
Item 5	CCR Availability to the Public CWSs must make CCRs available to the public upon request.	40 CFR 141.155(e)
Item 6	CCR Availability on the Internet CWSs serving 100,000 or more persons must post the CCR on a publicly-accessible Internet site.	40 CFR 141.155(f)

Items	Requirement	Federal Citation
Item 7	Mailing Waiver for CWSs Serving Fewer Than 10,000 Persons The Governor of a state or his/her designee, or the Tribal leader (if the Tribe has met 40 CFR 142.72 requirements) can waive the mailing requirement of 40 CFR 141.155(a). The Regional Administrator in consultation with the Tribal government can waive the mailing requirement in Indian country when no Tribe is deemed eligible.	40 CFR 141.155(g)
Item 8	CWS Keeping CCR Copies on File CWSs must keep copies of their CCR on file for at least 3 years.	40 CFR 141.155(h)

1.3 Requirement of the Rule: States and Other Primacy Agencies

The following Rule requirements are from the CCR published in the *Federal Register* on August 19, 1998, (63 FR 44512) and all subsequent additions to the Rule through June 2009. The CCR Rule will continue to be updated as new rules are promulgated by EPA. An electronic copy of the CCR Final Rule is available at: www.epa.gov/safewater/ccr/regulations.html.

In order to receive primacy for the CCR, states must adopt regulations no less stringent than the CCR requirements. States must have submitted revisions to their programs, regulations, or authorities no later than August 21, 2000, although states could have requested an extension of up to 2 years (i.e., until August 21, 2002). Guidance on primacy requirements is provided in Section 4.

The CCR is structured to give states flexibility to incorporate the Rule's requirements into existing state programs that are diverse in scope. States are given flexibility in several areas of the CCR Rule, including some mailing waivers, additional public notice, and alternate form and content. Section 4.5 provides information to states on these flexibilities.

1.3.1 Recordkeeping Requirements for States

Under 40 CFR 142.16(f)(3), each state that has primary enforcement responsibility must maintain a copy of the report for each water system in the state for a period of 1 year. The state must also keep the corresponding certifications CWSs are required to send to the state under 40 CFR 141.155(c) for a period of 5 years. The certifications indicate that a copy of the CCR was distributed or made available (as appropriate) to customers by the due date; and that the report contained information correct and consistent with compliance monitoring data previously submitted to the state. Where state rules allow, systems may be asked to provide additional information on how the CCR was distributed.

1.4 Key Dates of the Rule

The CCR Final Rule, published in the *Federal Register* on August 19, 1998, became effective September 18, 1998 - 30 days after publication [40 CFR 141.152(a)]. CWSs were required to deliver the first CCR to their customers within 13 months of the regulation's effective date, or by October 19, 1999. Delivery of the second report was due by July 1, 2000, and subsequent reports by July 1 each year thereafter [40 CFR 141.152(b)]. No later than the date the CCR is required to be delivered to customers, the CWS must also

mail a copy of the CCR to the state, as well as any other agency or clearinghouse the state designates [40 CFR 141.155(c) and 40 CFR 141.155(d)]. Each report must contain data used to determine compliance for the previous calendar year. For example, the CCR issued in 2011 must contain data from the 2010 calendar year.

Within 3 months from the date the system is required to deliver its CCR to customers, the CWS must send a letter of certification to the state certifying that the system has:

- Distributed the CCR to its customers; and
- Used in the report information that is correct and consistent with compliance monitoring data previously submitted to the state [40 CFR 141.155(c)].

Certifications must be sent for the reports annually by October 1. A CWS can deliver the certification to the state at the same time it delivers the CCR to its customers.

New CWSs must prepare and deliver CCRs on the same schedule as existing systems and therefore have until July 1 after their first full calendar year of operation to deliver the first CCR to their customers [40 CFR 141.152(c)]. The certification for the first report must be sent to the state by October 1 after the first full calendar year of operation. For each year thereafter, reports must be delivered by July 1, and certifications must be sent to the state by October 1.

Under the CCR Rule, 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)].

The timetable for the CCR Rule is presented in Table 1-3 and summarizes key compliance dates required (bold) by the CCR Rule as well as suggested action dates (shaded).

Table 1-3. Summary of Action Dates for the Consumer Confidence Report Rule

Key Date of Rule	CCR Requirement
August 19, 1998	**CCR Rule published in *Federal Register* (63 FR 44512)**
September 18, 1998	**CCR Rule effective**
By April 19, 1999	**For CWSs That Sell Water To Another CWS – Delivery of information for first CCR**
By October 19, 1999	**For Existing CWSs – Delivery of first CCR**
By January 19, 2000	**For Existing CWSs – Delivery of first certification**
May 21, 2000	States are encouraged to submit final primacy applications or extension requests to EPA.
By April 1, 2000	**For CWSs That Sell Water To Another CWS – Delivery of information for second CCR**
By July 1, 2000	**For Existing CWSs – Delivery of second CCR**
August 21, 2000	**Final primacy revision applications for CCR Rule must be submitted to the EPA Regional Administrator, unless state is granted an extension.**
By October 1, 2000	**For Existing CWSs – Delivery of second certification**

Key Date of Rule	CCR Requirement
May 21, 2002	States with approved extension agreements are encouraged to submit final primacy applications to EPA.
August 21, 2002	**Final primacy applications must be submitted to the EPA Regional Administrator for systems with a full 2 year extension. [40 CFR 142.12(b)(1)]**
By April 1, annually	**For CWSs That Sell Water To Another CWS – Delivery of information for subsequent CCRs – The seller must provide the information to the buyer by this date, unless the buyer and seller enter into a contractual agreement specifying another date.**
By July 1 annually	**For Existing CWSs – Delivery of subsequent CCRs**
By July 1 after first full calendar operating year	**For New CWSs – Delivery of first CCR**
By July 1 annually	**For New CWSs – Delivery of subsequent CCRs**
By October 1 annually	**For Existing CWSs – Delivery of subsequent certifications**
By October 1 after first full calendar operating year	**For New CWSs – Delivery of first certification**
By October 1 annually	**For New CWSs – Delivery of subsequent certifications**

Section 2

Resources and Guidance

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In addition to this Implementation Guidance Manual, a variety of resource materials and technical guidance documents have been prepared by EPA to facilitate understanding and implementing the CCR Rule. This section is an overview of each of these resources and includes instructions on how to obtain the documents.

2.1 Technical Guidance Manuals

The following guidance manuals have been or are being developed to support the CCR Rule. These manuals will aid EPA, state agencies, and affected public water systems (PWSs) in implementing this Rule and will help ensure that the implementation among these groups is consistent. The following documents can be found on EPA's Web site at: www.epa.gov/safewater/ccr/compliancehelp.html

- *Preparing Your Drinking Water Consumer Confidence Report (CCR) Guidance For Water Suppliers*. EPA 816-R-09-011, April 2010. This document provides information to assist drinking water systems with preparing and distributing CCRs.

- Link Your CCR to EPA's on-line CCR Catalog. A link provided on EPA Web site will guide water system in linking their CCR to the EPA Web site.

- *Talking to your Customers about Chronic Contaminants in Drinking Water*. EPA 814-F-07-022, October 2007. This document provides guidance to water systems on the importance of communicating with the public about chronic contaminants – both regulated and unregulated. It also describes effective strategies for getting their message out.

In addition to the guidance manuals developed to support the CCR Rule, EPA has developed other guidance manuals that may help states and affected PWSs with implementing the CCR Rule.

- *Implementation Guidance for the Filter Backwash Recycling Rule*. EPA 816-R-04-006, June 2004. www.epa.gov/safewater/filterbackwash.html.

- *Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) Implementation Guidance*. EPA 816-R-04-008, August, 2004. www.epa.gov/safewater/mdbp/lt1eswtr.html.

- *The Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) Implementation Guidance.* EPA 816-R-07-007, August 2007. www.epa.gov/safewater/disinfection/stage2/compliance.html.

- *The Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) Implementation Guidance.* EPA 816-R-07-006, August 2007. www.epa.gov/safewater/disinfection/lt2/compliance.html.

- *The Ground Water Rule (GWR) Implementation Guidance*. EPA 816-R-09-004, January 2009. www.epa.gov/safewater/disinfection/gwr/compliancehelp.html.

For more information, contact EPA's Safe Drinking Water Hotline at (800) 426-4791, or refer to the Office of Ground Water and Drinking Water Web site. The CCR guidance documents are located at www.epa.gov/safewater/ccr/compliancehelp.html. The additional guidance documents can be obtained from www.epa.gov/safewater/regs.html.

2.2 Rule Presentation

Presentations that can be used for workshops on the CCR Rule are available in PowerPoint format on EPA's Web site: www.epa.gov/safewater/ccr/compliancehelp.html.

2.3 Factsheet and Quick Reference Guide

Factsheets and Quick Reference Guides for the CCR Rule may be useful for conveying basic information about the Rule to water systems, new personnel, and stakeholders. These stand alone documents are included in Appendix C of this guidance manual. They are:

- Consumer Confidence Report Rule: A Quick Reference Guide. EPA 816-F-09-009, August 2009. www.epa.gov/safewater/ccr/compliancehelp.html

- *Ground Water Rule Factsheet: Public Notification, Consumer Confidence Report, and Special Notice Requirements for Community Water Systems.* EPA 816-F-08-026. June 2008. www.epa.gov/safewater/disinfection/gwr/compliancehelp.html.

2.4 Questions & Answers

Questions and Answers (Q&As) on the CCR Rule are provided in this section. These questions have been asked of EPA through the Safe Drinking Water Hotline, implementation training, or other means.

Report Content

Wholesalers

Q1. If a system buys water from another system, can the buying system (consecutive system) send out the selling system's (wholesale system's) report with the buying system's additional information? Or does the buying system have to completely generate a whole new report?

A1. A buying system may redistribute its wholesale system's CCR if the data is appropriate, and the consecutive system includes its own system-specific information. The consecutive system can also contract with the wholesale system to produce their CCR. Regardless of who prepares the report, the consecutive system is still responsible for ensuring that their customers receive a CCR containing all of the required content.

Name and location of body (or bodies) or water [40 CFR 141.153(b)(1)(ii)]

Q2. Does body (or bodies) of water refer to ground water sources as well as surface water sources? Also, what is required in identifying the location of the body of water?

A2. Yes, the body of water refers to both surface and ground water. The name of the aquifer(s) should be included in the CCR, if it is commonly known. For location information, the system may give a general description of the location of their wells. If many wells are located over a large area, the locational information can be more general.

Source water assessment [40 CFR 141.153(b)(2)]

Q3. Is there a requirement for including notification about the availability of source water assessments on an annual basis?

A3. Yes, systems must include information about the availability of the most recent source water assessment information in the CCR each year and a brief summary of the system's susceptibility to potential sources of contamination. New information (as it becomes available) should also be included in the CCR.

Definitions [40 CFR 141.153(c)]

Q4. If a system had no detections of any contaminant and thus did not make any reference to an MCL or MCLG in its report, does it still have to include these definitions?

A4. Since the report is being used to educate customers, the definitions for MCL and MCLG must be included even if the terms are not used elsewhere in the report. We believe that it is unlikely for most systems to have no detections, especially for parameters such as fluoride and nitrate. Please remember when evaluating data that if sampling was not performed for a given parameter in the calendar year covered by the report, then data going back a maximum of five years must be used. In addition, if a system does not monitor as required, it must indicate that it is in violation of the monitoring requirements.

Detection of Contaminants [40 CFR 141.153(d)]

Regulated Contaminants/Table

Q5. If the system does not detect a contaminant, does it have to list that contaminant in the table?

A5. Only the results for detected contaminants may be included in the main water quality table. Detected contaminants include: regulated contaminants subject to a maximum contaminant level (MCL), maximum residual disinfectant level (MRDL), action level (AL), or treatment technique (TT); and unregulated contaminants for which monitoring is required under 40 CFR 141.40.

The intent of this provision is to avoid the situation where a system has a long table with more non-detects than detects shown. A system can highlight the fact that it tests for, and does not find, lots of contaminants, but it must do so outside of the main water quality table, in another section of the report. For example, a system could place the following explanation in the report: "In addition to the above constituents, we tested for 20 additional organic chemicals for which the state and EPA have set standards. We found no detectable levels of those chemicals."

Q6. Under LT2SWTR and GWR, there are several treatment technique (TT) violations. If the system has a TT violation, does it have to report it in the CCR?

A6. Yes, the CCR rule requires that all violations of TT be reported in the CCR reports. EPA recommends that systems include all TT violations in a table adjacent to the detected contaminant table as follows:

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

Q7. You stated that the units must be changed to make the MCL number greater than 1.0. Would this also apply to results such as turbidity, when a change of units does not make sense?

A7. You do not need to convert units for total coliform bacteria, fecal coliform, *E. coli*, total organic carbon, turbidity, radionuclides measured in mrem/year or pCi/L and asbestos as well as any other MCL currently reported as a whole number. All others require a conversion of units. The conversion factors can be found in Appendix A to Subpart O of the Rule.

Q8. How are Total Organic Carbon (TOC) requirements to be reported?

A8. Only TOC detects and treatment technique violations must be reported in the CCR. However, for systems reporting TOC, EPA recommends they report it as a percent removal.

Q9. What value should we use when averaging in results below minimum reporting limits?

A9. For purposes of averaging results, use the value reported by the laboratory even if this is below the detection limit. If the laboratory reported the value as non-detect use zero.

Q10. For secondary chemicals, if there is a detection but no exceedance of the MCL, how should they be reported if they are required to be reported?

A10. Under federal requirements contaminants subject to a secondary maximum contaminant level, such as aluminum or color, are not required to be reported in the CCR. If a system chooses to include results of monitoring for contaminants subject to a secondary MCL, they must do so in a separate table.

Lead and Copper [40 CFR 141.153(d)(4)(vi)]

Q11. Do these requirements apply to all systems or just to those exceeding either or both of the action levels for lead and copper? If it is the former (that it applies to all systems), if the 90th percentile level for either lead or copper is below the detection limit, can any reference to the contaminant be omitted or does it still have to be listed on the report with the notation that it was not detected?

A11. If lead/copper was detected, it must be included in the report. Even if the 90th percentile lead or copper levels are below the detection limit, the system may have still detected lead or copper.

Q12. It is not a violation if there is an AL exceedance. Do I need to include health effects language if my system exceeded the action level for lead/copper but did not have a violation?

A12. 40 CFR 141.153(d)(6), which requires systems to include health effects language in their water quality table(s) for data indicating violations of MCLs, MRDLs, or TT violations,

does not specify inclusion of data that exceeds ALs. However, under the LCR Revisions, 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 (see Section 3.2.2.8 for required language). 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.

Total Coliform [40 CFR 141.153(d)(4)(vii)]

Q13. If a system has no positive samples for the entire year, can it omit any reference to total coliform on the report or must it be listed with the notation that it was not detected?

A13. It can be omitted if it was not detected during the calendar year.

Fecal Coliform [40 CFR 141.153(d)(4)(viii)]

Q14. The Rule says the total number of positive samples must be reported. Is this the total for the entire year? If not, what period is it referring to?

A14. The total number of positive samples for the calendar year.

Q15. Does special notice for fecal indicator-positive source samples under the GWR complete the CCR requirement or must these also be reported in the detected contaminant list?

A15. If the fecal indicator detected has an MCL or TT, then it must be listed in the detected contaminants table. The additional information required under 40 CFR 141.153(h)(6) can be provided either in the table or elsewhere in the report.

Monitoring for *Cryptosporidium*, Radon, and other contaminants [40 CFR 141.153(e)(1)]

Q16. If a system performed monitoring but found nothing to indicate that *Cryptosporidium* was present in the source water or finished water, does the system have to include this information in the report?

A16. The system does not have to include that information. Only when monitoring results indicate that *Cryptosporidium*, radon, and other unregulated contaminants are present, does a system have to include that information. Systems may wish to include a statement that they tested for these contaminants but did not detect them.

Bottled water explanation [40 CFR 141.153(h)(1)]

Q17. In order to comply with 40 CFR 141.153(h)(1) and provide a complete explanation for contaminants found in bottled water, is language from both 40 CFR 141.153(h)(1)(iv) and 40 CFR 141.153(h)(1)(i) to (iii) required? Is the paragraph below enough?

All 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 the 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 at 1-800-426-4791.

A17. The above paragraph is not enough to satisfy the requirements of the regulation. Language from 40 CFR 141.153(h)(1)(i) through (iii) or the equivalent must be included in the explanation as well as the language from 40 CFR 141.153(h)(1)(iv). Information on the sources of drinking water, contaminants that may be present in source water, and why EPA and FDA establish regulations must also be included in the explanation.

Report Delivery and Recordkeeping

Deadline for report and certification form [40 CFR 141.155(c)]

Q18. The Rule states that the certification form is due three months after the report itself is due. Can we require the certification form to be due at the same time as the report?

A18. Yes, states can require the CWS to submit the report and certification letter together, and specify this in state rules.

Q19. Does a system need to list the "good-faith efforts" they made to reach non-bill-paying customers?

A19. The state may ask the CWS to indicate what “good faith efforts” they took to ensure delivery, but it is not required to do so. “Good Faith” efforts are in addition to the mailing.

Section 3
State Implementation

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3.1 Overview of Implementation

The requirements of the CCR Rule can be divided into two categories: (1) report content requirements and (2) report delivery and recordkeeping requirements. In this section of the guidance, detailed information on each category is presented.

