



Pennsylvania
**Department of
Environmental Protection**

**COMMENT AND RESPONSE
DOCUMENT**

**Safe Drinking Water Revised
Consumer Confidence Report Rule**

25 Pa. Code Chapter 109
55 Pa.B. 8366 (December 13, 2025)
Environmental Quality Board Regulation #7-589
(Independent Regulatory Review Commission #3472)

INTRODUCTION

The Environmental Quality Board (Board) adopted the Safe Drinking Water Revised Consumer Confidence Report Rule proposed regulation to amend 25 Pa. Code Chapter 109 (relating to safe drinking water) at its September 9, 2025, meeting. This proposed rulemaking would 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, and requiring certain community water systems to provide CCRs to customers twice per year. It also incorporates the public notification requirements to issue Tier 1 public notice when a system exceeds the action level for lead and Tier 3 public notice for lead and copper monitoring and reporting violations and Tier 3 public notice for failure to report results of total coliform and *E. coli* monitoring. This proposed rulemaking also includes clarification of the monitoring requirements for bulk water hauling systems and clarification of the monitoring requirements at entry points for BVRB water hauling systems that purchase water.

On December 3, 2025, the Department of Environmental Protection (Department or DEP) submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Environmental Resources and Energy Committee and House Environmental and Natural Resource Protection Committee for review and comment in accordance with section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)).

PUBLIC COMMENT PERIOD

On December 13, 2025, the Board published the proposed rulemaking in the *Pennsylvania Bulletin* (55 Pa.B. 8366) for a 30-day comment period. The public comment period closed on January 12, 2026. During the public comment period, the Board received four public comments. IRRC also provided comments on the proposed rulemaking.

This document summarizes the written comments received during the public comment period. The comments received from IRRC are generally copied verbatim with minor clarifying edits as necessary. Responses are provided for all comments. For the purposes of this document, comments of similar subject matter are grouped together and responded to accordingly.

A list of the commentators including name, affiliation (if any), and location is on the following page. The comment identification list also includes identification numbers for each commentator's submission, which are referenced in parentheses following each comment in this document.

COPIES OF COMMENTS

All comments received by the Board during the public comment period are posted on the Department's eComment website at the following link:

<https://www.ahs.dep.pa.gov/eComment/ViewComments.aspx?enc=DN064MT8R38NKyiRv2iU7DDkxCJcLoFjtsKAXmqvZE%3d>

Additionally, copies of all comments received by the Board on this rulemaking are posted on IRRC's website at the following link:

<https://irrc.state.pa.us/regulations/RegSrchRsIts.cfm?ID=3487>

COMMENT IDENTIFICATION LIST

ID	Name	Affiliation (if any)	City	State
1	David Sumner	IRRC		
2	Patti Kay Wisniewski	US EPA Region 3	Philadelphia	PA
3	Erik Ross	WUC	Harrisburg	PA
4	Jennie Shade	PMAA	Wormleysburg	PA
5	Leon Simmons		Pittsburgh	PA

No commentators requested a copy of the final-form rulemaking.

ACRONYMS AND ABBREVIATIONS USED IN THIS DOCUMENT

BVRB – Bottled, vended, retail, and bulk water hauling systems
CCR – Consumer Confidence Report
DWELR – Drinking Water Electronic Laboratory Reporting
EPA or USEPA – United States Environmental Protection Agency
IOC – Inorganic Contaminant
IRRC – Independent Regulatory Review Commission
LCRR – National Primary Drinking Water Regulations: Lead and Copper Rule Revisions published at 86 FR 4198 (January 15, 2021)
MCL – Maximum Contaminant Level
MRDL – Maximum residual disinfectant level
NPDWR – National Primary Drinking Water Regulations
PMAA – Pennsylvania Municipal Authorities Association
Revised Federal CCR rule – National Primary Drinking Water Regulations: Consumer Confidence Reports published at 89 FR 45980 (May 24, 2024)
SDWA – Federal Safe Drinking Water Act
SDWARS – Safe Drinking Water and Review System
UCMR – Federal Unregulated Contaminant Monitoring Rule
WUC – Water Utility Council of the Pennsylvania Section of the American Water Works Association

