

FINAL-FORM RULEMAKING
Title 25—ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 109]

Safe Drinking Water Revised Consumer Confidence Report Rule

The Environmental Quality Board (Board) amends Chapter 109 (relating to safe drinking water) to read as set forth in Annex A. These amendments ensure that the Commonwealth's safe drinking water regulations in Chapter 109 remain at least as stringent as 40 CFR Part 141 (relating to National Primary Drinking Water Regulations), promulgated by the United States Environmental Protection Agency (EPA), which is a condition of the Department of Environmental Protection (Department) retaining primary enforcement responsibility for public water systems in this Commonwealth under the Federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300f—300j-27).

Specifically, the final-form amendments: (1) enhance the accessibility and clarity of a Consumer Confidence Report (CCR), which provides information to public water system customers about the quality of their drinking water; (2) incorporate public notification and CCR provisions for lead action level exceedances; and (3) clarify and ensure monitoring requirements are consistent for bulk water hauling systems and at entry points of public water systems that purchase water. This final-form rulemaking also includes an amendment to require a Tier 3 public notice for failure to report results of total coliform and *E. coli* monitoring; this amendment is required under the National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule (Federal revised total coliform rule), published at 78 FR 10270 (February 13, 2013) but was inadvertently missed in the Department's rulemaking published at 46 Pa.B. 6005 (September 24, 2016), which incorporated the Federal revised total coliform rule.

Consumer Confidence Reports

The EPA's original National Primary Drinking Water Regulations: Consumer Confidence Reports rulemaking (original Federal CCR rule), published at 63 FR 44512 (August 19, 1998), requires all community water systems to issue an annual drinking water quality report to their customers. CCRs provide customers with information on the drinking water provided by their water system, including the water sources, contaminants detected in finished water, health effects of contaminants when violations occur, likely sources of detected contaminants, and availability of source water assessments. The EPA published the revised National Primary Drinking Water Regulations: Consumer Confidence Reports rulemaking (revised Federal CCR rule) at 89 FR 45980 (May 24, 2024). The revised Federal CCR rule is applicable to all community water systems, as are the Department's current CCR regulations in Chapter 109, so the final-form CCR amendments do not regulate additional public water systems in this Commonwealth.

The final-form CCR amendments align Chapter 109 with the revised Federal CCR rule by improving the readability and accuracy of the information presented in CCRs, improving risk communication, incorporating electronic delivery options, providing supplemental information regarding lead levels and control efforts, and requiring community water systems that serve 10,000 or more persons to provide CCRs to customers twice per year.

Lead and Copper Rule Revisions

The EPA's National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (Federal LCRR) rulemaking was published at 86 FR 4198 (January 15, 2021). The Federal LCRR requires community water systems and nontransient noncommunity water systems to issue a Tier 1 public notice to all consumers within 24 hours of determining that the 90th percentile compliance value for lead exceeds the action level. This public notification requirement became effective on October 16, 2024, so the Department's final-form amendments also include provisions to be consistent with the public notification provisions in the Federal LCRR.

Clarify and ensure monitoring requirements are consistent for bulk water hauling systems and at entry points of public water systems that purchase water

This final-form rulemaking includes minor revisions to clarify the definition of “entry point” for bulk water hauling systems to be the point at which water is dispensed into the carrier vehicle and to clarify that bottled and vended water systems, retail water facilities and bulk water hauling (BVRB) systems purchasing finished water are not required to conduct monitoring for chemical contaminants, provided the selling system conducts the monitoring and results are at or below Maximum Contaminant Levels (MCL).

Additional amendments

This final-form rulemaking also includes the previously explained amendment to require a Tier 3 public notice for failure to report results of total coliform and *E. coli* monitoring. This amendment is required under the Federal revised total coliform rule but was inadvertently missed in the Department's rulemaking published at 46 Pa.B. 6005.

Safe drinking water is vital to maintaining healthy and sustainable communities and is a key foundation for economic growth. The final-form amendments further protect the health of people in this Commonwealth who consume drinking water provided by public water systems and make information about the drinking water provided by community water systems in this Commonwealth more accessible and understandable to consumers.

This final-form rulemaking was adopted by the Board at its meeting of DATE.

A. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact Edgar B. Chescattie, Director, Bureau of Safe Drinking Water, P.O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-9633, or Leda J. Lacomba, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464,

Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department's website at <https://www.pa.gov/agencies/dep.html> (select "Public Participation," then "Environmental Quality Board," then navigate to the Board meeting of DATE).