CCR Content Requirements

- Item 1 Required Information about the Water System
- Item 2 Source(s) of Water
- Item 3 Definitions
- Item 4 Reporting Levels of Detected Contaminants
- Item 5 Information on Monitoring for *Cryptosporidium*, Radon, and Other Contaminants
- Item 6 Compliance with Other Drinking Water Regulations
- Item 7 Variances and Exemptions
- Item 8 Required Educational Information

Report Delivery and Recordkeeping Requirements for CWSs

- Item 1 CCR Delivery to Customers
- Item 2 "Good Faith" Effort for Delivery to Non-Bill Paying Consumers
- Item 3 Delivery of CCR and Certification to State
- Item 4 CCR Delivery to Other Agencies
- Item 5 CCR Availability to the Public
- Item 6 CCR Availability on the Internet
- Item 7 Mailing Waiver for CWSs Serving Fewer Than 10,000 Persons
- Item 8 CWS Keeping CCR Copies on File

3.2 Identify Affected Systems and Requirements

3.2.1 General Provisions

Every CWS, defined as a system that serves at least 25 residents year round or that has at least 15 service connections used by year-round residents, must prepare and distribute a CCR [40 CFR 141.151(b)]. A CWS that sells water to another CWS must provide the buyer with information such as monitoring results or other required water quality information that will enable the buyer to produce a CCR [40 CFR 141.152(d)]. The selling system and the buyer may also be referred to as the wholesale system and the consecutive system, respectively.

Different provisions of the CCR Rule apply to different sizes of CWSs (e.g., mailing waivers).

3.2.2 CCR Content Requirements

3.2.2.1 Item 1: Required Information about the Water System

[40 CFR 141.153(h)(2) to 40 CFR 141.153(h)(4)]

The system must identify itself, and include the following additional information:

- The telephone number of a contact person at the water system who can provide additional information and answer questions about the report [40 CFR 141.153(h)(2)].

- For communities with a large proportion of non-English speaking residents, provide information in the appropriate language(s) regarding the importance of the report or 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 [40 CFR 141.153(h)(3)]. The state will determine when a population of non-English speaking residents is sufficiently large to require systems to take special measures for these residents.

- A listing of known opportunities for public participation in decision-making processes that may affect drinking water quality (e.g., time and place of regularly-scheduled board meetings) [40 CFR 141.153(h)(4)]. If there are no regularly-scheduled meetings, the CWS must tell customers how they can get information once meetings are scheduled. CWSs such as mobile home parks or retirement/nursing homes, that do not have such meetings, must provide interested customers with the telephone number of a contact person at the water system as discussed in the first bullet under Item 1.

3.2.2.2 Item 2: Sources of Water

[40 CFR 141.153(b)]

A CWS must report the type of water (e.g., ground water, surface water, or a combination of the two) and the commonly-used name(s) (if sources are named) and locations of water source(s) [40 CFR 141.153(b)(1)]. EPA encourages systems to provide simple maps to help customers understand the source(s) of their water. For security reasons, systems are not required to list the exact location of the water source(s).

Under Section 1453 of the 1996 SDWA Amendments, states were required to ensure that source water assessments were completed for all public water systems by the year 2003. These assessments include delineation, inventory, and susceptibility information. If a source water assessment has been completed, the system must notify customers in the CCR that an assessment is available and tell them where to obtain a copy [40 CFR 141.153(b)(2)]. If the CWS has an assessment that was provided or approved by the state, the CCR must also include a brief summary of the system's susceptibility to potential sources of contamination using language provided by the state or written by the operator. Susceptibility is a combination of several factors and is intended as a preliminary tool to facilitate local source water protection planning. More information about the Source Water Assessment Program (SWAP), including a list of state source water contacts can be found at www.epa.gov/safewater.

In cases where a CWS has the available information, EPA encourages the system to highlight potential significant sources of contamination in the source water area. Including this information in the CCR is an opportunity for systems to provide customers with an explanation for why a contaminant is present in the source water. This allows customers to take informed risk management steps, for example, through

individual actions or political pressure (e.g., watershed protection, advocacy for Total Maximum Daily Loads).

Systems could also use the reports to highlight additional local assessment and protection efforts which are planned or in place including providing consumers with tips on ways they can protect the source water (e.g., disposing of motor oil properly).

3.2.2.3 Item 3: Definitions

[40 CFR 141.153(c)]

The CCR must include definitions of key regulatory terms that customers will need to understand the contaminant data. Each CCR must include the following definitions for Maximum Contaminant Level (MCL) and Maximum Contaminant Level Goal (MCLG):

- Maximum Contaminant Level (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.

- Maximum Contaminant Level Goal (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.

If the CCR contains information on a contaminant that is regulated using any of the following terms, it must include the applicable definitions:

- Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

- Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

- Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

- Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

If the CWS operates under a variance or exemption, the CCR must include the following definition for variances and exemptions:

- Variances and Exemptions: State or EPA permission not to meet an MCL or a treatment technique under certain conditions.

3.2.2.4 Item 4: Reporting Levels of Detected Contaminants

[40 CFR 141.153(d)]

One key element of the CCR is the table (or series of adjacent tables) that reports the levels of detected contaminants. The table(s) must contain specific data regarding any detected contaminants (with the exception of *Cryptosporidium*) including both regulated contaminants (contaminants subject to an MCL,

MRDL, AL, or TT) and unregulated contaminants (contaminants for which monitoring is required under 40 CFR 141.40). A detected contaminant is any "regulated" or "unregulated" contaminant detected at or above its method detection limit (MDL).

Any additional monitoring results which a CWS chooses to include in the CCR must be displayed separately. In other words, systems must not include any unregulated contaminants that are not listed in 40 CFR 141.40 or contaminants that are regulated but not detected or are detected below the MDL in the detected contaminant table.

Systems must report data from monitoring completed during the previous calendar year unless the system is on reduced monitoring or for another reason monitors less than once per year for regulated contaminants. In that situation, the system must include in the table(s) the date and results of the most recent sampling. For example, if a system monitors once every three years for a contaminant and detected that contaminant in the last sample, it would need to report the year the contaminant was sampled and the same detected level in each of the three years until it takes a new sample. The report must also contain a brief statement explaining that the data presented is from the most recent testing done in accordance with regulations. The statement may read as follows:

> *As authorized and approved by EPA, the state has reduced monitoring requirements for certain contaminants to less often than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year. Some of our data [e.g., for organic contaminants], though representative, is more than one year old.*

No data older than 5 years need to be included in the CCR. This includes data collected under the Information Collection Rule (ICR).

It should be noted that while the Court vacated the MCLG and MCL for nickel, systems are still required to monitor for nickel (refer to 60 FR 339329, June 29, 1995). EPA emphasizes that monitoring and analytical testing requirements for nickel remain in full force and effect. Therefore, nickel detections must be reported in the detected contaminant table.

The table must contain the following:

A. If the contaminant is regulated by an MCL or MRDL:

- The MCL or MRDL, expressed as a number equal to or greater than 1.0. For an illustration of how to convert MCL compliance values for CCRs, refer to Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

  Note: When rounding results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A to Subpart O of the Rule.

- The MCLG or MRDLG, expressed in the same units as the MCL or MRDL. The MCLGs and MRDLGs for applicable contaminants are listed in Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

- The level of that contaminant expressed in the same units as the MCL and MCLG or MRDL and MRDLG.

B. If the contaminant is regulated by a treatment technique (TT):

- The letters "TT" in place of the MCL.
- The letters "N/A" (not applicable) in place of the MCLG when no MCLG is listed in Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

C. If the contaminant is regulated as an action level (AL):

- The AL expressed as a number equal to or greater than 1.0.
- The MCLG expressed in the same units as the AL for copper and zero for lead.

D. If the contaminant is unregulated:

- The average level and range of results for that contaminant.

E. For regulated detected contaminants, the level of the contaminant must be reported, and for ease of comparison, should be presented alongside the associated MCL and MCLG or MRDL and MRDG. The data must be represented as follows (refer to Section 6 and Appendix E of this guidance to see examples of how to present monitoring data discussed in this section):

1) If compliance is determined based on annual or less frequent sampling (for example, many inorganic chemical contaminants), include the highest detected level at any sampling point and the range of detected levels, if applicable.

2) If compliance is determined based on a running annual average of all the samples taken from a sampling point (for example, inorganic contaminants specified in 40 CFR 141.23(a)(4)(i) which are monitored more frequently than annual), include the highest average as reported to the state for compliance purposes and the range of detected levels.

3) For TTHM and HAA5 samples:

   – If compliance is determined based on a system-wide running annual average (RAA) (under the Stage 1 DBPR), include the highest system-wide average and the detected range for the system.

   – If compliance is determined based on a locational running annual average (LRAA) (under the Stage 2 DBPR), include the highest LRAA and the range of individual samples results for all monitoring locations. If more than one location exceeds the TTHM or HAA5 MCL, include the LRAA for all locations that exceed the MCL.

   – If sampling for the Initial Distribution System Evaluation (IDSE) was conducted under the Stage 2 DBPR, systems must include IDSE sample results when reporting the range of TTHM and HAA5, but not the average.

   – Note: The provision described in 40 CFR 141.154(e), which requires the inclusion of health effects language for TTHMs in CCRs when TTHM results are detected above 0.080 mg/L but below the MCL, is no longer applicable. It has been superseded by Stage 1 DBPR and Stage 2 DBPR (TTHM MCL of 0.080 mg/L).

4) For turbidity results, the table(s) must contain the following:

   – For turbidity regulated as a MCL for systems that must install filtration but have not [40 CFR 141.13], include the highest monthly average. Although an explanation for why turbidity is measured is not required in this situation, a CWS may wish to include such an explanation in the CCR.

   – For turbidity regulated as a TT for systems that have met criteria for avoiding filtration [40 CFR 141.71], include the highest single measurement found in any month. An explanation for why turbidity is measured should be included and could read as follows:

     Turbidity is a measure of the cloudiness of the water. We monitor it because it is a good indicator of the quality of water. High turbidity can hinder the effectiveness of disinfectants.

   – For turbidity regulated as a TT for systems that filter, include the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 40 CFR 141.73, §141.173 or §141.551 for the relevant filtration technology. An explanation of the reasons for measuring turbidity should be included and could read as follows:

     Turbidity is a measure of the cloudiness of the water. We monitor it because it is a good indicator of the effectiveness of our filtration system.

     Note: The regulation does not specify where the turbidity explanations should be placed in the report. However, due to space limitations within the table, a CWS may choose to place this explanation outside of the table, elsewhere in the report.

5) For lead and/or copper:

   – Include the 90th percentile value from the most recent sampling (if it is a number greater than zero) and the number of sites that exceeded the action level (do not report related water quality parameter data).

6) For total coliforms, fecal coliforms and *E. coli* under the Total Coliform Rule (TCR):

   – For systems that collect fewer than 40 samples per month, include the highest number of positive samples collected in any one month.

   – For systems that collect 40 or more samples per month, include the highest percentage of positive samples collected in any one month.

   – For fecal coliforms and *E. coli*, include the number of positive samples collected that year.

7) For fecal indicator-positive source samples under the GWR:

   – 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.

– For all fecal indicator-positive ground water source samples (*E. coli*, enterococci, or coliphage), include the total number of positive samples for the year and special notice language in the table or elsewhere in the CCR. Refer to Section 3.2.2.6 for more information on special notice language requirements for fecal indicator-positive ground water source samples.

Note: Prior to promulgation of the GWR, Appendix A to Subpart O of the Rule provided information for reporting of fecal coliform and *E. coli* indicating an MCL of zero and an MCLG of zero. This was based on compliance with the Total Coliform Rule. Appendix A to Subpart O of the Rule also provided health effects language specific to fecal coliforms and *E. coli*. With the promulgation of the GWR, Appendix A to Subpart O required the addition of information for fecal indicators found at the ground water source. Fecal indicators include *E. coli*, enterococci and coliphage.

EPA was concerned that including *E. coli* in this table twice, with differing entries for MCL and differing health effects language, could potentially cause confusion to the regulated community and be contrary to the overarching intent of the CCR Rule, to provide the community with easily understood and straightforward information.

For this reason, the fecal indicators enterococci and coliphage were added to Appendix A to Subpart O, with "TT" listed in the MCL column and with health effects language specific to fecal indicators. The fecal coliform and *E. coli* entries remain unchanged.

8) In addition to detected contaminants, the CCR Rule requires that all violations of treatment techniques be reported in a detected contaminant table(s). TT violations are listed below and are organized by rule (refer to Item 6 for specific information about failure to install adequate filtration or disinfection equipment or processes or a failure of those processes, violations associated with acrylamide and epichlorohydrin, and violations associated with LCR).

– Surface Water Treatment Rule (SWTR)

- Failure to install adequate filtration or disinfection equipment or processes.
- Failure of the filtration or disinfection equipment or process.
- TT violation associated with acrylamide and epichlorohydrin.
- Failure to have redundant components for disinfection.
- Failure to maintain a distribution system disinfectant residual.
- Failure to maintain at least 0.2 ppm disinfectant residual at the entry point for more than 4 hours.
- Failure to meet inactivation requirements at the treatment plant (CT value).

- Failure to meet watershed control program requirements.

– Filter Backwash Recycling Rule (FBRR)

- 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).

– LT2ESWTR

- Failure to cover an uncovered finished water reservoir, provide treatment of the reservoir's discharge, or be in compliance with a state-approved schedule to cover the reservoir(s) or treat the reservoir(s) discharge by April 1, 2009.

- Filtered systems

  - Failure to determine and report bin classification.

  - Failure to provide or install an additional level of treatment using a microbial toolbox option by the required date.

  - Failure to achieve required treatment credit to meet the bin classification requirements using a microbial toolbox option.

- Unfiltered systems

  - Failure to calculate and report mean *Cryptosporidium* level.

  - Failure to install a second disinfectant to treat for *Cryptosporidium* by required date.

  - Failure to achieve required inactivation level by required date.

  - Failure to maintain required inactivation level based on mean *Cryptosporidium* results.

– LCR

- Failure to meet corrosion control treatment, source water treatment, lead service line replacement, or public education requirements.

– Stage 1 DBPR

- Failure to remove required amount of total organic carbon (TOC) [disinfection byproduct precursor (DBPP)] (conventional filtration systems only).

– GWR

- Failure to maintain at least 4-log treatment of viruses for ground water systems that are required to treat.

- Failure to take corrective action, if necessary based on a fecal indicator-positive sample.

- Failure to take corrective action, if necessary based on a significant deficiency.

EPA recommends that systems include TT violations listed in #8 above in a table adjacent to the main detected contaminant table [including those identified in 40 CFR 141.153(f)(2) – 141.153(f)(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 is an example (see Section 6 and Appendix E for additional examples):

TT Violation	Explanation of the TT Violation	Length of the Violation	Steps Taken to Correct the Violation	Health Effect Language
Failure to remove required amount of total organic carbon (TOC) (DBPP)	System will need to explain the violation.	System will need to provide the length of the violation.	System will need to provide information on steps to correct the violation.	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver, or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

9) If beta particles were detected at or below 50 picocuries per liter (pCi/L), report the detected level in pCi/L. So that consumers may have a standard against which to compare that detected level, the CCR should include "50 pCi/L*" in the MCL column (rather than the actual MCL of 4 mrem/year) and include a footnote to the table that says, "*EPA considers 50 pCi/L to be the level of concern for beta particles." If beta particles are detected above 50 pCi/L, the system must determine the actual radioactive constituents present in the water to calculate the dose exposure level in mrem/year, and must report both the detected level and MCL as mrem/year.

F. The likely source(s) of that contaminant, according to the best information known to the water system. Specific information regarding contaminants may be available in sanitary surveys and source water assessments and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix A to Subpart O of the Rule which are most applicable to the local situation.

As stated in the preamble to the final Rule (p. 44519), EPA's intent is for this information to be as specific as possible. For example, the report should identify a specific point source, such as "Al's Chicken Houses" or the "Super-Shiny Paper Mill" if possible but may use generic terms from Appendix A to Subpart O such as "farms" or "paper mills" in the absence of specific information from sanitary surveys, source water assessments, or other means. If none of the generic sources from Appendix A to Subpart O of the Rule are applicable to the

system, a footnote may be added to the report indicating that to the best of the system's knowledge none of the typical sources of contamination listed in the table(s) for that contaminant exist in the source water area(s).

G. For any contaminant that violates an MCL, MRDL, or a TT, include a clear indication in the table(s) of the violation or exceedence. This indication could, for example, take the form of a different color type, a larger or heavier font, or a large star. Nearby, but not in the table(s), include a clear and easy to understand statement explaining not only the violation, but also the length of the violation, potential health effects because of the violation, and the actions that have been taken by the CWS to remedy the problem. The potential health effects language must be from Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

   EPA recognizes that there may be cases where a state MCL may be more stringent than the Federal standard and recommends that systems use the CCR to inform their customers of such occurrences. This could be easily accomplished by highlighting the MCL through a different font or asterisk and explaining in a footnote to the table that the state standard is stricter. EPA also recommends that customers should be informed when there is no Federal standard and the state has developed its own standard. For example, EPA recommends secondary standards or non-enforceable guidelines regulating contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, and color) in drinking water. However, states may choose to adopt the secondary standards as enforceable standards.

H. If the system distributes water to its customers from multiple hydraulically independent distribution systems fed from different raw water sources, include in the table(s) separate columns for detection data for each service area. Also include a description of the area served by each distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

I. If the system detects unregulated contaminants for which monitoring is required, the table(s) must contain the average of any monitoring results from the year and the range of detections. The CCR may also include a brief explanation for why a system monitors for unregulated contaminants. The explanation may read as follows:

   > *Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted.*

   If a system was not required to monitor for unregulated contaminant under 40 CFR 141.40 in the previous calendar year, it does not need to report unregulated contaminant monitoring results in the CCR.

   Note: The most recent list of unregulated contaminants can be obtained on the EPA Web site at www.epa.gov/safewater/ucmr/index.html.

J. If the system is required to provide Tier 3 public notice for a monitoring violation or other type of violation or situation, they can include the notice in their CCR. However, the system must meet the content requirements under the Public Notification Rule. In addition, they must meet the timing and delivery requirements for public notification such that Tier 3 public

notice must be completed no later than 12 months from the date the violation or situation occurred. To minimize the timing conflict, systems can publish the CCR as soon after the end of the calendar year as possible or mail a separate public notice for the violations occurring in January through June of the current year in the same envelope as the CCR covering the previous calendar year's violations.