IRRC and Federal Comments

- 1. Comment:** IRRC noted that, regarding § 109.408, PMAA “asserts that Tier 1 notices are typically associated with acute, short-term health risks that require immediate consumer action. By contrast, PMAA explains, lead exposure presents a chronic health risk associated with long-term exposure and often reflects site-specific distribution systems or premise plumbing conditions, rather than sudden changes in source water quality. PMAA states, ‘We understand [the United States Environmental Protection Agency (EPA)] rationale for elevating lead notifications to Tier 1; however, without state-provided context and standard messaging, the Tier 1 framework risks miscommunication and unintended consequences.’ We ask the Board to clarify implementation requirements for Tier 1 public notification to protect the public health, safety, and welfare.” (1, 4)

Response: Section 2106 of the 2016 Water Infrastructure Improvements for the Nation Act amended section 1414(c)(2) of the Federal SDWA to require EPA’s public notification regulations to require systems to notify the public no later than 24 hours after a system learns of an exceedance of the lead action level if the exceedance “has the potential to have serious adverse effects on human health as a result of short-term exposure.” This is consistent with EPA’s existing public notification regulations that apply to violations of drinking water standards that have the potential to have serious adverse effects on human health as a result of short-term exposure. These situations are categorized as Tier 1 under the current public notification rules in 40 CFR Part 141, Subpart Q. Under the LCRR, EPA categorizes a lead action level exceedance as Tier 1 based on the conclusion that such exceedances “have the potential to have serious adverse health effects on human health as a result of short-term exposure.” Because exposure to lead can result in serious health effects as a result of short-term exposure in some circumstances, the LCRR requires that any lead action level exceedance result in Tier 1 public notification. See 86 FR 4189, 4239.

As noted in the preamble of the LCRR, “[t]he 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.” See 86 FR 4189, 4240. The implementation date for this public notification requirement was October 16, 2024, which was the compliance date for the LCRR. EPA is enforcing this provision of the LCRR until states adopt regulations that are no less stringent.

Using information and templates provided by EPA, DEP has created a Tier 1 public notice template for a lead action level exceedance that includes the mandatory health effects language. DEP calculates the 90th percentile compliance values and, as required by the 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. DEP 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, EPA has created a [fact sheet](#), a [template](#), and a [Spanish translation of the template](#).

2. **Comment:** IRRC noted that § 109.416(4)(i) “requires each community water system to directly deliver to each customer one copy of the CCR using at least one of the methods listed, 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. A commenter asks the Board to protect customers who don’t have reliable internet access. We agree that community water systems must ensure that customers can obtain easily a paper copy at no cost upon request and that notices about how to obtain a paper copy are clear and prominent. We ask the Board to explain how implementation of this provision in the final regulation will protect the public health, safety and welfare of customers who may struggle with access to the internet.” (1, 5)

Response: Water systems are required to directly deliver the CCR to each customer. Mailing or hand delivering a paper copy are two delivery options. If the water system chooses electronic delivery, paper copies must be made available upon request. These delivery options are not changing from what is currently allowed. The revisions provide additional clarification of the water system’s responsibilities if electronic delivery is used to provide the CCR.

As stated in § 109.416(4)(i.2), systems using electronic delivery methods must provide a paper copy of the report to any customer upon request. The electronic delivery notification method must prominently display directions for requesting a paper copy. Additionally, 40 CFR 141.155(b)(ii) states “[w]here 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.” This provision is currently incorporated in § 109.416(4)(iii) by reference. Also, as stated in § 109.416(4)(iii), water systems must also make a good faith effort to reach consumers who do not get water bills.