C. Statutory Authority

This final-form rulemaking is authorized under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P.S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

D. Background and Purpose

National Primary Drinking Water Regulations: Consumer Confidence Reports

Federal safe drinking water regulations in 40 CFR Part 141, Subpart O (relating to Consumer Confidence Reports) require community water systems to provide CCRs to each of its customers at least annually. The information in CCRs is intended to raise awareness among community water system customers of where their water comes from, help those customers understand the process by which safe drinking water is delivered to their homes and educate them about the importance of preventative measures that ensure a safe drinking water supply. CCRs also provide important information on source water assessments and health effects data. CCRs can promote dialogue between community water systems and the people they serve, encourage customers to become more involved in decisions that may affect their health and equip customers to make more informed decisions about their drinking water.

In the revised Federal CCR rule, the EPA states that the amendments to CCR provisions in its final rulemaking would improve the readability, clarity and understandability of CCR content, as well as enhance the accuracy of the information presented, improve risk communication and incorporate electronic delivery options. CCRs contain a great deal of highly technical information. This final-form rulemaking aims to make CCRs easier for every community water system's consumers to understand so that they may make informed decisions about their health and any risks associated with their drinking water.

The revised Federal CCR rule requires community water systems to create a summary paragraph for each CCR that includes: instructions for obtaining a paper or translated copy; information for any public notification that is included in the report because the CCR is also serving to provide public notification for one or more violations or situations; notice that lead and copper data is included in the report; and information on the public water system's corrosion control efforts. However, Chapter 109 already incorporates the content provisions of the original Federal CCR rule by reference, so amendments are not necessary to meet the content provisions in the revised Federal CCR rule.

In addition to revising CCR content provisions, the revised Federal CCR rule also amended CCR delivery requirements. Therefore, this final-form rulemaking includes amendments to CCR delivery requirements so that the Department's safe drinking water regulations in Chapter 109 remain as stringent as the revised Federal CCR rule. Changes to CCR delivery requirements include the following:

- *For all community water systems*, requiring submission of the delivery certification form within 10 days after the date the water system is required to deliver the report to customers.
- *For community water systems that serve 10,000 or more persons*, requiring biannual (twice yearly) delivery to consumers. Currently, these community water systems are required to deliver CCRs only annually (once yearly).
- *For community water systems that serve 50,000 or more persons*, requiring posting of the report on a publicly-accessible website. Currently, this is only required for community water systems that serve 100,000 or more persons.
- *For community water systems that serve 100,000 or more persons*, requiring the development and maintenance of a plan that evaluates languages spoken by consumers and provides assistance to consumers with limited English proficiency (including translation needs). These community water systems shall develop a plan for providing meaningful access to CCRs for consumers with limited English proficiency, evaluate the plan annually and update the plan as needed. This plan is in addition to the existing requirement that all community water systems include in their report a statement in Spanish regarding the importance of the report.

National Primary Drinking Water Regulations: Lead and Copper Rule Revisions

The Federal LCRR includes updated public notification and CCR provisions that became effective on October 16, 2024.

The Federal LCRR revised the content of CCRs with respect to lead by requiring that each report include: the range of tap sampling results and the number of results that exceed the lead action level; information about the service line inventory; updated educational information about the health effects of lead exposure; and information about how consumers can reduce their exposure to lead in drinking water. As noted previously, Chapter 109 already incorporates the content provisions of the original Federal CCR rule by reference, so amendments to meet the new Federal LCRR content provisions are not necessary.

The Federal LCRR public notification revisions require public water systems to issue a Tier 1 public notice to all consumers and to the EPA within 24 hours of determining that the 90th percentile compliance value for lead exceeds the action level. The Federal LCRR revisions also update which lead and copper monitoring/reporting violations require Tier 3 public notification.

Clarifying monitoring requirements for bulk water hauling systems and at entry points of public water systems that purchase water

This final-form rulemaking also includes minor revisions to clarify the definition of “entry point” for bulk water hauling systems to be the point at which water is dispensed into the carrier vehicle and to clarify that BVRB systems purchasing finished water are not required to conduct monitoring for chemical contaminants, provided the selling system conducts the monitoring and results are at or below MCLs.

Additional amendments

This final-form rulemaking also includes an amendment to require Tier 3 public notification for failure to report results of total coliform and *E. coli* monitoring. This amendment is required under the Federal revised total coliform rule. The amendment was inadvertently missed in the Department's rulemaking published at 46 Pa.B. 6005, which was developed to incorporate the Federal revised total coliform rule.

Advisory committee review

The Public Water System Technical Assistance Center (PWS-TAC) Board reviewed the draft final rulemaking on May 7, 2026. The PWS-TAC Board did not have specific comments on the draft final regulation language and provided the following statement: “The PWS-TAC Board supports the Department in moving forward with the Revised CCR Rule rulemaking package.”