3.2.2.5 Item 5: Information on Monitoring for *Cryptosporidium*, Radon, and Other Contaminants [40 CFR 141.153(e)]

If a system monitored for *Cryptosporidium* and/or radon and did not detect either, the system is not required to discuss the monitoring or the results of the monitoring in the report. However if monitoring indicated the presence of either of these contaminants, information about the monitoring and results of the monitoring must be included in the CCR and displayed outside of the table(s) reporting the levels of detected contaminants.

Cryptosporidium

If the system has performed any monitoring for *Cryptosporidium* as required by LT2ESWTR or for other reasons, which indicates that *Cryptosporidium* may be present either in its source water or finished water, the CCR must contain:

- A summary of the results of the monitoring.

- An explanation of the significance of the results. CWSs should tell customers if they need to be concerned by this information. A sample explanation is given below:

  Cryptosporidium *is a microbial parasite which is found in surface water throughout the U.S. Although filtration removes* Cryptosporidium*, the most commonly-used filtration methods cannot guarantee 100 percent removal. Our monitoring indicates the presence of these organisms in our source water and/or finished water. Current test methods do not allow us to determine if the organisms are dead or if they are capable of causing disease. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals are able to overcome the disease within a few weeks. However, immuno-compromised people have more difficulty and are at greater risk of developing severe, life threatening illness. Immuno-compromised individuals are encouraged to consult their doctor regarding appropriate precautions to take to avoid infection.* Cryptosporidium *must be ingested for it to cause disease, and may be passed through means other than drinking water.*

Radon

If the system has performed any monitoring that indicates the presence of radon in its finished water, the CCR must contain:

- The results of the monitoring.

- An explanation of the significance of the results. The following is a possible explanation:

  Radon is a radioactive gas that you cannot see, taste, or smell. It is found throughout the United States. Radon can move up through the ground and into a home through cracks and holes in the foundation. Radon can build up to high levels in all types of homes. Radon can

also get into indoor air when released from tap water from showering, washing dishes, and other household activities. Compared to radon entering the home through soil, radon entering the home through tap water will in most cases be a small source of radon in indoor air. Radon is a known human carcinogen. Breathing air containing radon can lead to lung cancer. Drinking water containing radon may also cause increased risk of stomach cancer. If you are concerned about radon in your home, test the air in your home. Testing is inexpensive and easy. Fix your home if the level of radon in your air is 4 picocuries per liter of air (pCi/l) or higher. There are simple ways to fix a radon problem that aren't too costly. For additional information, call your state radon program or call EPA's Radon Hotline (800-SOS-RADON).

Other Contaminants

If the system has voluntarily performed additional monitoring and this monitoring indicates the presence of other non-regulated contaminants in the finished water, EPA strongly encourages CWSs to report any results that may indicate a health concern. EPA considers detects above a proposed MCL or health advisory level to indicate possible health concerns. The EPA Safe Drinking Water Hotline (800-426-4791) and EPA Web site (www.epa.gov/safewater/hfacts.html) are resources for this information. For such contaminants, EPA recommends that the report include:

- The results of monitoring, and
- An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

If provided, this information must be displayed outside of the detected contaminants table(s).

3.2.2.6 Item 6: Compliance with Other Drinking Water Regulations

[40 CFR 141.153(f)]

If during the reporting period, the CWS was in violation of any of the following National Primary Drinking Water Regulation (NPDWR) requirements, its CCR must include a clear and readily understandable explanation of the violation, any potential adverse health effects, and steps the CWS has taken to correct the violation.

- Monitoring and reporting of compliance data.
- Recordkeeping of compliance data.
- Filtration and disinfection prescribed by Subpart H 40 CFR 141.70 to 40 CFR 141.75.

  For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the CCR must include the following language as part of the explanation of potential adverse health effects:

  Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

- Lead and copper control requirements prescribed by Subpart I 40 CFR 141.80 to 40 CFR 141.85.

  For systems that fail to meet the requirements listed below, the CCR must include applicable language for lead, copper, or both, from Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

  - 40 CFR 141.80(d); §141.81; and §141.82 – Corrosion control treatment requirements.
  - 40 CFR 141.83 – Source water treatment requirements.
  - 40 CFR 141.84 – Lead service line replacement requirements.
  - 40 CFR 141.85 – Public education requirements.

- Treatment techniques for Acrylamide and Epichlorohydrin prescribed by Subpart K 40 CFR 141.110 to 40 CFR 141.111.

  For systems that violate Subpart K requirements, the CCR must contain the relevant language from Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

- Special monitoring requirements as prescribed by 40 CFR 141.40 for unregulated contaminants and 40 CFR 141.41 for sodium.

- Violation of the terms of a variance, an exemption, or a state or federal administrative or judicial order.

The Agency is not prescribing mandatory language to describe the health significance of monitoring and reporting violations; violations of recordkeeping or special monitoring requirements; or violations of a variance, or an exemption of a state or federal administrative or judicial order; because the explanation has to be tailored to the circumstances of the violation. In cases where there is a violation that presents a significant health threat, the CWS may use relevant language from Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html. Appendix E of this guidance contains an example CCR and information on how to report.

Refer to Section 3.2.2.4 for suggestions on presenting the TT violations for filtration and disinfection, lead and copper, and acrylamide and epichlorihydrin.

Special Notice for a System Required to Comply with the GWR

[40 CFR 141.153(h)(6)]

The GWR requires that CWSs provide special notice in their CCRs for the following two situations:

Special Notice for Uncorrected Significant Deficiencies[1]

If a ground water system receives notice from the state of a significant deficiency, and that deficiency is not corrected by December 31st of the year covered by the system's CCR, it must inform their customers in the next CCR. The CCR must include the following information for uncorrected significant deficiencies:

- The nature of the significant deficiency and the date it was identified by the state.
- The state-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed.

The system must continue to inform customers annually until the state determines the significant deficiency is corrected.

In addition, the state may also require the system to include in the CCR significant deficiencies that were corrected by the end of the calendar year. If the state directs the system to do this, the system must inform the customers of the significant deficiency, how it was corrected, and the date it was corrected in the next CCR issued.

Special Notice for a Fecal Indicator-Positive Ground Water Source Sample

If a ground water system receives notice from a laboratory of a fecal indicator-positive ground water source sample and the sample is not invalidated by the state, it must inform its customers in the next CCR. The CCR must include the following information for a fecal indicator-positive ground water source sample:

- The source of the fecal contamination (if it is known) and the date(s) of the fecal indicator-positive source sample.
- If the fecal contamination has been addressed as prescribed by the requirements of the GWR and the date the contamination was addressed.
- For fecal contamination that has not been addressed, the state-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed.

[1] Significant Deficiency: A deficiency that may cause, or have the potential to cause the introduction of contamination into finished water. An example of a significant deficiency is an unscreened vent on a storage tank which left uncorrected may allow water, dirt, waste or other contaminants to enter the tank.

- The health effects language for fecal indicators. Refer to Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html for health effects language.

Since fecal indicator-positive ground water source samples must be included in the detected contaminant table, this special notice language can be included below the table or elsewhere in the report. Section 6 and Appendix E of this guidance contains an example on how to present fecal indicator- positive ground water source samples and the special notice text in a CCR.

The system must continue to inform customers annually until the fecal contamination in the ground water source is addressed as prescribed by the requirements of the GWR.

3.2.2.7 Item 7: Variances and Exemptions

[40 CFR 141.153(g)]

If the CWS is operating under a variance or exemption, the CCR must include:

- A section that explains that the system is operating under a variance or exemption, and the reasons it was issued.
- The date that it was issued and when it is up for renewal.
- A status report on what the system is doing to remedy the problem.
- A notice of any opportunity for public input in the review or renewal of the variance or exemption.

3.2.2.8 Item 8: Required Educational Information

[40 CFR 141.153(h)(1); 40 CFR 141.154]

The CCR Rule provides additional health information that must be displayed prominently somewhere in the CCR. The first three are required for every CCR. They are: a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water, a discussion of vulnerability of some persons to contaminants, and information about lead in drinking water and its effects on children. The last two, information on arsenic and nitrate, are only required if those contaminants are found at the specified levels.

Explanation of Contaminants in Drinking Water and Bottled Water

This statement is an explanation that must contain the language of paragraph 40 CFR 141.153(h)(1)(iv) shown below:

> *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).*

CWSs must also include information contained in 40 CFR 141.153(h)(1)(i) through 40 CFR 141.153(h)(1)(iii) on sources of drinking water, contaminants that may be present in source water, and why EPA and the Food and Drug Administration (FDA) establish regulations for contaminants respectively. CWSs have the choice of using the EPA language provided in 40 CFR 141.153(h)(1)(i) through (iii) or developing their own comparable language.

40 CFR 141.153(h)(1)(i) - Sources of Drinking Water:

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.

40 CFR 141.153(h)(1)(ii) - Contaminants That May Be Present in Source Water:

***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.*

40 CFR 141.153(h)(1)(iii) - EPA and FDA Regulations:

In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Explanation of the Vulnerability of Some Populations to Contaminants in Drinking Water

This statement is an explanation that must contain the language of paragraph 40 CFR 141.154(a) shown below:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised 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/Centers for Disease Control and Prevention (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).*

Information Statement about Lead in Drinking Water

This statement must contain the language of paragraph 40 CFR 141.154(d)(1) shown below or a system may write its own educational statement but only in consultation with the state:

> *If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at www.epa.gov/safewater/lead.*

Educational Information about Arsenic [40 CFR 141.154(b)]

A CCR must also contain additional educational information about arsenic if detected at levels above 5 µg/l (50% of the MCL), but at or below the MCL. EPA requires that the appropriate educational statement be included in the report.

> *While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.*

EPA believes that water systems should have the flexibility to tailor their information to specific local situations. Systems that want to use language significantly different than that provided by EPA must develop comparable language in consultation with the state.

Note: Systems can add information on arsenic in conjunction with this educational statement, as long it does not detract from the educational nature of the report as specified in 40 CFR 141.153(h)(5). For example, a system can explain that there could be other sources of arsenic from mining operations or pesticides that were used in the past. Additional information on health effects should be consistent with information provided in Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

Educational Information about Nitrate [40 CFR 141.154(c)]

A CCR must also contain additional educational information about nitrate if detected at levels above 5 mg/l (50% of the MCL), but below the MCL. EPA requires that the appropriate educational statement be included in the report.

Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than 6 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.

EPA believes that water systems should have the flexibility to tailor their information to specific local situations. Systems that want to use language significantly different than that provided by EPA must develop comparable language in consultation with the state.

Note: Systems can add information on nitrate in conjunction with this educational statement, as long it does not detract from the educational nature of the report as specified in 40 CFR 141.153(h)(5). Additional information on health effects should be consistent with information provided in Appendix A to Subpart O of the Rule which is available on the EPA Web site at www.epa.gov/safewater/ccr/regulations.html.

3.2.3 Report Delivery and Recordkeeping Requirements for CWSs

3.2.3.1 Items 1-2: CCR Delivery to Customers "Good Faith" Effort for Delivery to Non-Bill Paying Consumers

[40 CFR 141.155(a); 40 CFR 141.155(b)]

CWSs are required to mail or otherwise directly deliver a copy of the CCR to each customer. EPA mandates direct delivery of CCRs to bill addressees, but EPA also expects CWSs to make serious and "good faith" efforts to reach non-bill paying consumers. A "good faith" effort means selecting the most appropriate methods to reach those consumers from a menu of options recommended by the state. These options include but are not limited to:

- Posting the CCR on the Internet using Web sites, email notifications, Podcasts, blogs, or Tweets.
- Mailing the CCR to postal patrons in metropolitan and rural areas.
- Advertising the availability of the CCR in news media.
- Publishing the CCR in a local newspaper.
- Posting the CCR in public places such as cafeterias or lunch rooms of public buildings.
- Delivering multiple copies of the CCR for distribution by single-biller customers such as apartment buildings or large private employers.
- Delivering the CCR to community organizations.
- Posting the CCR in libraries, schools, or post offices.

EPA does not intend to place an undue burden on the systems, but believes that it is in the systems' interest to spread the word about the quality of its water as widely as possible. CWSs should know that there are a variety of options that can be tailored to each specific local situation to reach non-bill paying consumers. EPA would interpret the inclusion of a note in the CCR, asking recipients to share the

information with non-bill paying consumers, as part of a "good faith" effort. A sample note may read as follows:

> *Town Water System has included additional copies of our Consumer Confidence Report in this mailing. Town Water System would appreciate it if large volume water customers such as yourself post extra copies of these reports in conspicuous locations or distribute them to your tenants, residents, patients, students and/or employees. This action will allow individuals who consume the water Town Water System delivers, but are not billed customers, to learn about our water system.*

3.2.3.2 Items 3-4: Delivery of CCR and Certification to State and CCR Delivery to Other Agencies [40 CFR 141.155(c); 40 CFR 141.155(d)]

The CWS must mail a copy of the CCR to the state, as well as any other agency or clearinghouse the state designates, no later than the date the system is required to deliver the report to its customers. The mailing may be in an electronic or hard copy format. Examples of other agencies may include state and local public health or environment departments, public utility commissions, and consumer advocates' offices. Within 3 months from the date the system is required to deliver the CCR to customers, the CWS must send a letter of certification to the state certifying that the system has:

- Distributed the CCR to its customers, and
- Used in the report information that is correct and consistent with compliance monitoring data previously submitted to the state.

EPA recommends that states and CWSs view the certification letter as another opportunity to explain how the system is telling customers about the quality of the drinking water and the steps taken to protect sources of their water. Therefore, states are encouraged to have CWSs certify that they comply with all the regulatory requirements of Subpart O; include information on how they made a "good faith" effort to reach consumers that do not get water bills; include date(s) and method(s) of distribution, including names of newspapers, if applicable; list other means of making the report available to the public; and list the other agencies the CCR was sent to as directed by the state.

For systems with mailing waivers, information on the newspaper and dates where the CCR was published for systems serving fewer than 10,000 persons may be included. For systems serving 500 persons or fewer, information on how customers were notified about the availability of the CCR, including posting locations may be included. The following are examples of certification forms (also provided in Appendix D of this guidance). Example 3-1 is a certification form for systems without a mailing waiver. Example 3-2 is a certification form systems can use if they have a mailing waiver. Refer to Section 3.2.3.4 for more discussion on mailing waivers.

Example 3-1. CCR Certification - Example Format for Systems without Mailing Waivers

CWS name:_____

PWS I.D. no:_____

The community water system named above hereby confirms that its consumer confidence report has been distributed to customers (and appropriate notices of availability have been given). Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the state.

Certified by:

Name_____

Title_____

Phone #_____ Date_____

***You are not required by EPA rules to report the following information, but you may want to provide it to your state. Check all items that apply. ***

____CCR was distributed by mail or other direct delivery. Specify other direct delivery methods:

_____

_____

____"Good faith" efforts were used to reach non-bill paying consumers. Those efforts included the following methods as recommended by the state:

____posting the CCR on the Internet at www._____

____mailing the CCR to postal patrons within the service area. (attach zip codes used)

____advertising availability of the CCR in news media (attach copy of announcement)

____publication of CCR in local newspaper (attach copy)

____posting the CCR in public places (attach a list of locations)

____delivery of multiple copies to single bill addresses serving several persons such as: apartments, businesses, and large private employers

____delivery to community organizations (attach a list)

____(for systems serving at least 100,000 persons) Posted CCR on a publicly-accessible Internet site at the address: www._____

____Delivered CCR to other agencies as required by the state (attach a list)

Example 3-2. CCR Certification - Example Format for Systems with Mailing Waivers

CWS Name: _____

PWS I.D. #: _____

I confirm that the Consumer Confidence Report has been distributed to customers (or appropriate notices of availability have been given) and that the information is correct and consistent with the compliance monitoring data previously submitted to the state.

System-specific details on distribution of the CCR to customers are outlined below. CCR or notice of availability was provided as specified for:

Systems Serving Fewer than 10,000 Persons

_____ Published the CCR in the local newspaper(s). Attach a copy of the notice. List newspaper and dates below:

_____

_____

_____ Informed customers the CCR will not be mailed. List methods of notification below:

_____

_____

_____ Developed procedures to make reports available upon request. Specify below:

_____

_____

Systems Serving 500 Persons or Fewer

_____ List methods used to inform customers the CCR will not be mailed:

_____

_____

_____ Developed procedures to make reports available upon request. Specify below:

_____

_____

Certified by: Name _____

Title _____

Phone # _____ Date _____

3.2.3.3 Items 5-6: CCR Availability to the Public and CCR Availability on the Internet [40 CFR 141.155(e); 40 CFR 141.155(f)]

CWSs must make their CCRs available to members of the public who request the report. This means that a system must send, fax, or otherwise deliver a copy of the report to any member of the public who requests it. Systems may choose to make their reports available in the newspaper, on a Web site, or in public places such as libraries, but this does not relieve them of the responsibility to send the reports to interested customers or other members of the public who may not have access to these other resources. Each CWS serving 100,000 or more persons must post its current year's CCR on a publicly-accessible site on the Internet.

3.2.3.4 Item 7: Mailing Waiver for CWSs Serving Fewer than 10,000 Persons [40 CFR 141.155(g)]

For systems serving fewer than 10,000 persons, the requirement that CWSs mail the CCR to their customers can be waived. The following authorities can waive the mailing requirements:

- The Governor of a state or his/her designee (e.g., state drinking water administrator if allowed by state law).
- A Tribal leader if the Tribe has met the requirements under 40 CFR 142.72 for Tribal eligibility.
- The EPA Regional Administrator on some Indian lands where no Tribe has been deemed eligible.