3. **Comment:** IRRC noted that § 109.416(4)(x)(A) “states, ‘Each report distributed by July 1 must use data collected during or prior to the previous calendar year.’ The wording of this provision allows a community water system to choose whether to use data collected during the previous calendar year or data collected prior to the previous calendar year. We ask the Board to explain the reasonableness of providing community water systems the option to choose the timeframe during which data was collected, and to ensure that implementation procedures for this provision are clear in the final regulation.” (1)

Response: Water systems are not allowed to choose which data is included in the CCR. CCRs must contain information on parameters that were detected in the most recent round of monitoring (within the last 5 years). Not all regulated parameters are monitored every year. For example, nitrate monitoring is required annually, but other inorganic contaminant monitoring is required every 3 years. The report issued by July 1, 2027, must contain the nitrate results (if nitrate was detected) from 2026 and the most recent results of any other inorganic contaminants detected between 2022 and 2026. This is not a new provision and there is existing guidance with examples available on both state and Federal websites. The CCR template forms that DEP maintains also contain examples on how to report data for detected contaminants that are not tested at least annually.

4. **Comment:** IRRC noted that proposed § 109.416(4)(x)(B) “states ‘[e]ach community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in subparagraph (i).’ The EPA Region 3 comments that some of these CCRs will contain updated information and if the second report is provided to consumers shortly after the first report (due by July 1), it may be misconstrued as a

duplicate report and disregarded. We agree that by distributing the report later in the year, consumers are more likely to read the report. The EPA Region 3 suggests that the second report be required between October 1 and December 31—an end date consistent with the Federal rule. We ask the Board to amend the final regulation to clarify the distribution requirements and align the final regulation with the recommendation of the EPA Region 3.” (1, 2)

Response: All community water systems must issue the first CCR by July 1 each year. This first report may be issued before July 1. The second report cannot be issued before mid-August because the water systems must wait for the 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.

Because the revised Federal CCR rule does not stipulate a minimum timeframe between issuing the first and second reports, DEP chose to not revise this provision to be more stringent than the Federal regulation by mandating a minimum period of time before the second report may be issued. DEP is awaiting additional guidance from EPA so as not to be in conflict with EPA’s Federal CCR.

5. **Comment:** IRRC noted that “PMAA addresses the proposed requirement to issue CCRs on a biannual basis. PMAA notes that a biannual CCR reporting schedule represents a significant increase in administrative effort with limited corresponding benefit to consumers and does not capture enough new or actionable information to meaningfully enhance consumer understanding of drinking water quality. PMAA asks if the biannual CCR requirement could be satisfied through a supplemental or abbreviated report that updates only new or changed information, consistent with the EPA’s intent to improve timeliness without duplicative reporting. We ask the Board to explain how the CCR reporting requirements in the final regulation are reasonable and protect the public health, safety, and welfare.” (1, 4)

Response: The content requirements for CCRs are incorporated in § 109.416(3) by reference and the Federal regulation specifies that both reports must meet the content requirements detailed in 40 CFR 141.153 and 141.154.

For biannual reports, the second report of the year contains the same information as was in the first report as well as updated information regarding any MCL, MRDL or treatment technique violations that occurred January – June of that same year, any updates to other violations that the system has had in the first 6 months of the year, any lead action level exceedances for monitoring conducted January 1 – June 30 of the current year and results for UCMR monitoring of samples collected during that year that were not included in the first report.

6. **Comment:** IRRC and PMAA also noted “that the proposed revisions elevate narrative CCR sections, including contaminant summaries and explanatory text, to a level of regulatory importance comparable to the contaminant table. However, PMAA asserts that the proposed regulation does not clearly define how narrative disclosures should align with tabular data, particularly in cases where no regulatory violation has occurred. PMAA states that without additional guidance, this dual-track disclosure framework risks inconsistent messaging and public confusion. We ask the Board to clarify implementation of narrative CCR sections in order to protect the public health, safety, and welfare.” (1, 4)

Response: As noted in the response to Comment #5, CCR content, including the narrative sections, is specified in the Federal regulations at 40 CFR 141.153 and 141.154, and is incorporated in § 109.416(3) by reference. The revised Federal CCR rule updated the content requirements for the 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 table. If DEP sought to foreground the contaminant information compared with the narrative sections, DEP's regulations may be considered less stringent than the Federal regulations.

Additionally, the revised Federal CCR rule does not mandate a format in which the information for detected contaminants must be presented. Instead, the revised Federal CCR rule states that the data "must be presented in the reports in a manner that is clear and understandable for consumers" and references a table format as an example. This language allows greater flexibility in how water systems present contaminant data in the CCR.