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

A detailed description of amendments to Chapter 109 follows the “Summary of Final-Form Rulemaking” heading in this section. Revisions were made to § 109.1003(a)(1)(x) and (xi) (relating to monitoring requirements) from the proposed rulemaking to this final-form rulemaking, explained following the “Changes from Proposed to Final-Form Rulemaking” heading in this section. No other changes were made to this final-form rulemaking.

Changes from Proposed to Final-Form Rulemaking

§ 109.1003. Monitoring requirements

Subsection (a)(1)(i) is revised to correct “bulk water haulers” to “bulk water hauling systems.”

Subsection (a)(1)(x) is revised in response to a comment from the EPA to ensure the language is consistent with the Stage 1 Disinfectants and Disinfection Byproducts National Primary Drinking Water Regulation, published at 63 FR 69390 (December 16, 1998), known as the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR). The Stage 1 DBPR for chlorine dioxide and chlorite applies to all public water systems including bulk water hauling and vended water systems and retail water facilities. However, bottled and vended water systems and retail water facilities do not have a distribution system in which to conduct monitoring as specified in the Stage 1 DBPR. Although a bulk water hauling carrier vehicle is akin to a

distribution system, a bulk water hauling system does not have the ability to collect samples from three separate distribution system locations (that is, close to first customer, average residence time and maximum residence time) as specified in the State 1 DBPR.

Therefore, clause (B)(II) is added in this final-form rulemaking to require bulk water hauling systems that use chlorine dioxide to conduct monthly monitoring for chlorite in the carrier vehicle in addition to the follow-up monitoring required in response to an MCL exceedance. Monitoring conducted in the carrier vehicle in response to an MCL exceedance at the entry point may satisfy the required routine monthly monitoring. Bottled and vended water systems and retail water facilities are required to monitor chlorite at each entry point because they do not have an equivalent distribution system. Due to the addition of clause (B)(II), existing and proposed provisions in subparagraph (x) are renumbered as clauses (A), (B)(I) and (C) in this final-form rulemaking.

Subsection (a)(1)(xi) is revised by adding clauses (B) and (C) to require bulk water hauling and vended water systems and retail water facilities that use chlorine dioxide to take three additional samples at 6-hour intervals from the same machine, carrier vehicle or point of delivery within 24 hours of any entry point sample that exceeds the chlorine dioxide maximum residual disinfectant level (MRDL). New clause (A) requires bottled water systems to collect three additional samples within 24 hours from the same lot or batch. This subsection was revised in response to a comment from the EPA to ensure the language is consistent with the Stage 1 DBPR.

Summary of Final-Form Rulemaking

§ 109.408. Tier 1 public notice—categories, timing and delivery of notice

Subsection (a) is amended to add a lead 90th percentile compliance value above the action level as a situation that requires Tier 1 public notification.

§ 109.410. Tier 3 public notice—categories, timing and delivery of notice

Subsection (a) is amended to add Tier 3 public notification requirements for failure to report results of total coliform and *E. coli* monitoring as required under the Federal revised total coliform rule, and for lead or copper reporting violations.

§ 109.416. CCR requirements

The opening paragraph is amended to add the requirement for systems serving 100,000 or more persons to develop and update a plan for providing assistance to consumers with limited English proficiency.

Paragraph (1) is amended to add that the definition of “consumer” as established by the EPA is incorporated by reference.

Paragraph (2) is amended to update a cross-reference.

Paragraph (3) is amended to require a summary paragraph at the beginning of the CCR, as established in 40 CFR 141.156 (relating to summary of report contents) and incorporated by reference.

Paragraph (4)(i) is amended to match the revised Federal CCR rule in 40 CFR 141.155 (relating to report delivery, reporting, and recordkeeping) by specifying additional delivery options for CCRs, including paper and electronic delivery options.

Paragraph (4)(i)(A)—(D) clarifies acceptable methods of direct delivery, as provided in the revised Federal CCR rule.

Paragraph (4)(i.1)(A)—(C) specifies requirements for electronic delivery on a website.

Paragraph (4)(i.2) describes instructions for providing paper copies upon request.

Paragraph (4)(i.3) describes the required time frame for access to publicly posted reports.

Paragraph (4)(ii) is reserved.

Paragraph (4)(iii) is amended to update a cross-reference.

Paragraph (4)(iv) is amended to update the time frame for submission of the CCR delivery certification to the Department.

Paragraph (4)(vi) is amended regarding systems making reasonable efforts for requests of accommodation.