States, in accordance with their laws, can establish specific criteria for obtaining and renewing the waivers. For example, a state can choose whether the waiver should be system-specific or apply to all systems in a given category. The following are examples of Governor's mailing waivers (also provided in Appendix D of this guidance). Example 3-3 illustrates a state-wide Governor's mailing waiver. Example 3-4 illustrates a system-specific Governor's mailing waiver.

Example 3-3. Governor's Mailing Waiver - State-Wide Example Format

Authority provided in Section 1414(c)(4)(C) of the Safe Drinking Water Act allows the Governor of the State of _____(insert Tribal agency if applicable) to allow community water systems serving fewer than 10,000 persons not to mail or otherwise provide direct delivery of the Consumer Confidence Reports (CCRs) to each customer.

The community water systems listed in Attachment A serve fewer than 10,000 persons [and otherwise meet all direct delivery waiver requirements - optional], a waiver is hereby granted [for the period beginning January 1 of the calendar year _____, and ending _____ - optional]. Each water system must:

1) Inform customers it will not be providing copies of the CCR by mail or other direct delivery method.

2) Publish the report annually in one or more local newspapers serving areas in which the system's customers are located.

3) Make copies of the CCR available to the public upon request.

Authority provided in Section 1414(c)(4)(D) of the Safe Drinking Water Act allows the Governor of the State of _____(insert Tribal agency if applicable) to determine not to apply requirements 1 and 2 (listed above) to community water systems which serve 500 persons or fewer, if the system provides notice to its customers once a year that the CCR is available upon request.

The community water systems listed in Attachment B serve 500 persons or fewer [and otherwise meet all direct delivery waiver requirements - optional], a waiver is hereby granted [for the period beginning January 1 of the calendar year _____, and ending _____ - optional]. Each water system must provide notice to customers of the availability of the report, at least once per year, by mail, door-to-door delivery, or posting. Any other methods authorized by the state should be listed.

All systems with mailing waivers are still required to:

- Complete a CCR in accordance with all content requirements.
- Provide a copy of the CCR to the state and any other agency specified by the state.
- Make copies of the CCR available to the public upon request.

Governor's or His/Her Designee's Signature Date

Example 3-4. Governor's Mailing Waiver - System-Specific Example Format

Authority provided in Section 1414(c)(4)(C) of the Safe Drinking Water Act allows the Governor of the State of _____(insert Tribal agency if applicable) to allow community water systems serving fewer than 10,000 persons not to mail or otherwise provide direct delivery of the CCRs to each customer.

The community water system, _____, serves fewer than 10,000 persons [and otherwise meets all direct delivery waiver requirements - optional], a waiver is hereby granted [for the period commencing January 1 of the calendar year _____, and ending _____ - optional]. The water system must:

1) Inform customers it will not be providing copies of the CCR by mail or other direct delivery method.

2) Publish the report annually in one or more local newspapers serving areas in which the system's customers are located.

3) Make copies of the CCR available to the public upon request.

Authority provided in Section 1414(c)(4)(D) of the Safe Drinking Water Act allows the Governor of the State of _____(insert Tribal agency if applicable) to determine not to apply requirements 1 and 2 (listed above) to community water systems which serve 500 persons or fewer, if the system provides notice to its customers once a year that the CCR is available upon request.

The community water system, _____, serves 500 persons or fewer [and otherwise meets all direct delivery waiver requirements established by the state - optional], a waiver is hereby granted [for the period commencing January 1 of the calendar year _____, and ending _____ - optional]. The water system must provide notice to customers of the availability of the report, at least once per year, by mail, door-to-door delivery, posting or any other means authorized by the state.

All systems with mailing waivers are still required to:

- Complete a CCR in accordance with all content requirements.
- Provide a copy of the CCR to the state and any other agency specified by the state.
- Make copies of the CCR available to the public upon request

Governor's or His/Her Designee's Signature Date

A system that has been granted a mailing waiver and serves fewer than 10,000 but more than 500 persons must publish the report in at least one local newspaper. The system must also notify its customers that the reports will not be mailed and provide information on the availability of the report. This notice could take the form of a note in the water bill, an ad in the newspaper, or any other means approved by the state. The system must also make the report available to the public upon request. This means that a system must send, fax, or otherwise deliver a copy of the report to a member of the public who requests it.

A system that has been granted a mailing waiver and serves 500 or fewer persons does not have to publish the report in a newspaper, nor inform customers the CCR will not be mailed, if they provide notice at least once per year that the report is available upon request. This means that if a member of the public requests it, the CWS must send or otherwise deliver a copy of the CCR. Methods of notification include but are not limited to: mail, door to door delivery, or posting the CCR in an appropriate public location such as city hall, libraries, or grocery store bulletin boards.

Systems that have been granted mailing waivers are still required to follow other CCR Rule requirements such as delivery of the report to the state and any other agency the state designates and using "good faith" efforts to reach non-bill paying consumers. In addition, a system which has been granted a mailing waiver may choose at any time to mail its report to customers.

3.2.3.5 Item 8: CWS Keeping CCR Copies on File

[40 CFR 141.155(h)]

CWSs must keep copies of past reports on file for a minimum of 3 years.

3.3 Communicate CCR Rule Requirements to Affected Systems

States should identify what actions they plan on taking and develop a schedule for carrying out those actions in order to implement the CCR Rule in a timely and effective manner. One key step for states implementing the CCR Rule should be communicating with those CWSs affected by the Rule and preparing them to comply with the relevant provisions. Systems should be notified of new requirements early enough to ensure their ability to budget for and schedule their compliance actions. The more this is done, the more prepared states and systems will be as compliance dates approach.

3.3.1 Requirements and Target Notification Time Frames

States often notify systems of upcoming requirements using a form letter that may or may not be tailored to some degree. Based on the CCR Rule's provisions, states may find it useful to draft and send out different form letters to different categories of systems. States should consider categorizing systems early on in their CCR Rule communication efforts so that each system is provided only with the provisions and deadlines that apply to them.

Some system categories that may be effective for drafting form letters regarding the CCR Rule are:

- CWSs.
- Wholesale CWSs.
- Consecutive CWSs.
- CWSs serving fewer than 10,000 persons.
- CWSs serving 100,000 or more persons.

3.3.2 Methods of Communication

Written Notice

Providing written notice of Rule requirements to CWSs serves two purposes: (1) the recipient system obtains a formal notice of upcoming regulatory requirements and a timeline for compliance, and (2) the state has a hard-copy document that it may file and use in subsequent compliance tracking efforts.

Written notification can be in the form of a letter from the state to affected systems. The letter should include a summary of Rule requirements and timeframes and direct the reader to an appropriate contact if questions arise. States should consider including factsheets or other summary materials with the letter. Example 3-5 includes a written notice states could provide to systems (also in Appendix D of this guidance).

Example 3-5. Sample CCR Notification Letter from the State to CWSs

Dear Community Water System (CWS) Owner/Operator,

I am writing to ask you to prepare a Consumer Confidence Report (CCR) and deliver it to your customers. Consumer awareness/right-to-know was a theme of the 1996 Safe Drinking Water Act (SDWA) Amendments. These amendments confirmed the importance of educating the consumer and added new responsibilities for water systems in this area. The CCR rule is the first new regulation from EPA in several years and the first to address the public right-to-know provisions of the 1996 SDWA Amendments.

The CCR rule requires all CWSs to provide drinking water quality reports to their customers annually by July 1. The information included in the report must be from the previous calendar year. These reports or CCRs are intended to be short documents written for a non-technical audience and must contain information on:

- Source(s) of local water, and availability of source water assessment data.
- Levels of detected contaminants, corresponding Maximum Contaminant Levels (MCLs), Maximum Contaminant Level Goals (MCLGs), Maximum Residual Disinfectant Levels (MRDLs), Maximum Residual Disinfectant Level Goals (MRDLGs), Treatment Techniques (TTs), Action Levels (ALs), and typical sources.
- Potential health effects of contaminants detected in violation of an MCL/MRDL/TT, or exceeding an Action Level (AL).
- Opportunities for public participation in drinking water related decisions.

Water systems are free to enhance the reports in any useful way, but must follow the required minimum content and format criteria. Attachment 1 provides an overview of the CCR requirements and a list of resources to assist you in preparing CCRs.

The CCR provides an excellent opportunity to showcase the good work your system does to provide customers with the highest quality drinking water. We recommend that CWSs begin preparing their first CCR well before the July deadline. In order to help systems meet the regulatory deadlines, EPA has developed a CCR implementation guidance document, a "how to" manual for CWSs on preparing CCRs, and a program called CCRiWriter to assist systems in creating their CCR. These materials can be found on EPA's Web site at www.epa.gov/safewater/ccr/compliancehelp.html.

In the interim, the Name of state's Drinking Water Program will be conducting CCR training workshops and preparing educational/outreach materials for systems. We encourage you to take full advantage of the opportunity the CCR provides to tell the public about the quality of their drinking water because informed and involved consumers can be strong allies of water systems, large and small.

Sincerely,

State Drinking Water Program

Attachment

Attachment 1 of Sample CCR Notification Letter from the State to CWSs

CCR Minimum Report Content Requirements
1. Required Information about the Water System ☐ System contact number for additional information. ☐ For communities with a large proportion of non-English speaking residents (as determined by State) information in appropriate language about importance of CCR. ☐ Dates and times of public meetings.
2. Source(s) of Water ☐ Type of water; commonly-used names; and location of water source(s). ☐ Information on source water assessments, if available: notice of availability, obtaining a copy of the assessment, and susceptibility information.
3. Definitions for MCL, MCLG, and If Applicable MRDL, MRDLG, TT, AL, Variances and Exemptions
4. Reported Levels of Detected Contaminants ☐ For comparison must include the corresponding MCL, MCLG, MRDL, MRDLG, TT, or AL. ☐ Likely source(s) of detected contaminants. ☐ Clear indication of any contaminant detected in violation of EPA standard as well as an explanation of the violation including the length, potential health effects, and actions take to remedy violation.
5. Information on Monitoring for *Cryptosporidium*, Radon, and Other Contaminants Which May Indicate a Health Concern
6. Compliance with Other Drinking Water Regulations ☐ Explanation of violation, any potential health effects, and steps the system has taken to correct the violation. ☐ Special notices for Ground Water Rule
8. Variances and Exemptions ☐ Explanation of variance or exemption; reasons for and dates of issue; and notice of public opportunity for public input in the review.
6. Required Educational Information ☐ Explanation of contaminants in drinking water, including bottled water. ☐ Explanation of the vulnerability of immuno-compromised populations (i.e., cancer patients, people with HIV/AIDs or other immune system disorders) to drinking water contaminants. ☐ Explanation of contaminants and their presence in drinking water, if detected. ☐ Educational statement for lead. ☐ Educational statements for arsenic and nitrate when these contaminants are detected under conditions specified in the rule.

Report Delivery and Recordkeeping Requirements for CWSs
1. CCR Delivery to Customers ☐ Each CWS must mail or otherwise directly deliver one copy of the CCR to each customer, unless granted a mailing waiver. (Refer to number 7 below)
2. "Good Faith" Effort for Delivery to Non-Bill Paying Consumers ☐ CWS must make a "good faith" effort to reach those consumers who they serve but who do not get water bills, such as renters. "Good faith" efforts mean using a mix of several methods recommended by the state.
3. Delivery of CCR and Certification to State ☐ CWS must mail to the state: (1) a copy of the CCR no later than the date the CWS is required to deliver the report to its customers; and (2) within 3 months of the required delivery date, mail certification to the state indicating that the CCR was distributed to customers with information that is correct and consistent with compliance monitoring data previously submitted.
4. CCR Delivery to Other Agencies ☐ CWS must deliver the CCR to any other agency identified by the state no later than the required date to send the CCR to its customers.
5. CCR Availability to the Public ☐ CWS must make CCRs available to the public upon request.
6. CCR Availability on the Internet ☐ CWS serving 100,000 or more persons must post CCR on a publicly accessible Internet site.
7. Mailing Waiver for CWSs Serving Fewer than 10,000 Persons ☐ The Governor of a state may waive the mailing requirement for CWSs serving fewer than 10,000 persons.
8. CWS Keeping CCR Copies on File ☐ CWS must keep copies of their CCR on file for at least 3 years.

Additional Resources/Contact Information:

State Drinking Water Program	phone number/email address
EPA Safe Drinking Water Hotline	(800-426-4791)
EPA Web site	www.epa.gov/safewater
American Water Works Association/local affiliate	phone number/Web site/email address

Section 2 of this guidance includes additional publications that are intended to be distributed to water systems through mailings, training sessions, and other educational forums. These publications (also available at www.epa.gov/safewater/ccr/compliancehelp.html) provide overviews of the CCR Rule to help systems understand the provisions of the Rule and determine which provisions apply. They also describe the benefits of the Rule. Although valuable, these resources do not substitute for official Rule language. States should consider including in the letter the Web site address where their regulatory language can be accessed.

Slide Presentation

For some CWSs, written communication alone will not result in full comprehension of the CCR Rule requirements. Slide presentations can be used by state staff and other training providers to present the background of the Rule, its benefits, and its requirements.

The EPA's Drinking Water Academy developed a training session on the CCR Rule (available in Microsoft PowerPoint format). Copies of the presentation may be used to train other state personnel, technical assistance providers, water system personnel, and the public. EPA's Drinking Water Academy slides are available electronically on the EPA Web site at www.epa.gov/safewater/dwa/electronic/ccrmodule.html.

Guidance Documents

Guidance documents developed for the CCR Rule are useful for explaining Rule requirements and specific aspects of Rule implementation to system operators, including monitoring and compliance determination. The guidance documents can be used as stand-alone references or as supporting materials in CCR Rule training events. Refer to Section 2 for more information on these references.

3.4 Data Management Systems

Although state data management systems vary to suit state-specific requirements and needs, EPA recommends that all states ensure that their data management systems are capable of efficiently tracking affected CWSs, compliance status, and other information needed to implement the CCR Rule. States using SDWIS/State should see the module incorporated in version 2.2.

3.5 Recordkeeping Requirements for States

Under 40 CFR 142.16(f)(3), each state that has primary enforcement responsibility must maintain a copy of the report for each water system in the state for a period of 1 year. The state must also keep the corresponding certifications CWSs are required to send to the state under 40 CFR 141.155(c) for a period of 5 years. The certifications indicate that a copy of the CCR was distributed or made available (as appropriate) to customers by the due date; and that the report contained information correct and consistent with compliance monitoring data previously submitted to the state. Where state rules allow, systems may be asked to provide additional information on how the CCR was distributed.

Section 4

State Primacy Revision Application

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40 CFR Part 142 sets out requirements for states to obtain and/or retain primary enforcement responsibility (primacy) for the Public Water System Supervision (PWSS) program as authorized by Section 1413 of the Safe Drinking Water Act (SDWA). The 1996 SDWA Amendments updated the process for states to obtain and/or retain primacy. On April 28, 1998, EPA promulgated the Primacy Rule to reflect these statutory changes (63 *FR* 23361).

4.1 State Primacy Program Revision

Pursuant to 40 CFR 142.12, complete and final requests for approval of program revisions to adopt new or revised EPA regulations must be submitted to the EPA Administrator no later than 2 years after promulgation of new or revised federal regulations. Until EPA approves those applications, EPA Regions have responsibility for directly implementing the new or revised regulations although the state and EPA can agree to implement a Rule together during this period.

States that have primacy for all existing National Primary Drinking Water Regulations (NPDWRs) are considered to have interim primacy for any new or revised regulation. If a state is eligible for interim primacy, it will have full implementation and enforcement authority. Interim primacy for the CCR Rule would begin on the date the state submits its final and complete primacy revision application or the effective date of the new state regulation (whichever is later), and ends when EPA makes a final determination (refer to Table 4-1).

A state may be granted an extension of up to 2 years to submit its application package. During any extension period, an extension agreement outlining the state's and EPA's responsibilities is required.

Table 4-1. State Rule Implementation and Revision Timetable for the CCR Rule

EPA/State Action	Time Frame
CCR promulgated	August 19, 1998
Rule compliance date	September 18, 1998
State and Region establish a process and agree upon a schedule for application review and approval (optional)	October 19, 1998
State, at its option, submits draft program revision package to Region including: Preliminary Approval Request, Draft State Regulations and/or Statutes, Regulation Crosswalk	February 19, 1999
Regional (and Headquarters if necessary) review of draft	Completed within 90 days of state submittal of draft (suggested)
State submits final program revision package to Region including: • Adopted State Regulations • Regulation Crosswalk • 40 CFR 142.10 Primacy Update Checklist • 40 CFR 142.14 and 40 CFR 142.15 Reporting and Recordkeeping • 40 CFR 142.16 Special Primacy Requirements • Attorney General's Enforceability Certification	August 21, 2000[1]
States with approved extensions submit complete and final program revision package	August 21, 2002[2]

EPA/State Action	Time Frame
EPA final review and determination: • Regional review [program and Office of Regional Counsel (ORC)] • Headquarters concurrence and waivers [Office of Ground Water and Drinking Water (OGWDW) and Office of Enforcement and Compliance Assistance (OECA)] • Public notice • Opportunity for hearing • EPA's determination	Completed within 90 days of state submittal of final program revision package 45 days Region 45 days Headquarters(HQ)[3]

1. EPA suggests submitting an application by May 21, 2000, to ensure timely approval. EPA regulations allow states until August 21, 2000, for this submittal. An extension of up to 2 years may be requested by the state.

2. EPA suggests submitting an application by May 21, 2002, for states with approved extensions to ensure timely approval.

3. At least one state per Region.

4.1.1 The Revision Process

EPA recommends a two-step process for approval of state program revisions. The steps consist of submission of a draft request (optional) and submission of a complete and final request for program approval. Figure 4-1 diagrams these processes and their timing.

Draft Request—The state may submit a draft request for EPA review and tentative determination. The request should contain drafts of all required primacy application materials (with the exception of a draft Attorney General's Statement). A draft request should be submitted as soon as practicable; EPA recommends submitting it within 6 months of Rule promulgation. EPA will make a tentative determination as to whether the state program meets the applicable requirements. EPA intends to make a tentative determination within 90 days.