7. **Comment:** IRRC, WUC and PMAA commented on the requirement in § 109.416 to include UCMR data in the CCR. IRRC noted that the "preamble explains that clause (4)(x)(C) describes the content of the six-month update, which would be required to be included with the second report if a system qualifies as having to send a second report under proposed clause (4)(x)(B). The preamble states that Subclause (4)(x)(C)(V) describes reporting requirements for unregulated contaminants that were not included in system's first report for the year. PMAA comments that unregulated contaminants are, by definition, unregulated, stating, 'They have no established [MCLs], do not require treatment, and are monitored solely for data collection and future regulatory evaluation. Although [UCMR] monitoring is unregulated, reporting them now resembles that of regulated contaminants, which may shift public perception.' Likewise, [WUC] is concerned that reporting of UCMRs, in accordance with the federal rule, is going to create confusion for and unrealistic expectations by the customers. The WUC also questions how the Department will track UCMRs. We ask the Board to clarify implementation of reporting requirements for unregulated contaminants to protect the public health, safety, and welfare."
(1, 3, 4)

Response: The requirement to include UCMR data in CCRs is an existing requirement specified in the Federal NPDWR at 40 CFR 141.153(d)(7), which states, "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 include a brief explanation of the reasons for monitoring for unregulated contaminants." The revised Federal CCR rule also provides the following suggested language to explain UCMR data: "Unregulated contaminant monitoring helps EPA to determine where certain contaminants occur and whether the Agency should consider regulating those contaminants in the future." This requirement is not changing from the existing requirements. UCMR is directly implemented by EPA and resources for explaining UCMR 5 data are available on EPA's [Fifth Unregulated Contaminant Monitoring Rule](#). Although UCMR results are not reported to DEP, labs are required to report this data to the Federal SDWARS, and DEP has access to the data in SDWARS. DEP uses information from SDWARS to verify that the UCMR data is included in the appropriate CCR.

8. **Comment:** IRRC noted the following comments from EPA Region 3 regarding BVRB water systems in § 109.1003:

- “The current [BVRB] monitoring requirement of subparagraph (a)(1)(x) requires chlorite monitoring on a daily basis and additional monitoring following an MCL exceedance, but it does not allow for routine monthly monitoring in the distribution system. The federal chlorite monitoring requirements of 40 CFR § 141.132(b)(2)(i)(B) should be required for BVRB similar to the requirements in Section 109.301(12)(iii)(A)(II).
- The proposed BVRB monitoring requirement of subparagraph (a)(1)(xi) only requires daily chlorine dioxide monitoring at the entry point on the day following exceedance of the [MRDL] and does not meet the intent of the federal requirement. The federal chlorine dioxide monitoring requirement of 40 CFR § 141.132(c)(2)(ii) requires analysis of three additional chlorine dioxide samples, for systems with no booster chlorination, that are collected at one location at intervals of at least six hours on the day following exceedance of the MRDL.
- Proposed minor edits to subparagraph (a)(1)(xii) clarify the bromate monitoring location at a BVRB as the system’s entry point. Requirements for BVRB to reduce bromate monitoring in Section 109.1003(a)(1)(xii)(A) are based on individual sample results, which [are] inconsistent with the requirements in Section 109.301(12)(iv)(B) that base that determination on a running annual average. Similarly, the period of record to be used for the reduced bromate monitoring determination is the ‘previous 12 months’ in Section 109.1003(a)(1)(xii)(A) and the ‘most recent 4 quarters’ in Section 109.301(12)(iv)(B)(II).
- Proposed revisions to subparagraph (a)(1)(vii) would exempt some BVRB meeting specific criteria from radiological monitoring and require some to monitor each entry point once every four years. For BVRBs considered community water systems under Section 109.1003(d), it is unclear how the specified monitoring frequency in this revised subparagraph is consistent with Section 109.301(14)(i)(B), as well as 40 CFR § 141.26(a)(3).