Paragraph (4)(vii) is amended to decrease the population-served requirement to post the report on a website.

Paragraph (4)(ix) describes the requirement to develop a plan for providing translation assistance to persons with limited English proficiency and also includes submission and annual report delivery certification requirements to the Department.

Paragraph (4)(x)(A) describes the annual due date to deliver the reports along with the time frame of data that should be included.

Paragraph (4)(x)(B) describes which public water systems, by population served, are required to issue the report biannually and provides the due date for the second report.

Paragraph (4)(x)(C) describes the content of the 6-month update, which is required to be included with the second report if a system qualifies as having to send a second report under paragraph (4)(x)(B).

Paragraph (4)(x)(C)(I) describes a requirement for the 6-month update to include a short description of the update and the biannual delivery requirement.

Paragraph (4)(x)(C)(II) describes the information that must be included in the 6-month update if a community water system has an MCL, MRDL or treatment technique violation during the first 6 months of a year.

Paragraph (4)(x)(C)(III) describes what must be included in the 6-month update for any violation other than the violations described in paragraph (4)(x)(C)(II).

Paragraph (4)(x)(C)(IV) describes what must be included in the 6-month update if the system exceeded the lead action level between January 1 and June 30.

Paragraph (4)(x)(C)(V) describes reporting requirements for unregulated contaminants that were not included in the original report for the year.

§ 109.701. Reporting and recordkeeping

Subsection (a)(4)(ii) adds the requirement that public water systems must provide a copy of the Tier 1 public notification to the EPA Administrator and to the Department within 24 hours after the public water system learns of a 90th percentile compliance value that exceeds the lead action level, to be consistent with the Federal LCRR. Language previously in subsection (a)(4) is moved to subparagraph (i). In addition, a nonsubstantive amendment clarifies the heading of subsection (a)(4).

Subsection (g)(2)(ii) is amended to correct a typographical error.

§ 109.1003. Monitoring requirements

Subsection (a)(1) is amended to delete “for each entry point” because the following subparagraphs are being amended to specify the appropriate location for compliance monitoring.

Subsection (a)(1)(i) is amended to specify that the coliform compliance monitoring location for bulk water hauling systems is each carrier vehicle, which is consistent with a distribution location as required by the Federal revised total coliform rule. The carrier vehicles are the distribution locations under the control of the public water system. Each entry point would remain the monitoring location for bottled and vended water systems and retail water facilities.

Subsection (a)(1)(ii)—(v) are amended to specify that the compliance monitoring location for turbidity, volatile synthetic organic chemicals (VOC), synthetic organic chemicals (SOC) and inorganic chemicals is each entry point.

Subsection (a)(1)(iii)(A) is amended to clarify that BVRB systems purchasing finished water are not required to conduct monitoring for VOCs provided the selling system conducts the monitoring, even if the selling system is on a reduced monitoring frequency. This is consistent with the monitoring requirements in Subchapter C (relating to monitoring requirements) for other public water systems that purchase finished water.

Subsection (a)(1)(iv)(A)(I) is amended to clarify that BVRB systems purchasing finished water are not required to conduct monitoring for SOCs provided the selling system conducts the monitoring, even if the selling system is on a reduced monitoring frequency. This is consistent with the monitoring requirements in Subchapter C for other public water systems that purchase finished water.

Subsection (a)(1)(v)(B) is amended to clarify that BVRB systems purchasing finished water are not required to conduct monitoring for inorganic chemicals provided the selling system conducts the monitoring, even if the selling system is on a reduced monitoring frequency. This is consistent with the monitoring requirements in Subchapter C for other public water systems that purchase finished water.

Subsection (a)(1)(vi) is amended to clarify that operational monitoring for fluoride is conducted at each entry point.

Subsection (a)(1)(vii) is amended to clarify that the compliance monitoring location for radiological parameters is each entry point and that BVRB systems purchasing finished water are not required to conduct monitoring for radiological parameters provided the selling system conducts the monitoring, even if the selling system is on a reduced monitoring frequency. This is consistent with the monitoring requirements in Subchapter C for other public water systems that purchase finished water.

Subsection (a)(1)(ix) is amended to clarify that the compliance monitoring location for total trihalomethanes and the five haloacetic acids defined in § 109.1 (relating to definitions) is each entry point.

Subsection (a)(1)(x) is revised to add clause (B)(II) to require bulk water hauling systems that use chlorine dioxide to conduct monthly monitoring for chlorite in the carrier vehicle in addition to the follow-up monitoring required in response to an MCL exceedance. Monitoring conducted in the carrier vehicle in response to an MCL exceedance at the entry point may satisfy the required routine monthly monitoring. Bottled and vended water systems and retail water facilities are required to monitor chlorite at each entry point because they do not have an equivalent distribution system. Due to the addition of clause (B)(II), existing and proposed provisions in subparagraph (x) are renumbered as clauses (A), (B)(I) and (C) in this final-form rulemaking.