Complete and Final Request—This submission must be in accordance with 40 CFR 142.12(c)(1) and 40 CFR 142.12(c)(2) and include the Attorney General's statement. The state should also include its response to any comments or program deficiencies identified in the tentative determination (if applicable). Submission of only a final request may make it more difficult for states to address any necessary changes within the allowable time for state Rule adoption.

EPA recommends that states submit their complete and final revision package within 21 months of Rule promulgation (or by May 21, 2000, for the CCR Rule). This will ensure that states will have interim primacy as soon as possible and will prevent backlogs of revision applications to adopt future federal requirements.

The state and Region should agree to a plan and timetable for submitting the state primacy revision application as soon as possible after Rule promulgation—ideally within 2 months of promulgation.

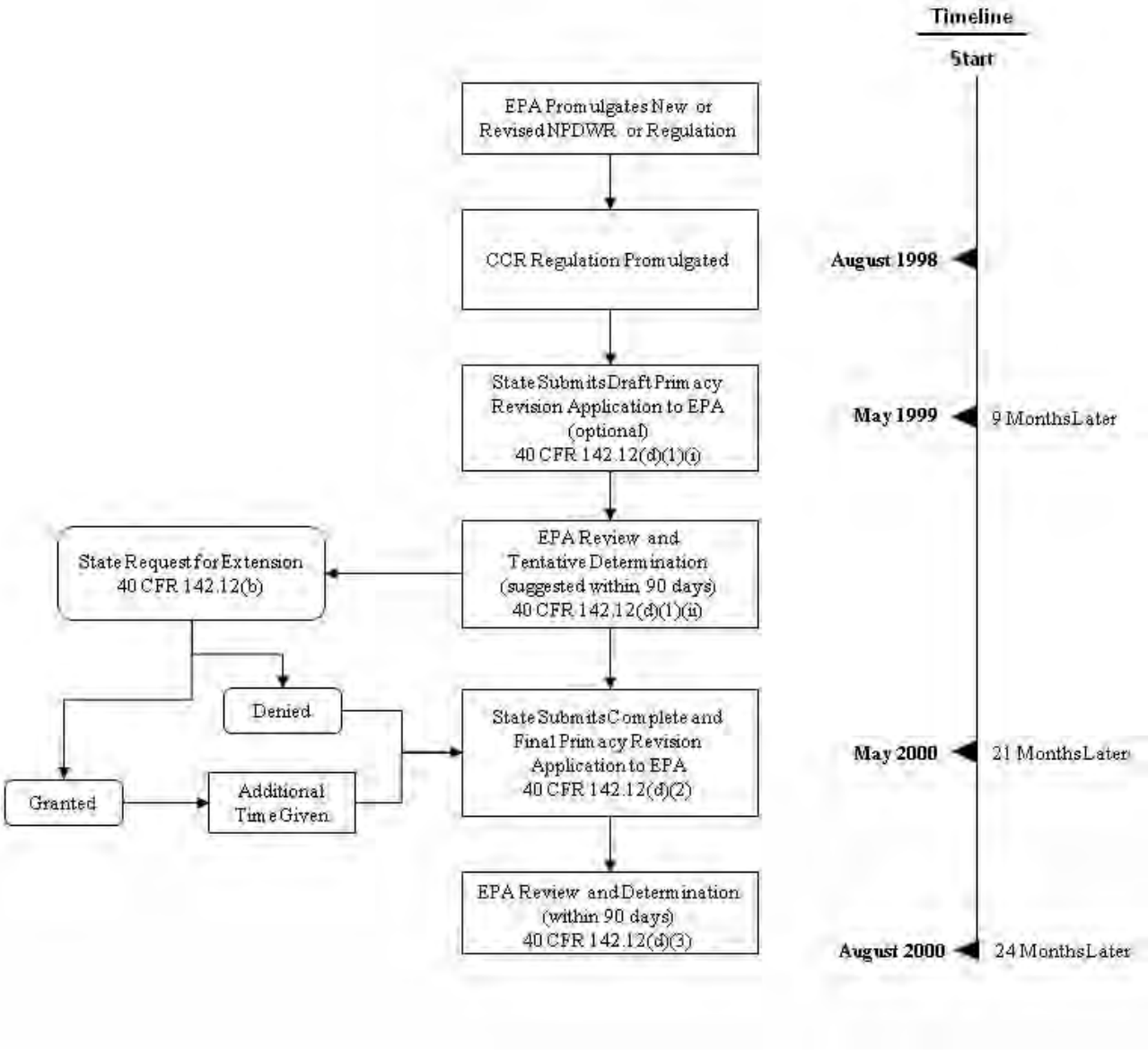
4.1.2 The Final Review Process

Once a state application is complete and final, EPA has a regulatory (and statutory) deadline of 90 days to review, and approve or disapprove the revised program. Office of Ground Water and Drinking Water (OGWDW) will conduct a detailed concurrent review of the first state package from each Region. The Regional office should submit its comments with the state's package within 45 days for review by Headquarters (HQ). When the Region has identified all significant issues, OGWDW waives concurrence

on all other state programs in that Region, although EPA HQ retains the option to review additional state programs as appropriate. The Office of General Counsel (OGC) has delegated its review and approval to the Office of Regional Counsel (ORC).

In order to meet the 90-day deadline for packages undergoing review by HQ, the review period is equally split by giving the Regions and HQ 45 days each to conduct their respective reviews. For the first package in each Region, Regions should forward copies of the primacy revision applications and their evaluations to the Drinking Water Protection Division Director in OGWDW no later than 45 days after state submittal. The Drinking Water Protection Division Director takes the lead on the HQ review process.

Figure 4-1. Recommended Review Process for State Request for Approval of Program Revisions



4.2 State Primacy Program Revision Extensions

4.2.1 The Extension Process

Under 40 CFR 142.12(b), a state may request that the 2 year deadline for submitting the complete and final program revision package be extended for up to 2 additional years. The extension request must be submitted to EPA within 2 years of the date that EPA published the regulation. The Regional Administrator has been delegated authority to approve extension applications. Concurrence by HQ on extensions is not required.

Therefore, the state must either adopt regulations pertaining to the CCR Rule and submit a complete and final primacy revision application by August 21, 2000, or request an extension of up to 2 years by that date.

4.2.2 Extension Request Criteria

For an extension to be granted under 40 CFR 142.12(b), the state must demonstrate that it is requesting the extension because it cannot meet the original deadline for reasons beyond its control and despite a good faith effort to do so. A critical part of the extension application is the state's proposed schedule for submission of its complete and final request for approval of a revised primacy program. The application must also demonstrate at least one of the following:

(i) That the state currently lacks the legislative or regulatory authority to enforce the new or revised requirements;

(ii) That the state currently lacks the program capability adequate to implement the new or revised requirements; or,

(iii) That the state is requesting the extension to group two or more program revisions in a single legislative or regulatory action.

In addition, the state must be implementing the EPA requirements to be adopted in its program revision within the scope of its current authority and capabilities.

4.2.3 Conditions of the Extension

Until the State Primacy Revision Application has been submitted, the state and EPA Regional office will share responsibility for implementing the primary program elements as indicated in the extension agreement. The state and the EPA Regional office should discuss these elements and address terms of responsibility in the agreement. PWSs should be notified of a contact person at the EPA Region if they want to ask questions or obtain information about the CCR Rule before the state has primacy.

These conditions will be determined during the extension approval process and are decided on a case-by-case basis. The conditions must be included in an extension agreement between the state and the EPA Regional office.

Conditions of an extension agreement may include:

- Informing PWSs of the new EPA (and upcoming state) requirements and the fact that the Region will be overseeing implementation of the requirements until they approve the state program revisions or until the state submits a complete and final revision package if the state qualifies for interim primacy.

- Collecting, storing, and managing laboratory results, public notices, and other compliance and operation data required by the EPA regulations.

- Assisting the Region in the development of the technical aspects of enforcement actions and conducting informal follow-up on violations (e.g., telephone calls, letters).

- Providing technical assistance to PWSs.

- For states whose request for an extension is based on a current lack of program capability adequate to implement the new requirements, taking steps agreed to by the Region and the state to remedy the deficiency during the extension period.

- Providing the Region with all the information required under 40 CFR 142.15 for state reporting.

Example 4-1 provides a checklist the Region can use to review state extensions or to create an extension agreement.

Until states have primacy, EPA is the primary enforcement authority; however, states historically have played a role in implementation for various reasons—most important because states have local knowledge, expertise, and established relationships with their systems.

The state and EPA should be viewed as partners in this effort, working towards two very specific goals. The first goal is to achieve a high level of compliance with the regulation. The second goal is to facilitate successful implementation of the regulation during the transition period between when EPA has primacy and when the state has primacy, including interim primacy, for the Rule. In order to accomplish these goals and to ensure proper health protection, education, training, and technical assistance will need to be provided to water suppliers explaining their responsibilities under the CCR Rule. Water suppliers are also encouraged to refer to the CCR Rule guidance materials, reference guide, and factsheets listed in Section 2.

Example 4-1. Example Extension Request Checklist

{Date}

{Regional Administrator}

Regional Administrator
U.S. EPA Region **{Region}**
{Street Address}
{City, State, Zip}

RE: Request/approval for an Extension Agreement

Dear **{Regional Administrator}**:

The state of **{state}** is requesting an extension to the date that final primacy revisions are due to EPA for the Consumer Confidence Report (CCR) Rule until **{insert date - no later than August 21, 2002}**, as allowed by 40 CFR 142.12, and would appreciate your approval. Staff of the **{State Department/Agency}** have conferred with your staff and have agreed to the requirements listed below for this extension. This extension is being requested because the state of **{state}**:

☐ Is planning to group two or more program revisions into a single legislative or regulatory action.
☐ Currently lacks the legislative or regulatory authority to enforce the new or revised requirements.
☐ Currently lacks adequate program capability to implement the new or revised requirements.

{State Department/Agency} will be working with EPA to implement the CCR Rule within the scope of its current authority and capability, as outlined in the six areas identified in 40 CFR 142.12(b)(3)(i-vi):

i) Informing public water systems (PWSs) of the new EPA (and upcoming state) requirements and the fact that EPA will be overseeing implementation of the requirements until EPA approves the state revision.

State	EPA	
____	____	Provide copies of regulation and guidance to other state agencies, PWSs, technical assistance providers, associations, or other interested parties.
____	____	Educate and coordinate with state staff, PWSs, the public, and other water associations about the requirements of this regulation.
____	____	Notify affected systems of their requirements under the CCR Rule.
____	____	Other:

ii) Collecting, storing, and managing laboratory results, public notices, and other compliance and operation data required by the EPA regulations.

State	EPA	
____	____	Devise a tracking system for PWS reporting pursuant to the CCR Rule.
____	____	Keep PWSs informed of reporting requirements during development and implementation.
____	____	Report CCR Rule violation and enforcement information to SDWIS as required.
____	____	Other:

iii) Assisting EPA in the development of the technical aspects of the enforcement actions and conducting informal follow-up on violations (telephones calls, letters, etc.).

State	EPA	
____	____	Issue notices of violation (NOVs) for treatment technique and monitoring/ reporting violations of the CCR Rule.

____ ____ Provide immediate technical assistance to PWSs with treatment technique, MCL and/or monitoring/reporting violations to try to bring them into compliance.

____ ____ Refer all violations to EPA for enforcement if they have not been resolved within 60 days of the incident that triggered the violation. Provide information as requested to conduct and complete any enforcement action referred to EPA.

____ ____ Other:

iv) Providing technical assistance to PWSs.

State EPA

____ ____ Conduct training within the state for PWSs on CCR Rule requirements.

____ ____ Provide technical assistance through written and/or verbal correspondence with PWSs.

____ ____ Provide on-site technical assistance to PWSs as requested and needed to ensure compliance with this regulation.

____ ____ Coordinate with other technical assistance providers and organizations to provide accurate information and aid in a timely manner.

____ ____ Other:

v) Providing EPA with all information prescribed by the State Reporting Requirements in 40 CFR 142.15.

State EPA

____ ____ Report any violations incurred by PWSs for this regulation each quarter.

____ ____ Report any enforcement actions taken against PWSs for this regulation each quarter.

____ ____ Report any variances or exemptions granted for PWSs for this regulation each quarter.

____ ____ Other:

vi) For states whose request for an extension is based on a current lack of program capability to implement the new or revised requirements, taking the following steps to remedy the capability deficiency.

State EPA

____ ____ Acquire additional resources to implement these regulations (list of specific steps being taken attached as {**List A**}).

____ ____ Provide quarterly updates describing the status of acquiring additional resources.

____ ____ Other:

I affirm that the **{State Department/Agency}** will implement provisions of the CCR Rule as outlined above.

_____

{Agency Director or Secretary} Date

_____

{Name of State Agency}

I have consulted with my staff and approve your extension for the aforementioned regulation. I affirm that EPA Region **{Region}** will implement provisions of the CCR Rule as outlined above.

_____

Regional Administrator Date

EPA Region **{Region}**

This Extension Agreement will take effect upon the date of the last signature.

4.3 State Primacy Package

The Primacy Revision Application package should consist of the following sections:

- ☐ State Primacy Revision Checklist
- ☐ Text of the state's Regulations
- ☐ Primacy Revision Crosswalk
- ☐ State Reporting and Recordkeeping Checklist
- ☐ Special Primacy Requirements
- ☐ Attorney General's Statement of Enforceability

4.3.1 The State Primacy Revision Checklist [40 CFR 142.12(c)(1)]

This section is a checklist of general primacy requirements, as shown in Table 4-2. In completing this checklist, the state must identify the program elements that it has revised in response to new federal requirements. **If an element has been revised, the state should indicate a "Yes" answer in the "Revision to State Program" column and should submit appropriate documentation**. For elements that did not require revision, the state need only list the citation and date of state adoption in the "Revision to State Program" column. During the application review process, EPA will insert findings and comments in the final column.

The 1996 SDWA Amendments include new provisions for PWS definition and administrative penalty authority. States must adopt provisions at least as stringent as these new provisions, now codified at 40 CFR 142.2 and 40 CFR 142.10. Failure to revise these elements can affect primacy for the CCR Rule.

States must have primacy or interim primacy for all existing regulations before they can receive primacy for this regulation. States may bundle the primacy revision packages for multiple rules. If states choose to bundle requirements, the Attorney General's Statement should reference all of the rules included.

Table 4-2. State Primacy Revision Checklist

Required Program Elements		Revision to State Program	EPA Findings/Comments
40 CFR 142.10	Primary Enforcement – Definition of Public Water System*		
40 CFR 142.10(a)	Regulations No Less Stringent		
40 CFR 142.10(b)(1)	Maintain Inventory		
40 CFR 142.10(b)(2)	Sanitary Survey Program		
40 CFR 142.10(b)(3)	Laboratory Certification Program		
40 CFR 142.10(b)(4)	Laboratory Capability		
40 CFR 142.10(b)(5)	Plan Review Program		
40 CFR 142.10(b)(6)(i)	Authority to apply regulations		
40 CFR 142.10(b)(6)(ii)	Authority to sue in courts of competent jurisdiction		
40 CFR 142.10(b)(6)(iii)	Right of Entry		

Required Program Elements		Revision to State Program	EPA Findings/Comments
40 CFR 142.10(b)(6)(iv)	Authority to require records		
40 CFR 142.10(b)(6)(v)	Authority to require public notification		
40 CFR 142.10(b)(6)(vi)	Authority to assess civil and criminal penalties		
40 CFR 142.10(b)(6)(vii)	Authority to require CWSs to provide CCRs		
40 CFR 142.10(c)	Maintenance of Records		
40 CFR 142.10(d)	Variance/Exemption Conditions (if applicable)**		
40 CFR 142.10(e)	Emergency Plans		
40 CFR 142.10(f)	Administrative Penalty Authority*		
40 CFR 142.10(g)	Electronic Reporting Regulations***		

* New requirement from the 1996 Amendments. Regulations published in the April 28, 1998 *Federal Register*.

** New regulations published in the August 14, 1998 *Federal Register*.

*** New regulations published in the October 13, 2005 *Federal Register*.

4.3.2 Text of the State's Regulation

Each primacy application package should include the appropriate text of the state's regulations.

4.3.3 Primacy Revision Crosswalk

The Primacy Revision Crosswalk, in Appendix A of this document, should be completed by states in order to identify state statutory or regulatory provisions that correspond to each federal requirement. If the state's provisions differ from federal requirements, the state should explain how its requirements are "no less stringent."

4.3.4 State Reporting and Recordkeeping Checklist [40 CFR 142.14 and 40 CFR 142.15]

The CCR makes no changes to the state recordkeeping requirements and state reporting requirements in 40 CFR 142.14 or 40 CFR 142.15. The CCR did add reporting and recordkeeping requires to 40 CFR 142.16(f). These requirements are discussed in Section 4.4.

4.3.5 Special Primacy Requirements [40 CFR 142.16]

Special primacy conditions pertain to specific regulations where implementation of the Rule involves activities beyond general primacy provisions. States must include these Rule-distinct provisions in an application for approval or revision of their program. The Special Primacy Requirements section of the crosswalk is where the state has the opportunity to describe how it will satisfy these provisions. Section 4.4 provides guidance on how states may choose to meet the Special Primacy Requirements of the CCR Rule.

4.3.6 Attorney General's Statement of Enforceability [40 CFR 142.12(c)(2)]

The complete and final primacy revision application must include an Attorney General's Statement certifying that the state regulations were duly adopted and are enforceable (unless EPA has waived this requirement by letter to the state). The Attorney General's Statement should also certify that the state does not have any audit privilege or immunity laws or, if it has such laws, that these laws do not prevent the state from meeting the requirements of the SDWA. If a state has submitted this certification with a previous revision package, then the state should indicate the date of submittal and the Attorney General need only certify that the status of the audit laws has not changed since the prior submittal. An example of an Attorney General's Statement is presented in Example 4-2.