We will evaluate the Board’s responses to the comments of the EPA Region 3 related to carrier vehicles of bulk water hauling systems being regulated as a distribution system as we make our determination of whether the proposed regulation is in the public interest and protects the public health, safety, and welfare.” (1, 2)

Response: The United States Food and Drug Administration regulates bottled water under the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 *et seq.*) 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. Bulk water hauling systems and vended water systems and retail water facilities are considered public water systems under the Federal SDWA and are subject to the NPDWR. Most requirements, including monitoring, for BVRB water systems were consolidated into Subchapter J as noted in the preamble of Consolidation of Safe Drinking Water Amendments final-form rulemaking to address “the unique nature of public systems providing water for bottling or bulk hauling.” See 22 Pa.B. 2621 (May 16, 1992). As also stated in the preamble of that final-form rulemaking, Subchapter J provides “assurances that these alternatives to tap water continue to meet or exceed drinking water standards.” 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 regulated under the NPDWR.

Therefore, Subchapter J is more stringent than the NPDWR regarding the required monitoring for bottled, bulk water hauling and vended water 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 each year, § 109.1003(d) and (e) state 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.

The NPDWR for chlorine dioxide and chlorite applies to all public water systems including bulk water hauling and vended water systems and retail water facilities, so DEP agrees that § 109.1003(a)(1)(x) and (xi) should be revised. 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 NPDWR. 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 NPDWR.

Therefore, § 109.1003(a)(1)(x) is revised in this final-form rulemaking to meet the intent of the NPDWR by adding clause (B)(II) to require bulk water hauling systems that use chlorine dioxide to conduct monthly monitoring for chlorite in the carrier vehicle. As noted, bottled and vended water systems and retail water facilities do not have a distribution system, so they cannot conduct this monitoring. 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.

Section 109.1003(a)(1)(xi) is revised in this final-form rulemaking to meet the intent of the NPDWR by requiring 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 MRDL. Bottled water systems are required to collect three additional samples within 24 hours from the same lot or batch.

The bromate requirements specified in § 109.301(12) apply to community and nontransient noncommunity water systems. As noted above, the majority of vended, retail and bulk water hauling systems do not qualify as community or nontransient noncommunity water systems and would therefore be exempt from the bromate monitoring requirements specified in the NPDWR. Therefore, the reduced monitoring provisions for bromate in Chapter 109, Subchapter J are more stringent than § 109.301(12) and are therefore more protective of public health. However, as specified in §§ 109.1003(d) and (e), any vended, retail and bulk water hauling systems determined by the Department to meet the definition as a community or nontransient noncommunity water system would be required to conduct monitoring in accordance with § 109.301(12).

As noted above, § 109.1003(a)(1)(vii) is more stringent than the NPDWR because few, if any, BVRB systems qualify as a community water system. The exemption specified in § 109.1003(a)(1)(vii) applies only to entry points that are purchasing water from another permitted water system and only if that selling system conducts the required monitoring. This is consistent with existing § 109.301(8) for consecutive water systems and systems with entry points using only purchased water, which is also consistent with the NPDWR. Additionally, § 109.1003(d) requires any bulk hauling water system that is determined by the Department to serve at least 25 of the same persons year-round to also comply with the monitoring requirements for community

water systems in accordance with § 109.301(14); therefore, § 109.1003(a)(1)(vii) would not apply.

- 9. Comment:** EPA commented that they reviewed the revisions to Chapter 109, Subchapter D, which include provisions relating to the CCR requirements at § 109.416, and found the provisions to be no less stringent than the Federal regulations. (2)

Response: DEP thanks EPA for the comment.

- 10. Comment:** EPA commented that DEP “is reminded that final EPA approval and Primacy determination for the CCR revised rule will be based on a review of the final, adopted regulations and the submission of a Primacy Revision Request which must include a statement from Independent Counsel and crosswalk for the CCR revised rule, comparing the Pennsylvania rule to the Federal rule for 40 CFR parts 141 and 142, as appropriate.” (2)

Response: DEP thanks EPA for the comment. DEP will submit the required documents with the primacy revision request.