Subsection (a)(1)(xi) is revised to require BVRB systems that use chlorine dioxide to take three additional samples by adding clauses (B) and (C) to require bulk water hauling and vended water systems and retail water facilities that use chlorine dioxide to take three additional samples at 6-hour intervals from the same carrier vehicle, machine, or point of delivery within 24 hours of any entry point sample that exceeds the chlorine dioxide MRDL. New clause (A) requires bottled water systems to collect three additional samples within 24 hours from the same lot or batch. This subsection was revised in response to a comment from the EPA to ensure the language is consistent with the Stage 1 DBPR.

Subsection (a)(1)(xii) is amended to clarify that the compliance monitoring location for bromate is each entry point.

Subsection (a)(1)(xv) is amended to clarify that the compliance monitoring location for per- and polyfluoroalkyl substances (PFAS) is each entry point and that compliance monitoring for PFAS must be conducted according to this subparagraph.

Subsection (b)(1)(ii) and (iii) is amended and added, respectively, to update the definition of “entry point” for a bulk water hauling system to be the point at which water is dispensed into the carrier vehicle instead of the carrier vehicle. As defined in § 109.1, an “entry point” is a “point acceptable to the Department at which finished water representative of each source enters the distribution system.” The carrier vehicle for a bulk water hauling system is equivalent to the distribution system for other public water systems; therefore, the entry point should be the point at which the water enters the carrier vehicle, which is representative of the treated source water filling each carrier vehicle. However, coliform monitoring required under subsection (a)(1)(i) is still conducted from each carrier vehicle to ensure the microbial quality of water from each carrier vehicle meets standards. This definition of “entry point” for bulk water hauling systems is also consistent with the location of the entry point for bottled and vended water systems and retail water facilities as the point at which water is dispensed into a container.

§ 109.1009. System operational requirements

Subsection (c) is amended to clarify that a disinfectant residual acceptable to the Department needs to be maintained in each carrier vehicle for bulk water hauling system.

F. Summary of Comments and Responses on the Proposed Rulemaking

A detailed summary of the comments submitted to the Board and the Department’s responses to those comments are available in the comment and response document that accompanies this final-form rulemaking.

Tier 1 Notices for lead when it is not an acute contaminant

The Independent Regulatory Review Commission (IRRC) and another commentator noted that Tier 1 public notices are typically associated with acute, short-term health risks that require immediate consumer action while lead exposure presents a chronic health risk associated with long-term exposure and often reflects site-specific distribution system or premise plumbing changes. IRRC and another commentator stated that without context and standard messaging, the Tier 1 framework risks miscommunication and unintended consequences. The Department explains that under the Federal LCRR, the EPA categorizes a lead action level exceedance as Tier 1 based on the conclusion that these exceedances have the potential to have serious adverse health effects on human health as a result of short-term exposure. As noted in the Federal LCRR preamble, “the scientific evidence demonstrates that exposure to lead is associated with increased risk of serious adverse health effects. The strongest evidence is for cognitive effects from prenatal and childhood exposure. Also of concern are studies showing increases in risk of cancer and cardiovascular, renal, reproductive, immunological, and neurological effects in

adults. (USEPA, 2013; National Toxicology Program, 2012; USEPA, 2004a). Given there is no safe level of lead, and there are life stages (e.g., early childhood) where any lead exposure is especially problematic, lead [action level] exceedances could have serious adverse health consequences. Accordingly, to avoid these impacts, consumers must be notified as soon as possible as required under the SDWA.”

Using information and templates provided by the EPA, the Department created a Tier 1 public notice template for a lead action level exceedance that includes the mandatory health effects language. The Department calculates the 90th percentile compliance values and, as required by the Federal LCRR, notifies water systems with a lead action level exceedance by the 15th of the month following the end of a lead and copper tap sampling period. The Department then works with these water systems to ensure they issue the required Tier 1 public notice within 24 hours. To assist systems with public notice following lead action level exceedances, the EPA has created a fact sheet, a template and a Spanish translation of the template.