Example 4-2. Example of Attorney General's Statement

Model Language
I hereby certify, pursuant to my authority as (1) and in accordance with the Safe Drinking Water Act as amended, and (2), that in my opinion the laws of the [State/Commonwealth of (3)] [or tribal ordinances of (4)] to carry out the program set forth in the "Program Description" submitted by the (5) have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved. I. For States with No Audit Privilege and/or Immunity Laws Furthermore, I certify that [State/Commonwealth of (3)] has not enacted any environmental audit privilege and/or immunity laws. II. For States with Audit Laws that do Not Apply to the State Agency Administering the Safe Drinking Water Act Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State/Commonwealth of (3)] does not affect the ability of (3) to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the [audit privilege and/or immunity law] does not apply to the program set forth in the "Program Description." The Safe Drinking Water Act program set forth in the "Program Description" is administered by (5); the [audit privilege and/or immunity law] does not affect programs implemented by (5), thus the program set forth in the "Program Description" is unaffected by the provisions of [State/Commonwealth of (3)] [audit privilege and/or immunity law]. III. For States with Audit Privilege and/or Immunity Laws that Worked with EPA to Satisfy Requirements for Federally Authorized, Delegated, or Approved Environmental Programs Furthermore, I certify that the environmental [audit privilege and/or immunity law] of the [State/Commonwealth of (3)] does not affect the ability of (3) to meet enforcement and information gathering requirements under the Safe Drinking Water Act because [State/Commonwealth of (3)] has enacted statutory revisions and/or issued a clarifying Attorney General's Statement to satisfy requirements for federally authorized, delegated, or approved environmental programs.
Seal of Office _____ Signature _____ Name and Title _____ Date (1) State Attorney General or attorney for the state if it has independent legal counsel. (2) 40 CFR 142.11(a)(6)(i) for initial primacy applications or 40 CFR 142.12(c)(1)(iii) for primacy program revision applications. (3) Name of state or commonwealth. (4) Name of tribe. (5) Name of state.

4.3.6.1 Guidance for States on Audit Privilege and/or Immunity Laws

In order for EPA to properly evaluate the state's request for approval, the State Attorney General or independent legal counsel should certify that the state's environmental audit immunity and/or privilege

and immunity law does not affect its ability to meet enforcement and information gathering requirements under SDWA. This certification should be reasonably consistent with the wording of the state audit laws and should demonstrate how state program approval criteria are satisfied.

EPA will apply the criteria outlined in its "Statement of Principles" memo issued on February 14, 1997, (www.epa.gov/epaoswer/hazwaste/state/policy/policies.htm) to determine whether states with audit laws have retained adequate enforcement authority for any authorized federal programs. The principles articulated in the guidance are based on the requirements of federal law, specifically the enforcement and compliance and state program approval provisions of environmental statutes and their corresponding regulations. The Principles provide that if provisions of state law are ambiguous, it will be important to obtain opinions from the State Attorney General, or independent legal counsel, interpreting the law as meeting specific federal requirements. If the law cannot be so interpreted, changes to state laws may be necessary to obtain federal program approval. Before submitting a package for approval, states with audit privilege and/or immunity laws should initiate communications with appropriate EPA Regional offices to identify and discuss the issues raised by the state's audit privilege and/or immunity law.

The guidance for states on Audit Law Privilege and/or Immunity Laws is currently under review. If amended, EPA will issue an addendum to this document with the revised guidance.

4.4 Guidance for the Special Primacy Requirements of the CCR

In addition to adopting basic primacy requirements specified in 40 CFR 142, states are required to adopt primacy provisions pertaining to specific regulations where implementation of the Rule involves activities beyond general primacy provisions. The purpose of these provisions is to allow state flexibility in implementing a regulation that: (1) applies to specific system configurations within the particular state; and, (2) can be integrated with a state's existing PWSS Program. States must include these Rule-distinct provisions in an application for approval or revision of their programs.

4.4.1 Special Primacy Requirement for Adopting 40 CFR 141, Subpart O

> *40 CFR 142.16(f)(1): Each state that has primary enforcement responsibility must adopt the requirements of 40 CFR part 141, subpart O no later than August 21, 2000. States must submit revised programs to EPA for approval using the procedures in 40 CFR 142.12(b) through (d).*

This Special Primacy Requirement addresses that when submitting a revised primacy program application the state's must follow the revised primacy application procedures outline in 40 CFR 142.12(b) through 40 CFR 142.12(d). These procedures address the timeframe in which packages must be submitted, the content of the application, and EPA's review and approval procedures. This process is described in Section 4.1 through 4.3 of this guidance.

4.4.2 Special Primacy Requirement for Providing Reports to the Public upon Request

> *40 CFR 142.16(f)(2): Each state that has primary enforcement responsibility must make reports submitted to the states in compliance with 40 CFR 141.155(b) available to the public upon request.*

This Special Primacy Requirement addresses that all states that receive primacy authority for the CCR must make copies of the CCRs submitted to the state by the systems available to the public upon request.

4.4.3 Special Primacy Requirement for Recordkeeping

> *40 CFR 142.16(f)(3): Each state that has primary enforcement responsibility must maintain a copy of the reports for a period of one year and the certifications obtained pursuant to 40 CFR 141.155(b) for a period of 5 years.*

This Special Primacy Requirement addresses the recordkeeping requirements for states. States are required to keep a copy of the CCR submit by the systems for one year and a copy of the certification submitted for 5 years.

4.4.4 Special Primacy Requirement for Reporting CCR Violations

> *40 CFR 142.16(f)(4): Each state that has primary enforcement responsibility must report violations of this subpart in accordance with the requirements of 40 CFR 142.15(a)(1).*

This Special Primacy Requirement addresses the reporting requirement for states. States are required to submit to EPA information on any new CCR violations by systems. Information on system violations can be found in Section 5 of this guidance.

4.5 Guidance for State Flexibility

The CCR Rule sets baseline standards to ensure that all consumers receive reports that are nationally consistent and which include the same type and amount of basic information. Where the CCR Rule does not specify mandatory language or exact provisions, primacy states have discretion. Changes from the federal requirements in the following areas are allowed but must be spelled out in a state's primacy revision application.

Governor's Mailing Waiver:

Under 40 CFR 141.155(g), the Governor of a state or their designee can waive the mailing requirement for CWSs serving fewer than 10,000 persons. The Rule states that a mailing waiver can be granted but states, in accordance with their laws, have the flexibility to establish criteria for obtaining and renewing a mailing waiver. For example, a state can choose whether the waiver should be system-specific or apply to all systems in a given category.

Additional Public Notice:

Under 40 CFR 141.155(d), systems must deliver the report to any other agency or clearinghouse identified by the state. Examples of other agencies a state may identify include state and local public health or environment departments, public utility commissions, and consumer advocates.

Alternative Form and Content:

Under 40 CFR 141.151(e), primacy states may adopt by Rule, after notice and opportunity for public comment, alternative requirements for the form and content of reports. Only states that have submitted a complete and final primacy revision application can change form and content. Alternative requirements

must provide for the same type and amount of information as specified in the federal Rule as well as provide an equivalent level of public information and education.

MCL Reporting Format

EPA requires that MCLs be reported as a number greater than or equal to one because it believes that the use of whole numbers makes it easier for consumers to compare the level of a contaminant in the system's water with the MCL. Focus group research conducted by EPA and the American Water Works Association (AWWA) has shown that consumers understand whole numbers much more easily than decimals. Based on the focus group research, EPA does not believe that reporting the MCL in another format, such as compliance values, provides an equivalent level of public information and education as specified under 40 CFR 141.151(e) of the Rule.

Although EPA strongly believes the required MCL reporting format presents the information most clearly and understandably, EPA believes there may be limited conditions under which states can adopt alternative format requirements for the MCL. Cynthia Dougherty, Director of the Office of Ground Water and Drinking Water, clarified in a memorandum dated June 29, 1999, what those limited conditions are. Appendix F of this guidance contains a copy of the June 29, 1999, memorandum.

The memorandum indicates EPA would consider approval of a primacy revision application that allowed MCL reporting in a format other than numbers greater than or equal to one upon a good faith state effort showing the state's public favors the proposed reporting format. EPA believes there should be a high bar for public involvement that should include documented focus group research targeting members of communities served. Representatives from water systems and other drinking water professionals can be involved in the research, but they should not be considered the target audience. If the process shows that consumers find an alternative MCL format easier to understand, EPA would consider approving a state primacy revision application including that format. States should include their EPA Region and a wide range of stakeholders in developing any focus group methodology. If a state intends to change the MCL presentation format, EPA recommends that the state submit a draft primacy revision application documenting the methodology and the focus group research and explaining the proposed changes.

Report Content

A summary of areas where report content may be changed is given below in Table 4-3.

Table 4-3. Areas of State Flexibility for Content Requirements

Citation	Content Requirements	Primacy States Have the Flexibility to...
40 CFR 141.153(b)	Source Water Assessment Information	Determine the level of detail required in the CCR to summarize the results of a completed source water assessment, in accordance with state priorities and protection goals.
40 CFR 141.153(c)	Definitions: MCL, MCLG, TT, AL, and Variances and Exemptions	Alter the wording of the definitions. Note: States must provide standard language that meets the statutory intent of being "brief and plainly worded."

Citation	Content Requirements	Primacy States Have the Flexibility to...
40 CFR 141.153(d)(4)(ix)	Likely Source(s) of Detected Contaminants (Appendix A to Subpart O)	Alter the wording of the language provided for typical sources in Appendix A to Subpart O of the Rule. Note: States must require systems to include generic information on specific sources where it is available.
40 CFR 141.153(d)(6) 40 CFR 141.153(f)(3)-(f)(4)	Potential Adverse Health Effects for Regulated Contaminants (Appendix A to Subpart O)	Incorporate additional language before or after the health effects language in Appendix A to Subpart O of the Rule. The health effects language itself cannot be altered. Note: State regulations must require the use of a standard set of health effects language when a contaminant exceeds its MCL, TT, or AL. The language must, at a minimum, list the same health effects as in Appendix A to Subpart O of the Rule.
40 CFR 141.153(h)(1)	Explanation of Contaminants Reasonably Expected to be Found in Drinking Water, including Bottled Water	Alter the wording of the explanation. Note: States must require the inclusion of an explanation of contaminants that may be in drinking water, including bottled water, and provide reference to EPA's Safe Drinking Water Hotline (800-426-4791).
40 CFR 141.154 40 CFR 141.154(a) 40 CFR 141.154(b) to (d)	Required Additional Health Information Vulnerable Populations Warning Educational Statements for Arsenic, Nitrate, and Lead	Alter the wording for the educational statements for arsenic, nitrate, and lead. CWSs may further modify the educational statements after consultation with the state. Incorporate additional language before or after the vulnerable populations warning. The warning itself cannot be altered. Note: States must require the inclusion of a warning to vulnerable populations about the effects of *Cryptosporidium* and other microbial contaminants and information on how populations can protect themselves by referring to EPA/CDC guidelines.

Section 5

Violation Determination and Safe Drinking Water Information System (SDWIS) Reporting

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5.1 Violation Determination

This section of the implementation guidance summarizes violations that can be incurred by water systems under the CCR Rule. There are two types of violations that states must report to the federal data system. One violation is categorized as major and the other as minor.

Major Violation

- CCR Report Violation (failure to produce and/or deliver report).

Minor Violation

- CCR Adequacy/Availability/Content Violation.

We do not expect significant numbers of the minor Adequacy/Availability/Content Violation to be reported to SDWIS for the first CCRs. However, after the first 2 reports, EPA expects states to track and report on all violations.

A brief summary of the definitions for each violation type and return to compliance under the CCR Rule are given below. More detailed information on violation and compliance achieved definitions, and reporting requirements for each violation type can be found on the EPA Web site.

CCR Report Violation: (Major)

- A CCR Report Violation occurs when the CWS fails to produce and deliver a copy of the CCR to the public and to the state by the due date specified in the Rule. The CWS must send a copy of the first report to the state by October 19, 1999. The state must receive subsequent reports by July 1, each year thereafter.

- In circumstances where states find that a system issued a report that is significantly deficient in content, contains falsified information, or that a system fails to adequately deliver the report, states should view these inadequacies as significant and report a major CCR Report Violation.

Return to Compliance: Based on direction from the state, the CWS must produce a CCR or revise the CCR that addresses all deficiencies identified by the state, delivered it and the certification to the state, and distributed the report in accordance with the regulation.

CCR Adequacy/Availability/Content Violation: (Minor)

- A CCR Adequacy/Availability/Content Violation occurs when the CWS fails to include the required language, content, and/or meet the requirements to make reports available to the public as specified in the Rule.

- Failure to provide certification to the state within 3 months of the CCR due date that the report contained correct information and was distributed in accordance with the Rule is a minor Adequacy/Availability/Content Violation.

- This type of violation means that the CCR has met some but not all of the requirements for either report content or distribution.

Return to Compliance: Based on direction from the state, the system may be required to revise or redeliver its report.

5.2 SDWIS Reporting Summary

There are two violation names and codes associated with the CCR Rules:

CCR Violation	SDWIS Code
CCR Report Violation: (Major)	71
CCR Adequacy/Availability/Content Violation: (Minor)	72

Detailed information on SDWIS reporting requirements for each violation type can be found on the EPA Web site.

5.3 Optional CCR Compliance Checklist

Table 5-1, "CCR Compliance Checklist," is an optional tool that may help CWSs and regulators determine whether they have satisfied the content and delivery requirements of the Rule. If a CWS can answer "Yes" to each of these items, then it is most likely that the system's CCR meets content requirements and the requirements for CCR distribution.

Table 5-1. Optional CCR Compliance Checklist

Task	Completed	
	Yes	No
Report Delivery and Recordkeeping		
Did State Receive: • A copy of the CCR by the delivery date of October 19, 1999 for the first CCR and subsequent reports by July 1 annually thereafter? • Certification by January 19, 2000 for the first CCR and subsequent certifications by October 1 annually thereafter?		
Did the Certification Indicate and the CWS Ensure That: • The CCR was distributed to customers (i.e., CWS mailed or otherwise directly delivered reports)? • The CCR contained information correct and consistent with compliance monitoring data previously submitted to state?		

Task	Completed	
	Yes	No
Did the CWS Make the CCR Available by: ● Using a "good faith" efforts to reach non-bill paying consumers? ● Delivering the CCR to other agencies as prescribed by the state? ● Making the CCR available to the public upon request? ● Post the CCR on the Internet if serving 100,000 or more persons?		
For CWSs with Mailing Waivers That Serve 500 or Fewer Persons, Did They: ● Publish CCR in at least one local newspaper? ● Notify customers that CCR will not be mailed? ● Make CCR available to the public upon request?		
For CWSs with Mailing Waivers That Serve Fewer than 500 Persons, Did They: ● Provide notice to customers at least once during the year that the CCR is available to the public upon request?		
Note: Systems with mailing waivers must complete the tasks identified within this block in addition to the other Rule requirements for report delivery, recordkeeping and content.		
Content of CCR		
Did the CCR Contain: (1) Required Water System Information? ● Telephone number of a contact person. ● Information for non-English speaking populations, if appropriate. ● Information on public participation opportunities.		
(2) Information on Source(s) of Water? ● Type, common name, and location of water source(s). ● Source water assessment information, if available. – Notice of availability of completed assessment. – Information on how customers can obtain assessment. – A brief summary of the system's susceptibility to potential sources of contamination.		
(3) Definitions For: ● MCL and MCLG? (required) ● TT, AL, MRDL, MRDLG, Variances and Exemptions? (only if applicable)		

Task	Completed	
	Yes	No
(4) Reported Levels of Detected Contaminants? ● Highest contaminant level used to determine compliance ● MCL and MCLG or equivalent ● Range of levels found ● Description of likely source(s) ● Clear indication of any contaminant detected in violation of EPA standard as well as an explanation of the violation including the length, potential health effects, and actions take to remedy violation.		
(5) Information on Monitoring for *Cryptosporidium*, Radon, and Other Contaminants?		
(6) Compliance with Other Drinking Water Regulations? ● Monitoring and reporting of compliance data. ● Recordkeeping of compliance data. ● Filtration and disinfection prescribed by Subpart H. ● Lead and copper control requirements. ● Treatment techniques for acrylamide and epichlorohydrin prescribed by Subpart K. ● Special monitoring requirements for inorganic and organic contaminants and sodium. ● Violation of the terms of a variance, an exemption, or a state or Federal administrative or judicial order.		
For these violations, the report must: – Contain an explanation of violations, potential health effects, and steps the CWS has taken to correct the violations. – Include language from Appendix A to Subpart O of the Rule for violations of the filtration and disinfection requirements, the lead and copper control requirements and violations of the acrylamide and epichlorohydrin requirements.		
(7) Required Information If CWS Is Operating under a Variance or Exemption?		
(8) Required Educational Information? ● Explanation of the vulnerability of some populations to contaminants in drinking water: *Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised 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/Centers for Disease Control and Prevention (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).*		

Task	Completed	
	Yes	No
● Explanation of contaminants which may be reasonably expected to be found in drinking water, including bottled water: *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 EPA's Safe Drinking Water Hotline (800-426-4791).*		
● Information on: sources of drinking water, contaminants that may be present in source water, and EPA/FDA regulations. <u>40 CFR 141.153(h)(1)(i) - Sources of Drinking Water:</u> *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.*		
<u>40 CFR 141.153(h)(1)(ii) - Contaminants That May Be Present in Source Water:</u> *Microbial Contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.* *Pesticides and Herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.* *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.* *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.*		
<u>40 CFR 141.153(h)(1)(iii) - EPA and FDA Regulations:</u> *In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.*		

Task	Completed	
	Yes	No
• Informational statements on arsenic and nitrate if those contaminants are detected under conditions prescribed in the Rule and lead: – Arsenic at levels above 5 µg/l (50% of the MCL), but below the MCL. – Nitrate at levels above 5 mg/l (50% of the MCL), but below the MCL. – Lead (always required) *If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at www.epa.gov/safewater/lead.*		

Section 6

Consumer Confidence Report Examples

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The following section provides examples of CCRs for three rules:

- GWR
- Stage 2 DBPR
- LT2ESWTR

These examples address the CCR requirements for systems that are required to report information in their CCR pertaining to these rules including detected contaminant data and/or violations. Some of the examples have been updated from the examples provided in the each rule implementation guidance to incorporate EPA's current thinking on an effective way to present this information. In the examples provided, language in italics is required by 40 CFR Appendix A to Subpart O of the Rule.