General Comments

- 11. Comment:** The commentor stated that there is not a regulatory requirement to “treat” UCMRs as they are unregulated and questioned how DEP will track UCMRs as they are not reported through DWELR and the laboratories utilized for UCMR analysis don’t have to be Pennsylvania accredited. (3)

Response: DEP obtains UCMR data from EPA and uses that information to verify the required UCMR data is included in the appropriate CCR. Also see the Department’s response to Comment #7.

- 12. Comment:** The commentator would like DEP to adopt the most flexible definition and interpretation of contaminant section versus contaminant table (new language versus old), which could allow for a more interactive display instead of an Excel data table. This would expand readability, comprehension and better engage the public than the data tables currently used by the industry. (3)

Response: DEP incorporates by reference the CCR content requirement specified in 40 CFR 141.153. Although the original Federal CCR rule specified that contaminant data be displayed in a table format, the revised Federal CCR rule does not mandate a format in which the information for detected contaminants must be presented. Instead, revised Federal CCR rule states that the data “must be presented in the reports in a manner that is clear and understandable for consumers” and references a table format as an example. DEP templates are provided for ease of use. Water systems are not required to use DEP (or EPA) templates. Water systems have flexibility on how to present their data. It should be noted that if an interactive data display is used for an electronic version of the CCR, water systems are still required to make a paper copy of the CCR available upon request. Because the contaminant data needs to be presented in an easily read format, a water system may need to reformat a contaminant data table to meet this requirement.

13. Comment: The commentator states that authorities will need to update how they prepare and distribute their annual (or biannual) CCRs. These changes may require adjustments to reporting processes and customer outreach as well as implementation of new internal processes for data tracking, review and approval schedules, and governing body coordination. The proposed revisions elevate narrative CCR sections, including contaminant summaries and explanatory text, to a level of regulatory importance comparable to the contaminant table. However, the proposal does not clearly define how narrative disclosures should align with tabular data, particularly in cases where no regulatory violation has occurred. Without additional guidance, this dual-track disclosure framework risks inconsistent messaging and public confusion. DEP should clarify the relationship between contaminant tables and narrative sections and provide standardized guidance or safe-harbor language to support consistent, accurate communication. (4)

Response: See the Department's response to Comment #6. The summary paragraph is prominently displayed at the beginning of each report and briefly describes the report so that consumers know what information is within the report. The summary should be written in plain language and includes: a summary of violations and compliance information in the report, contact information for water system personnel that can be an additional source of information, and information on how to obtain a paper copy of the report. If applicable, the summary paragraph should also include a statement that the CCR contains a public notification and, for large systems, where a translated copy of the report can be obtained. For large systems required to deliver a second report, the summary paragraph should include a brief description of the updated information for the current year included in the report. This summary paragraph should not affect how water systems prepare and distribute their report.

14. Comment: The commentator states that proposed requirement to issue CCRs on a biannual basis, rather than annually, represents a significant increase in administrative effort with limited corresponding benefit to consumers. In practice, this change would result in duplicative reporting rather than the delivery of meaningful new information. A biannual CCR reporting schedule does not align with how drinking water monitoring is conducted. While some parameters are sampled frequently, many are sampled quarterly or less often, and results are often not finalized in time to be included in a second CCR. For parameters sampled annually, triennially, or on five-year cycles, no new data would be available at all, resulting in the same information being repeated across multiple reports. As a result, biannual CCRs would either be incomplete or duplicative and would provide little additional value to consumers.

The commentator does not believe the benefits of biannual CCR issuance outweigh the additional effort required by water systems or the challenges associated with data availability and timing. From a practical standpoint, the biannual requirement does not capture enough new or actionable information to meaningfully enhance consumer understanding of drinking water quality. Given the extensive existing notification framework including Tier 1, Tier 2, and Tier 3 public notice requirements, biannual CCR issuance is not warranted. These existing mechanisms already ensure timely and appropriate communication of both acute and chronic risks, making the proposed increase in CCR frequency unnecessary and redundant.

DEP should clarify that the biannual CCR requirement may be satisfied through a supplemental or abbreviated report that updates only new or changed information, consistent with EPA's intent to improve timeliness without duplicative reporting. (4)

Response: Section 109.416(4)(x) is consistent with the Federal regulations at 40 CFR 141.155(j), which require community water systems serving 10,000 or more to issue a biannual

report (by July 1 and December 31). Both reports must meet the same content requirements specified in 40 CFR 141.153 and 141.154. The Federal regulations do not allow a supplemental or abbreviated report to satisfy the second delivery.