Availability of the CCR for those without reliable internet access

IRRC and another commentator noted that each community water system is required to directly deliver to each customer one copy of the CCR using at least one of the listed methods, such as mailing a notification that the report is available on a website through a direct link or emailing a direct link or electronic version of the report. IRRC and the commentator expressed concern about people without reliable internet and how they can gain access to a paper copy. The Department explains that community water systems are required to directly deliver a CCR to each customer using one of the following methods: mail or hand deliver the report; notification by mail of a direct website link; email a link to the electronic report; or another direct delivery method approved by the Department. If the water system chooses electronic delivery, paper copies must be made available upon request. The electronic delivery notification must prominently display directions for requesting a paper copy and “where a system is aware of a substantial number of bill-paying consumers without access to electronic forms of the report, the system should use at least one non-electronic form of delivery,” as required by 40 CFR 141.155(b)(ii), which is incorporated by reference in § 109.416(4)(iii) (relating to CCR requirements).

Data used in the CCR

IRRC noted that each report distributed by July 1 must use data collected during or prior to the previous calendar year. IRRC expressed concern that the wording allows a water system to choose whether the data they use was collected in the previous year or prior to the previous year. Water systems are not allowed to choose which data is included in the CCR. The Department responds that CCRs must contain information on parameters that were detected in the most recent round of monitoring for that contaminant, within the last 5 years because not all contaminants are monitored annually. If the contaminant was monitored in the previous year, those results are used. If the contaminant was not monitored in the previous year, the most recent results are to be used in the CCR.

Dates of distribution for systems required to issue two CCRs a year

IRRC noted the EPA comment about requiring the second CCR report for systems serving 10,000 or more persons to be issued later in the year and suggested the Department align the final regulations with that EPA recommendation. IRRC and the EPA expressed concern that if updated information is in the second report and it is issued shortly after the first report, it will be misconstrued as a duplicate report. IRRC and the EPA suggested that by requiring delivery of the second report later in the year, customers would be more likely to read the second report. The Department explains that all community water systems must issue the first report by July 1 each year. The second report cannot be issued before mid-August because water systems must wait for compliance determinations for the January – June data of the current year to be completed by the state to determine whether additional information needs to be added to the second report. The revised Federal CCR rule does not stipulate a minimum time frame between issuing the first and second reports and the Department does not believe it is necessary to be more stringent than the revised Federal CCR rule. The Department believes this issue can be handled through guidance.

Biannual distribution of the CCR

IRRC and another commentator had concerns with the biannual CCR distribution requirement for systems. The other commentator suggested that the second report could be through the distribution of a supplemental or abbreviated report that updates only new or changed information. The Department incorporates the content requirements for the CCR by reference and the revised Federal CCR rule specifies that both reports must meet the content requirements. The second report must contain the same information as was in the first report as well as updated information regarding an MCL, MRDL or treatment technique violations that occurred in the first 6 months of that year, any updates to violations that had already been reported, any action level exceedances for the first 6 months of that year and results for Federal Unregulated Contaminant Monitoring Rule (UCMR) monitoring of samples collected during that year but were not included in the first report.

Narrative sections being raised to the level of importance of tabular data

IRRC and another commentator noted that the revisions elevate the narrative sections in the CCR to a level of regulatory importance comparable to the contaminant table and risk inconsistent messaging. CCR content requirements, including requirements for narrative sections, are incorporated from the Federal regulations in 40 CFR 141.153 and 141.154 (relating to content of the reports; and required additional health information) by reference in § 109.416(3). The Department notes that the revised Federal CCR rule updated content requirements for narrative sections of the CCR. The Federal regulations do not distinguish between the relative importance of the narrative sections of CCRs compared with the contaminant information. If the Department sought to foreground the contaminant information compared with the narrative sections, the Department's regulations may be considered less stringent than the Federal regulations.

UCMR reporting

IRRC and two other commentators commented on the requirement to include UCMR data in the CCR. These commentators expressed that it will be confusing to report unregulated contaminants. The Department states that the requirement to include UCMR data in CCRs is an existing requirement specified in the Federal regulations at 40 CFR 141.153(d)(7). The preamble to the revised Federal CCR rule explains the content of the 6-month update required in the second report, which includes any UCMR data that was not included in the first report. Section 141.153(d)(7) of 40 CFR states that “for detected unregulated contaminants for which monitoring is required, the reports must present the average and range at which the contaminant was detected. The report must also include a brief explanation of the reasons for monitoring for unregulated contaminants.” The revised Federal CCR rule also provided language for water systems to use to explain the UCMR data.