EPA has developed CCRiWriter to help CWSs quickly create their CCRs. The CCRiWriter is a web-based program and requires internet access to use. The Web site address for the CCRiWriter is www.ccriwriter.com. A direct link can also be accessed from EPA's Web site at www.epa.gov/safewater/ccr/tools.html.

6.1 CCR Examples for the Ground Water Rule

This section provides CCR excerpts that satisfy notification requirements of the GWR. The following scenarios are addressed:

- Scenario 1: A Source Water Sample is Positive for a Fecal Indicator.
- Scenario 2: A System Fails to Take Corrective Action Following a Significant Deficiency.
- Scenario 3: A System Fails to Maintain at Least 4-log Treatment of Viruses.
- Scenario 4: A System Fails to Collect a Source Water Sample.

Scenario 1: A Source Water Sample is Positive for a Fecal Indicator
System Description – System A

System A is a community GWS serving 1,500 people. The system has two wells in use year-round and does not provide 4-log treatment of viruses before or at the first customer.

Situation

On April 2, 2010, the system collects its two routine monthly TCR samples for April. The system is notified by the laboratory on the afternoon of April 4 that one of its routine samples is total coliform-positive. On the morning of April 5, the system collects samples from both wells and delivers the samples to the laboratory for analysis. The analysis shows that one of the two source water samples is positive for *E. coli*.

CCR Requirements

A CWS must include the fecal indicator-positive result in the detected contaminant table in the CCR due by July 1, 2011. Special notice is also required and the system must include: the source of the fecal contamination, if known; the date of the positive sample; if the fecal contamination has been addressed, or if it has not been addressed, the state-approved plan and schedule for correction including interim measures, progress to date, and any interim measures completed; and the potential health effects. Example 6-1 fulfills the CCR requirements for this scenario.

Note: In the example below, the system would have also been required to report their total coliform-positive sample in their report. That result is not shown in this example.

Example 6-1. Example of Detected Contaminant Table and Special Notice in the CCR for Source Water Fecal Contamination

Water Quality Data

Contaminant	MCL	MCLG	Your Water	Range	Sample Year	Violation	Typical Sources
E. coli* (at the ground water source)	0	0	1 Positive Sample	ND-1	2010	No	Human or animal fecal waste

*System A detected *E. coli* in their source water sample; the sample was collected in response to a total coliform-positive routine sample collected on April 2, 2010. More information about this situation is provided in the Situation section.

Situation

- On April 4, 2010, we were informed that one of our routine total coliform samples collected on April 2, 2010, was total coliform-positive. As required by the Ground Water Rule, we collected samples from both of our sources, Wells 1 and 2 on April 5, 2010, and had them analyzed for fecal contamination. The sample for Well 1 tested positive for *E. coli*.
- **Health Effects:** *Fecal coliforms and* E. coli *are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.*
- In response, we immediately discontinued use of Well 1 and sent notices to all of our customers within 24 hours. We carefully considered our options and developed a plan with the State Department of Public Health to extend the well's casing higher above the ground, replace the well cap, and install treatment (chlorination). As we stated in the most recent update on this issue, treatment was installed on June 1, 2010. Well 1 was placed back in service at that time.

Note: If the system had sampled for (and found) enterococci or coliphage as their fecal indicator, the table would read as shown in the example below.

Contaminant	MCL	MCLG	Your Water	Range	Sample Year	Violation	Source
Enterococci (at the ground water source)*	TT	NA	1 positive sample	ND-1	2010	No	Human or animal fecal waste
Coliphage (at the ground water source)*	TT	NA	1 positive sample	ND-1	2010	No	Human or animal fecal waste

* Special notice required text and health effects language would be provided in the CCR – possibly in a footnote to the table as shown in the example above.

Scenario 2: A System Fails to Take Corrective Action Following a Significant Deficiency
System Description – System B

System B is a community GWS serving 1,500 people. The system has one well in use year-round and does not provide 4-log treatment of viruses before or at the first customer.

Situation

During a sanitary survey on June 1, 2013, the state identifies a significant deficiency—the system operator's certification has lapsed. The system is notified of the deficiency in a letter from the state on June 10, 2013. The state directs System B to take immediate corrective action by bringing on a new, certified operator or having the current operator take all necessary steps to renew certification as soon as possible. The system is told it must complete corrective action within 120 days of receiving written notification from the state of the significant deficiency, or by October 8, 2013. By October 8th, the system's operator has still not been recertified and the system has not hired a new certified operator. The system is notified of its violation on November 15, 2013, for failure to take corrective action within 120 days of receiving written notice. System B finally hires a certified operator on December 20, 2013.

CCR Requirements

Treatment technique violations must be included in a system's CCR with an explanation of the violation, the length of the violation, the potential adverse health effects, and the steps taken to correct the violation.

In this scenario, since the system corrected the significant deficiency before the end of the calendar year, the system is not required to provide special notice regarding this deficiency in the CCR. However, the state can still require special notice even if the significant deficiency is corrected. In this scenario the state does not require special notice.

EPA recommends that systems include this type of violation in a table following the main detected contaminant table. This format is shown in Example 6-2.

Example 6-2. Example of a Notice in the CCR for Failure to Take Corrective Action

TT Violation	Explanation	Length	Steps Taken to Correct the Violation	Health Effects Language
Corrective action for a significant deficiency	During a Sanitary Survey on June 1, 2013, we were notified by the State Department of Health that our system required a properly certified operator. We were required to recertify our operator or hire a new, properly certified operator within 120 days. We did not do this within the required timeframe.	2 months	We hired a properly certified operator in December 2013.	*Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.*

Scenario 3: A System Fails to Maintain at Least 4-log Treatment of Viruses
System Description – System C

System C is a community GWS serving 8,500 people. The system has two wells in use year-round. In 2010, System C installed chlorine treatment at both wells as a corrective action to address a significant deficiency identified by the state. System C also began compliance monitoring at that time.

Situation

During a sanitary survey on January 10, 2011, the state determines that due to a malfunctioning chlorine pump, the system has not been providing 4-log treatment of viruses at one of its wells for at least 2 weeks. The problem is identified during the sanitary survey and the system is officially notified of its failure to consistently provide 4-log treatment in a letter from the state on February 1, 2011. The state also directs System C to take corrective action to restore 4-log treatment as soon as possible.

CCR Requirements

Treatment technique violations must be included in a system's CCR with an explanation of the violation, the length of the violation, the potential adverse health effects, and the steps taken to correct the violation.

EPA recommends that systems include this type of treatment technique violation in a table following the main detected contaminant table. This format is shown in Example 6-3.

Example 6-3. Example of a Notice in the CCR for Failure to Maintain at Least 4-Log Treatment of Viruses

TT Violation	Explanation	Length	Steps Taken to Correct the Violation	Health Effects Language
Failed to maintain 4-log treatment of viruses	On January 10, 2011, state inspection of our water system identified a malfunctioning chlorine pump. As a result, the water from one of our wells (Well 1) was not adequately disinfected for 2 weeks.	2 Weeks	As directed by the Department of Public Health, we took immediate action to resolve this problem by repairing the malfunctioning chlorine pump. Regular testing since the pump was repaired has demonstrated that we are once again providing water that meets the State's standards for disinfection to our customers.	*Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.*

Scenario 4: A System Fails to Collect a Source Water Sample
System Description – System D

System D is a community GWS serving 10,000 people. The system has four wells in use year-round and does not provide 4-log treatment of viruses before or at the first customer.

Situation

On December 15, 2011, the system is notified by the laboratory that one of its routine monthly total coliform samples is total coliform-positive. The system collects three repeat samples as required under the TCR, but does not collect any source water samples. On January 2, 2012, the state notifies the system that it is in violation of the GWR requirements. On January 4, 2012, System D collects samples from all four wells to have them tested for fecal indicators. None of the samples tested positive for fecal indicators.

CCR Requirements

Since System D is a CWS, it could use the CCR to meet the Tier 3 public notification requirements for this violation if the CCR is released within 1 year of the system's learning of the violations. For this particular example, the system became aware of the monitoring and reporting (M&R) violation on January 2, 2012, but the violation occurred in December 2011. Therefore public notification requirements can also be met since the public will be informed of the violation in the CCR produced for calendar year 2011.

Example 6-4 illustrates how this M&R violation can be reported in the CCR to meet both the CCR and PN Rule requirements.

Example 6-4. Example of a Notice in the CCR for Failure to Collect Source Water Sample(s) Following a Routine Total Coliform-Positive Distribution System Sample Result

Violation

- *We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During December 2011, we did not complete all required monitoring or did not test according to required methods for fecal indicators and, therefore, cannot be sure of the quality of our drinking water during that time.*
- On December 15, 2011, we were informed by our laboratory that one of our routine bacteriological samples for December tested positive for total coliform. We were required to collect follow-up samples within 24 hours of learning of the total coliform-positive sample. Follow-up samples needed to be tested for fecal indicators from all sources that were active at the time the total coliform-positive sample was collected. We failed to collect the follow-up sample within 24 hours.
- On January 4, 2012, source water samples were collected for fecal indicators. All samples were negative for fecal indicators.

6.2 CCR Examples for Stage 2 DBPR

This section provides CCR excerpts that satisfy notification requirements of the Stage 2 DBPR. The following scenarios are addressed:

- Scenario 5: TTHM MCL Violation.
- Scenario 6: LRAA and Compliance Calculations for TTHM and HAA5 M&R Violations.
- Scenario 7: Bromate M&R Violation.

Scenario 5: TTHM MCL Violation
System Description - System E

System E is a small Subpart H system that uses two large ground water wells determined to be under the direct influence of surface water. The system treats the water from each well with bag and cartridge filtration and by disinfection with chlorine on a full-time basis. The system utilizes two filtration/disinfection treatment plants known as WTP 1 and WTP 2.

Population Served:	8,200
Source #1:	Well 1
Treatment:	Filtration, chlorine
Source #2:	Well 2
Treatment:	Filtration, chlorine

This system was required to comply with the TTHM and HAA5 RAA requirement under the Stage 1 DBPR but is now required to comply with the LRAA requirement on Schedule 4 under Stage 2 DBPR. System E conducted *E. coli* monitoring under the LT2ESWTR and was able to avoid *Cryptosporidium* monitoring, so it must begin complying with Stage 2 DBPR by October 1, 2013. Note that for compliance with Stage 2 DBPR, System E is required to collect two dual sample sets per quarter at representative high TTHM and HAA5 sites.

The operator takes the dual samples during times when the disinfection systems are operating under normal conditions and collects the samples at the locations and according to the schedule specified in the provisions of the system's Compliance Monitoring Plan.

Situation

Table 6- 1 summarizes the Stage 2 DBPR TTHM monitoring results for four quarters at two sites beginning January 1, 2014. System E's operator collects their scheduled set of two TTHM samples (at locations defined in the Compliance Monitoring Plan) each quarter. The operator enters the values on the TTHM monitoring forms and calculates a quarterly arithmetic average concentration for each sampling location.

Table 6- 1. System E 2014 TTHM Monitoring Results

Total Trihalomethane Monitoring Results (in ppb)	January 2014	April 2014	July 2014	October 2014
Site 1 Quarterly Results	50	67	149	46
*Site 1- LRAA**	*59*	*62*	*82*	*78*
Site 2 Quarterly Results	40	55	113	60
*Site 2- LRAA**	*42*	*49*	*71*	*67*

*Reported LRAA for quarters 1-3 are based on results from previous quarters not reported on this table.

CCR Requirements

System E has completed a full year of monitoring under Stage 2 DBPR and must use this data to compute LRAAs at each location. (After this time, the system will compute LRAAs each quarter.) The operator sums quarterly TTHM results and divides by 4 to determine LRAA compliance with the Stage 2 DBPR MCL of 0.08 mg/L (MCL in CCR units: 80 ppb). The TTHM result for location 1 is 149 ppb which causes the LRAA to be above the MCL at 82 ppb; therefore, the operator must report an MCL violation in the CCR.

MCL violations must be listed in the main detected contaminant table and include an explanation of the violation, the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation (see Example 6-5).

Example 6-5. Example of a Notice in the CCR for TTHM MCL Violation

Water Quality Data

Contaminant	MCL	MCLG	Your Water	Range	Sample Year	Violation	Source
TTHMs [Total trihalomethanes] (ppb) (LRAA) Site 1	80	NA	82 (highest LRAA)	46 - 149	2014	Yes*	By-product of drinking water disinfection
TTHMs [Total trihalomethanes] (ppb) (LRAA) Site 2	80	NA	71	40 - 113	2014	No	By-product of drinking water disinfection

*System E exceeded the MCL for TTHMs in October. The system's locational running annual average (LRAA) for Site 1 was 82 ppb. More information about this violation is provided in the violation section.

Violation

- Testing results from 3rd quarter sampling (October 2014) shows that our system exceeds the standard, or maximum contaminant level (MCL), for total trihalomethanes (TTHMs). The standard for TTHMs is 80 ppb averaged at an individual monitoring location over the year. In October 2014, our TTHM level at Site 1 was 82 ppb. TTHMs, which are four volatile organic chemicals, form when disinfectants react with natural organic matter in the water. We are working to minimize the formation of TTHMs while ensuring an adequate level of disinfection to protect customers from exposure to bacteria.
- We have since taken samples at this location and throughout the system and had them tested. They show that we meet the standards.
- *Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.*

Scenario 6: LRAA and Compliance Calculations for TTHM and HAA5 M&R Violations
System Description - System F

System F is a small Subpart H system serving 8,900 people. They are on Schedule 4 and the requirements of Stage 2 DBPR are applicable on or before October 1, 2014, because System F is required to monitor for *Cryptosporidium* under the LT2ESWTR.

The system uses surface water treated at a conventional filtration plant. The system uses chlorine as a chemical disinfectant applied at one location and must monitor TTHM and HAA5 according to the requirements of 40 CFR 141.621(a). Under the Stage 2 DBPR, samples must be taken in the distribution system at a frequency of two dual sample sets every 90 days. One quarterly set must be taken during the peak historical month for DBP concentrations. All monitoring must take place at the locations recommended to the primacy agency in the IDSE Report submitted under 40 CFR 141.600 through 40 CFR 141.605.

Population Served: 8,900

Source: Surface water

Treatment: Conventional filtration, chlorine

Situation

Table 6-2 presents a summary of System F's TTHM and HAA5 monitoring results.

Table 6-2. System F 2014 TTHM and HAA5 Monitoring Results (mg/L)

		2014						2015						
Parameter		**JUL**	**AUG**	**SEPT**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**APR**	**MAY**	**JUN**	
TTHM MCL = 0.080 mg/L	Site 1				0.068			0.070			0.070			
	Site 2				0.072			0.070			0.068			
HAA5 MCL = 0.060 mg/L	Site 1				0.042			0.055			0.038			
	Site 2				0.040			0.060			0.046			
		2015						**2016**						
Parameter		**JUL**	**AUG**	**SEPT**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**APR**	**MAY**	**JUN**	**LRAA**
TTHM MCL = 0.080 mg/L	Site 1	NS												0.069
	Site 2	NS												0.070
HAA5 MCL = 0.060 mg/L	Site 1	NS												0.045
	Site 2	NS												0.049

NS=No sample taken
LRAA=Locational running annual average

In August 2015, System F reviews the data for the first year of compliance monitoring for the Stage 2 DBPR. However, System F did not complete the necessary monitoring of TTHM and HAA5 in the fourth quarter, July 2015. The system did resume monitoring in the next quarter.

System F's sampling record shows a major M&R violation in 2015 resulting from a failure to take the required samples. In this case, when only two samples per quarter are required, the failure to sample for one quarter is a major M&R violation and must be reported to SDWIS for both TTHM and HAA5.

CCR Requirements

Since System F is a CWS, it could use the CCR to meet the Tier 3 public notice requirements for this violation if the CCR is released within 1 year of the system's learning of the violation. For this particular example, the system became aware of the monitoring violation on August 15, 2015. Therefore, public notification requirements can be met if the CCR produced for calendar year 2015 is released prior to July 1, 2016 (the CCR for calendar year 2015 is required to be released by July 1, 2016, for compliance with the CCR Rule). In this situation, additional public notification would not be required. However, whether public notification is provided by the CCR for calendar year 2015 or by other means, this violation would still have to be reported by the system in the CCR produced for calendar year 2015, since all violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the violation occurred.

Example 6-6 illustrates how this M&R violation can be reported in the CCR to meet both CCR and PN Rule requirements.

Example 6-6. Example of a Notice in the CCR for LRAA and Compliance Calculations for TTHM and HAA5 M&R Violations

Violation

- *We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During July 2015, we did not complete all required monitoring or did not test according to required methods for total trihalomethanes (TTHMs) and haloacetic acids (HAA5) and, therefore, cannot be sure of the quality of our drinking water during that time.*
- Our system is required to take samples for TTHMs and HAA5s every quarter. TTHMs and HAA5s are a group of chemicals that are formed when chlorine or other disinfectants used to control microbial contaminants in drinking water react with naturally occurring organic and inorganic matter in water. As stated above, we did not collect our quarterly samples in July 2015. However, using the data we did collect over the past year, we are not in violation of the standard for either TTHMs (80 ppb) or HAA5s (60 ppb).
- To resolve this issue, we have set-up new procedures at the system to ensure all samples are collected and analyzed according to our monitoring plan. We resumed collecting samples in October 2015.