The second report, distributed by December 31, also needs to include an update if the water system:

- Incurs a violation between January 1 and June 30 of the current year.
- Exceeds the lead action level following monitoring conducted between January 1 and June 30 of the current year.
- Becomes aware of results for samples collected during the reporting year that were not included in the first report.
- Has received monitoring results between January 1 and June 30 of the current year from required monitoring under the UCMR.

If an update is required in the second report, the report must include a short description of the nature of the 6-month update. The content for the required update to the report is specified in 40 CFR 141.153, which is incorporated by reference.

- For any MCL, MRDL, or treatment technique violation incurred by the water system, the update in the second report must include the applicable contaminant information and a readily understandable explanation of the violation that includes the length of the violation, the potential adverse health effects (using the relevant mandatory language), actions taken by the system to address the violation, and the timeframe the system expects to complete those actions. Similar information is required if the system receives any other violation.
- If the lead action level was exceeded during monitoring conducted between January 1 and June 30 of the current year, the update must include the 90th percentile concentration of the most recent round(s) of sampling, the number of sampling sites exceeding the action level, and the range of tap sampling results. The update must also include a clear and readily understandable explanation of the exceedance, the steps consumers can take to reduce their exposure to lead in drinking water, and a description of any corrective actions the system has or will take to address the exceedance.
- For results from required unregulated contaminant monitoring, the update must include the average and range at which the contaminant was detected and a brief explanation of the reasons for monitoring for unregulated contaminants.

15. Comment: The commentator explained that the proposed rulemaking incorporates provisions related to lead action level exceedances and aligns CCR content with public notice requirements for these exceedances. Authorities will need to ensure that their public communication plans are current, particularly with respect to lead action level exceedances and other violations. Tier 1 notices are typically associated with acute, short-term health risks that require immediate consumer action. By contrast, lead exposure presents a chronic health risk associated with long-term exposure and often reflects site-specific distribution system or premise plumbing conditions, rather than sudden changes in source water quality.

The commentator requests clarification on how DEP intends to contextualize Tier 1 lead notices to avoid public misunderstanding and whether standardized language or templates will be

provided to distinguish chronic exposure risks from acute emergencies. Without additional guidance, these changes may result in disproportionate public alarm and inconsistent messaging among systems. Without state-provided context and standard messaging, the Tier 1 framework risks miscommunication and unintended consequences. (4)

Response: See the Department's response to Comment #1.

- 16. Comment:** Regarding the Tier 3 notice for reporting failures, the commentator stated that in the proposed rulemaking, failure to properly report results may trigger public notice requirements. While the commentator supports transparency, administrative or clerical reporting errors may become public disclosures that are misconstrued as water quality issues. Even when no health risk exists, the resulting optics could risk public confidence. (4)

Response: This is not a new requirement but an inadvertent omission in DEP's Safe Drinking Water; Revised Total Coliform Rule final-form rulemaking published at 46 Pa.B. 6005 (September 24, 2016) and needs to be added to Chapter 109 for Pennsylvania to maintain primacy. DEP is no more stringent than the Federal regulation at 40 CFR 141.861(a)(4). Public water systems have ten days after the end of the monitoring period to report accurate data to the Department or ensure that the laboratory reporting on their behalf have reported accurate data.

The DWELR portal has validity error checks, allows a PDF file to be generated so that records can be printed out and proofread, and provides the ability for water systems to review records reported by accredited laboratories on their behalf. Records received in DWELR on time, submitted under an electronic signature, and certified as correct are available on the Department's public-facing Drinking Water Reporting System by 15 days after the end of the monitoring period. The Department typically allows another two to three days before starting automated evaluation of compliance so that any errors may be corrected.

The Department allows ample time and resources for water systems to review and correct administrative or clerical errors. Correct and timely evaluation of compliance requires accurate reporting of data by water systems and accredited labs. Accurate data reporting is the best way to instill public confidence and ensure that compliance with health-based drinking water standards is evaluated correctly.