BVRB monitoring changes

IRRC noted the following comments from the EPA on the changes to the BVRB provisions in § 109.1003:

- The EPA commented that, with the proposed changes, the carrier vehicles of bulk water hauling systems will be regulated as a distribution system. The EPA commented that the following minor revisions and/or clarification of the monitoring requirements are needed:
 - The current BVRB monitoring requirement for chlorite is on a daily basis and additional monitoring following an MCL exceedance. It does not require routine monthly monitoring in the distribution system, which includes a three-sample set each month and should also be required for BVRB systems.
 - The proposed BVRB monitoring requirement only requires daily chlorine dioxide at the entry point on the day following exceedance of the MRDL and does not meet the intent of the federal requirement. Federal monitoring requires three additional chlorine dioxide samples that are collected at one location at intervals of at least six hours the day after the exceedance.

The Department has taken these comments into consideration and made changes to the final-form regulation as noted in Section E of this preamble.

IRRC also noted the following additional comments from the EPA on changes to the BVRB provisions in § 109.1003.

- The EPA commented that requirements for BVRB systems to reduce bromate monitoring are based on individual sample results, which the EPA states is inconsistent with the requirements that reduced monitoring for bromate be based on a running annual average. The EPA also noted an inconsistency between the time frame used to determine reduced monitoring for bromate for BVRBs and other regulated systems.

- The EPA commented that proposed revisions would exempt some BVRB systems meeting specific criteria from radiological monitoring and require some to monitor each entry point every 4 years.

The Department considered these comments but did not make changes to this final-form rulemaking for the following reasons:

- The United States Food and Drug Administration regulates bottled water as a packaged food under the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301—399j) and establishes limits for contaminants in bottled water. Therefore, bottled water is regulated by the Federal Food and Drug Administration under 21 CFR Part 165 (relating to beverages). Bulk water hauling and vended water systems and retail water facilities are considered public water systems under the Federal SDWA and are subject to 40 CFR Part 141. As noted in the final-form rulemaking adopting Subchapter J (relating to bottled water and vended water systems, retail water facilities and bulk water hauling systems), most requirements, including monitoring, for BVRB water systems were consolidated into Subchapter J to address “the unique nature of public systems providing water for bottling or bulk water hauling.” See 22 Pa.B. 2621 (May 16, 1992). The majority of bulk water hauling and vended water systems and retail water facilities are considered transient noncommunity water systems, and therefore would not be required to conduct monitoring for most primary contaminants under 40 CFR Part 141. Therefore, Subchapter J is more stringent than 40 CFR Part 141 regarding the required monitoring for bottled, vended and bulk water hauling systems and retail water facilities. For those bulk water hauling and vended water systems or retail water facilities that are serving 25 people or more (or 15 service connections or more) year round or at least 6 months per year, § 109.1003(d) and (e) specify that monitoring must be conducted as specified in Subchapter C in accordance with the requirements of a community water system or a nontransient noncommunity water system, whichever is applicable.
- Bromate requirements are explained in two sections of the Department’s regulations. Bromate requirements for community and nontransient noncommunity water systems are explained in Subchapter C and for BVRBs in Subchapter J. Most BVRBs do not qualify as community or nontransient noncommunity water systems and would be exempt from the bromate monitoring specified in Subchapter C. The reduced monitoring provisions for bromate in Subchapter J are more stringent than what is specified in the Federal regulations and are more protective of public health. If a BVRB system is determined to meet the definition of a community or nontransient noncommunity water system, they would be required to monitor according to the requirements in Subchapter C.
- The exemption for some BVRB systems for radiological monitoring only applies to entry points that are purchasing water from another permitted water system, and these BVRB systems are only exempt if the selling system conducts the required monitoring. This is consistent with language in other sections of the Department’s regulations (and the NPDWR) where systems are using purchased water. The radiological monitoring requirements of the NPDWR apply only to CWSs. Few BVRB water systems qualify as a CWS. Similar to the bromate requirements, the radiological monitoring required in

Subchapter J are more stringent than what is specified in the Federal regulations and are more protective of public health.

G. Benefits, Costs and Compliance

Benefits

Benefits of CCR revisions

According to the EPA, the benefits of the revised Federal CCR rule are hard to quantify due to the uncertainty of how many people read CCRs and how the changes will affect their actions and health. For these reasons, the EPA did not attempt to quantify how the revised Federal CCR rule will change the ability of community water systems to meet health-based standards or what reductions in morbidity or mortality will result. The EPA did, however, describe the types of benefits the revisions could generate. The EPA noted in the preamble to the revised Federal CCR rule that it will better inform the public because community water systems will be required to: increase the frequency of CCR delivery for community water systems serving 10,000 or more persons; improve the methods of CCR delivery; increase accessibility for consumers with limited English proficiency; improve the clarity of CCRs; and include additional health-relevant information.