Scenario 7: Bromate M&R Violation
System Description - System G

System G is a small Subpart H CWS that serves 4,700 people. They have one surface water source, and treat with a direct filtration plant that uses both ozone and chlorine as disinfectants. Because they use ozone, under the Stage 1 DBPR, System G was required to monitor for bromate at the entrance to the distribution system from their plant. The routine monitoring frequency was monthly, but the system was able to qualify for reduced monitoring of quarterly sampling because their monthly source water bromide RAA levels were less than 0.05 mg/l.

Population Served:	4,700
Source:	Surface water
Treatment:	Softening plant, ozone, chlorine

After March 31, 2009, if System G wants to continue reduced monitoring for bromate, they must qualify using the new criteria under the Stage 2 DBPR. To meet the new criteria for reduced monitoring, System G needs to conduct monthly monitor for bromate for 1 year using Method 317.0 Revision 2.0, 326.0, or 321.8. Note that systems cannot use Method 300.1 to qualify for reduced monitoring.

Situation

In April 2009, System G discontinues its bromide sampling and begins sampling monthly for bromate using one of the new sampling methods. By March 2010, System G has a full year of monthly samples, and their RAA is 0.0015. This is below 0.0025 mg/L so the system now qualifies for reduced bromate sampling. In the second quarter of 2010, the system begins quarterly monitoring. However, in December 2010, their Bromate RAA is 0.0060 mg/L which exceeds 0.0025 mg/l. The system should have resumed monthly monitoring at that point.

On April 12, 2011, the state sent System G a letter indicating that their records showed that the system had failed to resume routine monitoring. System G began routine monitoring that month.

Table 6-3 summarizes System G's bromate monitoring results.

Table 6-3. System G Bromate and Bromide Monitoring Results (mg/L)

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
2008	Bromide			0.004			0.003			0.002			0.002
	Bromate												
2009	Bromide			0.01									
	Bromate			0.0010	0.0020	0.0015	0.0016	0.0010	0.0020	0.0010	0.0005	0.0010	0.0025
2010	Bromide												
	Bromate	0.0020	0.0020	0.0010			0.0020			0.0025			0.0060
2011	Bromate	NS	NS	0.0010	0.0020	0.0025	0.0018	0.0010	0.0023	0.0026	0.0024	0.0020	
2012	Bromate	0.0010	0.0010	0.0020	0.0022			0.0010			0.0020		

Note: RAAs are calculated on a quarterly basis for Bromide and Monthly for Bromate. RAA = Running Annual Arithmetic Average

NS = No samples taken

System G is not eligible for a reduction in monitoring frequency after the month of December 2010 because the bromate RAA (0.0030 mg/L) is greater than 0.0025 mg/L for the four most recent quarters. Beginning in January 2011, System G is required to begin monitoring monthly for bromate. Since System G did not collect another bromate sample until March 2011, System G is in violation of the M&R requirement.

CCR Requirements

All violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the system incurred the violation.

Example 6-7 illustrates how this M&R violation can be reported in the CCR.

Example 6-7. Example of a Notice in the CCR for Bromate M&R Violation

Violation

- Since we use ozone as a disinfectant, our system monitors for bromate. Bromate is a chemical that is formed when a system uses ozone to disinfect drinking water and it reacts with naturally occurring bromide in source water.
- Our system qualified to reduce the number of samples required to monitor for bromate in March 2010. We were allowed to take 1 sample per quarter rather than 1 sample per month. In December 2010, the running annual average exceeded 0.0025 mg/L and we no longer qualified for reduced quarterly bromate monitoring. Beginning in January 2011, we failed to begin monitoring monthly for bromate. Therefore, we cannot be sure of the quality of the water during that time.
- We began monitoring monthly for bromate in April 2011 and will continue to monitor on this schedule until reduced monitoring is again appropriate.

6.3 CCR Examples for LT2ESWTR

This section provides CCR excerpts that satisfy notification requirements of the LT2ESWTR. The following scenarios are addressed:

- Scenario 8: Failure to Take Action on Uncovered Finished Water Reservoir.
- Scenario 9: Failure to Notify the State before Making a Significant Change in Disinfection Practice.
- Scenario 10: Failure to Provide or Install an Additional Level of Treatment.
- Scenario 11: Failure to Monitor for *Cryptosporidium* for Any Three Months.
- Scenario 12: Failure to Submit a Source Water Monitoring Schedule 3 Months Prior to Date System is Required to Begin Monitoring.
- Scenario 13: Failure to Collect Samples in Accordance with Sampling Schedule.
- Scenario 14: Failure to Sample at an Appropriate Location.

Scenario 8: Failure to Take Action on Uncovered Finished Water Reservoir
System Description - System I

System I is a Subpart H system serving 12,000 people. The system has five finished water reservoirs, two of which are uncovered.

Situation

On April 1, 2008, System I submits plans to the state detailing how and when it plans to cover its two uncovered finished water reservoirs. Systems are required to have a cover or treatment in place for all uncovered finished water reservoirs by April 1, 2009, or on a schedule approved by the state. However, System I does not cover its finished water reservoirs until January 27, 2010, returning to compliance with the LT2ESWTR one year after the schedule submitted to the state.

System I incurred a treatment technique violation as a result of the system's failure to have both of its uncovered finished water reservoirs covered by April 1, 2009. The system could have chosen to either cover the reservoir or treat the discharge from its uncovered finished water reservoirs to achieve inactivation and/or removal of 4.0-log virus, 3.0-log *Giardia lamblia*, and 2.0-log *Cryptosporidium* by the April 1, 2009, compliance date. System I also could have asked the state to approve an alternative schedule. However, since System I failed to implement any of the above options with regard to its finished water reservoirs before the April 1, 2009, deadline, the system is in violation of the LT2ESWTR.

CCR Requirements

Treatment technique violations must be included in a system's CCR with an explanation of the violation, the length of the violation, the potential adverse health effects, and steps taken to correct the violation.

EPA recommends that systems include this type of treatment technique violation in a table following the main detected contaminant table. This format is shown in Example 6-8.

Example 6-8. Example of a Notice in the CCR for Failure to Take Action on Uncovered Finished Water Reservoir

TT Violation	Explanation	Length	Steps Taken to Correct the Violation	Health Effects
Uncovered and untreated finished water reservoirs	Two of our finished water reservoirs were not covered and the discharge was not treated. We were required to address this situation by April 1, 2009.	9 months	The system began a project to install covers on the reservoirs in May 2009. The project was completed on January 27, 2010.	*Inadequately protected or inadequately treated water may contain disease causing organisms. These organisms can cause symptoms such as diarrhea.*

Note: Because there is no standard health effects language provided for this treatment technique, the system could write language specific to the violation. The health effects language provided is an example of what might be included.

Scenario 9: Failure to Notify the State before Making a Significant Change in Disinfection Practice
System Description - System J

System J is a large Subpart H system serving 109,000 people. It currently uses a conventional filtration treatment plant as defined in 40 CFR 141.2 and chlorinates its water at the entry to the presedimentation basin and after the filtration process. System J created a disinfection profile under 40 CFR 141.708.

Situation

On January 1, 2010, System J modifies its disinfection process by eliminating the presedimentation basin chlorine application point and increasing the post-filtration chlorine dose. The PWS developed a disinfection profile that contains all the elements described in 40 CFR 141.708(a)(1) through 40 CFR 141.708(a)(3), however, the system did not submit the plan to the state before making the change. System J submitted the plan to the state on March 1, 2010.

Although System J appropriately prepared the necessary significant disinfection practice modification plan, it did not notify the state prior to changing disinfection practices. System J has incurred an M&R violation as a result of the system's failure to notify the state prior to making a significant change to its treatment process.

CCR Requirements

All violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the system incurred the violation.

Example 6-9 illustrates how this M&R violation can be reported in the CCR.

Example 6-9. Example of a Notice in the CCR for Failure to Notify the State before Making a Significant Change in Disinfection Practice

Violation

- On January 1, 2010, we stopped adding chlorine to the early stages of our treatment process and increased the amount of chlorine we add before the water is distributed to consumers. We prepared a plan with specific information on the proposed changes, including a description of the proposed changes, specific disinfection records, and an analysis of how the proposed change would affect the levels of disinfection in our system. However we did not submit a copy of the plan to the state before making the changes.
- A change to our disinfection practices without state approval did not adversely impact our water quality and we continue to meet all treatment requirements.
- We submitted our plan to the state on March 1, 2010. The state approved the changes to the disinfection process on April 1, 2010, at which time the violation was resolved.

Scenario 10: Failure to Provide or Install an Additional Level of Treatment
System Description - System K

System K is a small Subpart H system using surface water and serving 7,500 people. It currently uses a conventional filtration treatment plant as defined in 40 CFR 141.2 and uses chlorine as its primary disinfectant.

Situation

System K, which monitors for *Cryptosporidium* under LT2ESWTR, meets its source water monitoring requirements since it begins 24 months of monthly source water monitoring by April 1, 2010. System K finishes this monthly monitoring for its initial round of source water monitoring by April 1, 2012. The system determines that its *Cryptosporidium* bin concentration is 0.9 oocysts/L, which results in a bin classification of 2. System K therefore needs to provide an additional 1.0-log of *Cryptosporidium* treatment by October 1, 2014, or be in compliance with a state-approved alternative schedule. System K chooses to install UV disinfection to achieve the necessary treatment credits. Since UV will meet *Giardia* and *Cryptosporidium* requirements, System K may be able to decrease the amount of chlorine currently used. The system is required to submit its plans to the state for approval. After receiving approval of its plan from the state, System K proceeds with the installation. However, the installation is not completed until April 1, 2015, and the system did not obtain an extension.

System K has incurred a treatment technique violation. The system was required to provide an additional level of treatment to address *Cryptosporidium* by October 1, 2014. This system did not meet this deadline and did not obtain an extension.

CCR Requirements

Treatment technique violations must be included in a system's annual CCR with an explanation of the violation, the length of the violation, the potential adverse health effects, and steps taken to correct the violation.

EPA recommends that systems include this type of treatment technique violation in a table following the main detected contaminant table. This format is shown in Example 6-10.

Example 6-10. Example of a Notice in the CCR for Failure to Provide or Install an Additional Level of Treatment

TT Violation	Explanation	Length	Steps Taken to Correct the Violation	Health Effects
Treatment not installed by required date	We were required to install and have treatment operating to provide additional *Cryptosporidium* removal by October 1, 2014. We did not meet this deadline.	6 months	Installation of the U.V. disinfection system was completed on April 1, 2015.	*Inadequately protected or inadequately treated water may contain disease causing organisms. These organisms can cause symptoms such as diarrhea.*

Note: Because there is no standard health effects language provided for this treatment technique, the system could write language specific to the violation. The health effects language provided is an example of what might be included.

Scenario 11: Failure to Monitor for Cryptosporidium for Any Three Months
System Description - System L

System L is a small Subpart H system serving 3,000 people that uses a small lake as a source. Small systems that provide filtration or are required to provide filtration must initially conduct 1 year of bi-weekly sampling (one sample every 2 weeks) for *E. coli*, beginning October 1, 2008. These systems are triggered into *Cryptosporidium* monitoring only if the initial *E. coli* monitoring indicates a mean concentration greater than 10 *E. coli*/100 mL for systems using a reservoir or lake as their primary source. The small systems that exceed these *E. coli* trigger values must either monitor for *Cryptosporidium* twice-per-month for 1 year, or at least monthly for 2 years beginning April 1, 2010.

Situation

System L begins conducting *E. coli* monitoring on October 1, 2008. After 1 year of monitoring, System L determines that its annual mean *E. coli* concentration is 31 *E. coli*/100 mL. Based on the annual mean concentration of *E. coli* determined by the initial source water monitoring (31 *E. coli*/100 mL is greater than 10 *E. coli*/100 mL), System L is required to begin source water monitoring for *Cryptosporidium* at least monthly for 2 years no later than April 1, 2010.

Three months laps and System L does not conduct any further source water monitoring and does not intend to install additional treatment or implement another toolbox option to achieve 5.5-log of treatment for *Cryptosporidium*. Therefore, System L has incurred a M&R violation for failure to conduct *Cryptosporidium* monitoring for any three months.

CCR Requirements

All violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the system incurred the violation.

Example 6-11 illustrates how this M&R violation can be reported in the CCR.

Example 6-11. Example of a Notice in the CCR for Failure to Monitor for *Cryptosporidium* for Any Three Months

Violation

- Our water system recently failed to conduct additional source water monitoring as required. We were required to begin source water monitoring for *Cryptosporidium* at least once each month for 2 years no later than April 1, 2010. We did not begin collecting the required source water samples for *Cryptosporidium* until August 2, 2010. Therefore, we cannot be sure of the quality of the water during that time.

Scenario 12: Failure to Submit a Source Water Monitoring Schedule 3 Months Prior to Date System is Required to Begin Monitoring

System Description - System M

System M is an unfiltered Subpart H system serving 2,500 people that meets all the criteria for avoiding filtration found in 40 CFR 141.71.

Situation

System M submits a sampling schedule to the state for the initial round of source water monitoring January 1, 2010, however, it forgets about the second round of source water monitoring that is required and does not submit a sampling schedule. On March 1, 2019, one month before System M is required to begin the second round of source water monitoring, a neighboring water system reminds System M that it is required to conduct a second round of source water monitoring.

System M has incurred a M&R violation for failing to submit a sampling schedule to the state for the second round of source water monitoring before January 1, 2019 (i.e., 3 months before the second round of source water monitoring), even if it conducts the required monitoring and reported the results to the state.

System M resolves the violation by developing a sampling schedule and submitting it the state on March 10, 2019. The system fulfills its source water M&R requirements in accordance with the schedule in 40 CFR 141.701(c).

CCR Requirements

All violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the system incurred the violation.

Example 6-12 illustrates how this M&R violation can be reported in the CCR.

Example 6-12. Example of a Notice in the CCR for Failure to Submit a Source Water Monitoring Schedule 3 Months Prior to Date System is Required to Begin Monitoring

Violation

- We were required to submit a source water monitoring schedule by January 1, 2019, three months before the date we were required to begin source water monitoring (April 1, 2019). We failed to do this.
- On March 10, 2019, we developed a sampling schedule and submitted it to the State Department of Public Health. This issue has now been resolved.

Scenario 13: Failure to Collect Samples in Accordance with Sampling Schedule
System Description - System N

System N is a small filtered Subpart H system serving 9,000 people.

Situation

System N has two qualified operators. While System N is conducting its required source water monitoring for *E. coli*, the operator that usually collects the bi-weekly *E. coli* sample goes on vacation for 1 month. System N's other operator decides to wait until his/her colleague returns to work to continue the required source water monitoring instead of collecting the samples themselves. Therefore, System N does not collect samples for the month of December 2008.

System N has incurred a M&R violation for failing to sample within 2 days before, or 2 days after the scheduled dates. The LT2ESWTR allows systems that face "extreme conditions," situations "that may pose danger to the sampler," "unforeseen" situations, or situations that "cannot be avoided" to sample as close to the scheduled date as is feasible and to submit an explanation for the alternative sampling date with the analytical results. A vacationing operator does not satisfy any of these scenarios.

CCR Requirements

All violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the system incurred the violation.

Example 6-13 illustrates how this M&R violation can be reported in the CCR.

Example 6-13. Example of a Notice in the CCR for Failure to Collect Samples in Accordance with Sampling Schedule

Violation

- Our system is required to collect bi-weekly source water samples for *E. coli*. We failed to collect two source water samples in December 2008 in accordance with our sampling schedule. Therefore, we cannot be sure of the quality of the water during that time.
- In January 2009, we negotiated with the state a schedule for sampling in December 2009. These samples were collected as required and no additional treatment needs are necessary for our system.

Scenario 14: Failure to Sample at an Appropriate Location
System Description - System O

System O is a large Subpart H system serving 15,000 people. System O uses bank filtration to meet the source water filtration requirement of 40 CFR 141.173(b). The water body adjacent to the collector well is a large river.

Situation

On April 1, 2008, System O begins to conduct monthly monitoring for *Cryptosporidium.* System O collects its first two samples from the well, after bank filtration. The system source water monitoring plan indicated it would collect samples from the river.

System O has incurred a M&R violation. Systems using bank filtration as an alternative filtration to meet the *Giardia lamblia* and virus inactivation and *Cryptosporidium* removal requirements of 40 CFR 141.173(b) or 40 CFR 141.552(a) must take surface water samples prior to bank filtration. Only unfiltered Ground Water Under Direct Influence of Surface Water (GWUDI) systems meeting the filtration avoidance criteria in 40 CFR 141.71 and bank filtered systems that receive no treatment credit for bank filtration can collect samples from the well (after bank filtration).

The state identifies the sample location error and directs the system to begin sampling from the adjacent river, beginning June 1, 2008. The state further directs the system to collect source water samples for April and May of 2010 (at the end of the 2-year monitoring period) to ensure representative samples are obtained for each calendar month for 2 years.

CCR Requirements

All violations of National Primary Drinking Water Rules must be reported in the CCR for the calendar year in which the system incurred the violation.

Example 6-14 illustrates how this M&R violation can be reported in the CCR.

Example 6-14. Example of a Notice in the CCR for Failure to Sample at an Appropriate Location

Violation

- Our system uses bank filtration to meet the *Giardia lamblia* and virus inactivation and *Cryptosporidium* removal requirements and must take surface water samples. On April 1, 2008, we began to conduct monitoring for *Cryptosporidium*, however, the first two samples collected were collected at the wrong location in the system.
- On May 10, 2008, we determined the samples were collected at the wrong location. The sampling location has been corrected and the samples will now be collected at the appropriate location. The situation is now resolved. This issue had no affect on the treatment system or the quality of the water we provide.