- 17. Comment:** The commentator states that the proposed rulemaking requires inclusion of UCMR results in CCRs. UCMR contaminants are, by definition, unregulated. They have no established MCLs, do not require treatment, and are monitored solely for data collection and future regulatory evaluation. Although UCMR monitoring is unregulated, reporting them now resembles that of regulated contaminants, which may shift public perception. Including UCMR results in CCRs creates a risk that customers will misinterpret detections as violations or health threats, which may lead to unnecessary alarm and unrealistic expectations regarding treatment obligations.

UCMR sampling occurs on a five-year cycle, meaning a single detection may be repeated across multiple reporting periods without new sampling data. UCMR detections may be taken out of context by third parties. Authorities should anticipate increased customer inquiries, media attention, and engagement from elected officials. To support consistent messaging, DEP should provide standardized narrative language with safe-harbor options, plain-language explanations, health advisory vs. regulatory limit distinctions, and context regarding sampling frequency, data limitations, and uncertainty. (4)

Response: See the Department's response to Comment #11

- 18. Comment:** The commentator supports allowing electronic delivery of CCRs as this flexibility could reduce mailing and distribution costs for authorities. (4)

Response: DEP thanks the commentator for the support.

- 19. Comment:** The commentator suggested that CCRs should be genuinely readable and actionable for non-technical readers. CCRs should include a prominent, plain-language top issues summary that highlights any exceedances/violations, any lead-related information and what customers should do, and where to get help. The final regulation should set clear expectations for plain-language presentation so CCRs do not remain overly technical. (5)

Response: Community water systems are required 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 if the CCR is also providing 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. Water systems are encouraged to provide the required information in a non-technical format that can be easily understood by the common consumer.

- 20. Comment:** The commentator asked DEP to strengthen accessibility requirements for people with disabilities and for translated access by requiring that any online CCR be posted in an accessible format consistent with modern accessibility standards (e.g., screen-reader friendly), along with clear instructions for obtaining translated versions and prominent placement of these instructions. (5)

Response: EPA has not specified accessibility requirements for electronic delivery. To mandate specific formats may cause unintended consequences because there are numerous options available based on an individual's preferences and computer operating systems.

All CCRs must contain information in Spanish regarding the importance of the report and where to obtain a translated copy. If the water system serves a non-English-speaking group that exceeds 10% of the residents for systems serving at least 1,000 people or 100 residents for systems serving less than 1,000 people, and speaks the same language other than English, the CCR must contain information in the appropriate languages regarding the importance of the report and where to obtain a translated copy of the report or to request assistance in the appropriate language.

Large water systems that serve 100,000 or more persons must also develop and maintain a plan for providing assistance to consumers with limited English proficiency. These water systems must evaluate the languages spoken by persons with limited English proficiency and the system's anticipated approach to address the translation needs.

- 21. Comment:** The commentator asked DEP to ensure lead-related notifications are prominent and protective in CCRs and that the required educational and corrective action information is communicated in a clear, prominent, and actionable manner. (5)

Response: The CCR content requirements are incorporated from the Federal regulations at 40 CFR 141.153 and 141.154 by reference in DEP's regulations. In addition to the LCRR requirement to issue a Tier 1 public notice within 24 hours if the 90th percentile compliance value exceeds the lead action level, the revised Federal CCR rule requires that all CCRs include specific, mandated educational and health effects language for lead in drinking water. DEP has existing requirements in § 109.416(3) that clarify what "prominently display" means and that the information in CCRs must be in an easy-to-read format. These existing requirements have not changed.

- 22. Comment:** The commentator suggested direct links and durable access to the CCR when posted online by requiring a stable direct URL that opens the report without extra navigation, and that the report remain available for a reasonable minimum period (e.g., multiple years) so customers can compare trends overtime. **(5)**

Response: Direct links to each report are required as part of the electronic delivery option. Direct links have been required since EPA allowed electronic delivery as an option as noted in the EPA [memorandum](#) on CCR delivery options dated January 3, 2013. Under this rulemaking, water systems are now required to maintain access to each CCR for at least 3 years.