According to the EPA in the preamble to the revised Federal CCR rule: “All these changes will lead to a more informed public. A more informed consumer is better equipped to make decisions about their health... The EPA anticipates the primary benefit of [these revisions] will be an improvement to public health protection. The revised rule will ensure consumers in all communities have accurate, timely, and accessible drinking water data. This will allow consumers to make educated decisions regarding any potential health risks pertaining to the quality, treatment, and management of their drinking water supply.” See 89 FR 45980, 46003.

Benefits of additional amendments

For the final-form amendments to incorporate Tier 1 public notification and CCR provisions revised under the Federal LCRR, and the Tier 3 public notification revision under the Federal revised total coliform rule, the Department expects benefits similar to those for the CCR amendments previously described because a more informed public is better equipped to make decisions about their water consumption. Specifically, for the Tier 1 public notification requirement for lead action level exceedances, there is an added benefit of customers being informed of the health effects of lead and possible corrective actions that can be taken within 24 hours as opposed to 60 days under current requirements. For the final-form amendments to clarify and ensure monitoring requirements are consistent for bulk water hauling systems and for entry points of public water systems that purchase water, benefits may include some cost savings by these businesses if they have been conducting more than the minimum required testing.

Compliance costs

Compliance costs of CCRs

For the revised Federal CCR rule, the EPA estimates the Nationwide total annual cost to community water systems at \$15,904,355. There are approximately 50,000 community water systems Nationwide, of which 1,867 (3.734%) are located in this Commonwealth. Multiplying the EPA's National cost estimate of \$15,904,355 by 3.734% yields a cost estimate for all community water systems in this Commonwealth of \$593,869 annually, or \$318 per community water system per year. Of the 1,867 community water systems in this Commonwealth, 146 community water systems serve 10,000 or more customers and will have to issue the report biannually. This requirement was included in the cost estimate. In addition to costs to community water systems, the EPA estimated costs to the 56 primacy agencies at \$3,862,749 annually, an average of \$68,978 per year for each primacy agency. Costs to primacy agencies include work towards updating compliance and reporting programs for tracking CCR compliance and reporting, training staff and water systems, taking enforcement actions and reporting to the EPA. However, there is no cost to the Department because current staff will implement this final-form rulemaking.

Compliance costs associated with additional amendments

The Department does not expect notable compliance costs associated with the final-form amendments to: incorporate public notification and CCR provisions revised under the Federal LCRR; clarify and ensure monitoring requirements are consistent for bulk water hauling systems and for entry points of public water systems that purchase water; and require Tier 3 public notification for failure to report results of total coliform and *E. coli* monitoring.

Compliance assistance plan

The Department's Safe Drinking Water Program has established a network of regional and Central Office training staff that are responsible for identifying and addressing training needs. The target audience for training includes regulated public water systems and the Safe Drinking Water Program staff. Training for this final-form rulemaking will be accomplished through virtual sessions for both program staff and the regulated community.

In addition to this network of training staff, the Department's Bureau of Safe Drinking Water has staff dedicated to providing training and technical outreach support services to public water system owners and operators. The Department's website also contains the Operator Certification Information Center at <https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/OperatorCertification/Pages/default.aspx>, which provides a bulletin board of timely and useful information for drinking water and wastewater treatment system operators. Safe Drinking Water Program staff in the Department's Central Office staff also have the capability to produce tutorial videos and web-based courses for timely online delivery.

The Department also creates and maintains templates as compliance assistance tools that water systems may use to fulfill CCR requirements. These templates are not mandatory, but water systems that use the Department's forms are assured that all required content elements and mandatory language for the CCR are included.

Paperwork requirements

No new forms are required for implementation of this final-form rulemaking.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

I. Sunset Review

The Board is not establishing a sunset date for this final-form rulemaking because it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 3, 2025, the Board submitted a copy of the notice of proposed rulemaking, published at 55 Pa.B. 8366 (December 13, 2025), and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the chairpersons of the Environmental Resources and Energy Committee of the Senate and the chairpersons of the Environmental and Natural Resource Protection Committee of the House of Representatives for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees, and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on DATE, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on DATE and approved this final-form rulemaking.

K. Findings of the Board

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 55 Pa.B. 8366.
- (4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this order.

L. Order of the Board

The Board, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by amending §§ 109.408, 109.410, 109.416, 109.701, 109.1003 and 109.1009 as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (b) The Chairperson of the Board shall submit this final-form rulemaking to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.
- (c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC, Environmental Resources and Energy Committee of the Senate and the Environmental and Natural Resource Protection Committee of the House of Representatives as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).
- (d) The Chairperson of the Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau, as required by law.
- (e) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JESSICA SHIRLEY,
Chairperson