

EXECUTIVE SUMMARY
Safe Drinking Water Revised Consumer Confidence Report Rule
25 Pa. Code Chapter 109

The Department of Environmental Protection (Department) proposes to amend Chapter 109 (relating to safe drinking water) to establish updated requirements for Consumer Confidence Reports (CCRs) for community water systems (CWSs) and for public notification (PN) as required by the revised CCR National Primary Drinking Water Regulation (NPDWR). Other amendments in the proposed rulemaking are needed to: incorporate PN and CCR provisions when the lead action level is exceeded as revised under the Lead and Copper Rule Revisions (LCRR) NPDWR; clarify and ensure monitoring requirements are consistent for bulk water haulers and for entry points of systems that purchase water; and require Tier 3 PN for failure to report results of total coliform and *E. coli* monitoring, consistent with the Revised Total Coliform Rule (RTCR) NPDWR.

Purpose of the Proposed Rulemaking

The purpose of the proposed rulemaking is to incorporate updated federal requirements that will improve the readability, clarity, and understandability of CCRs. The proposed amendments will also improve the accuracy of the information presented in CCRs, improve risk communication, incorporate electronic delivery options, provide supplemental information regarding lead levels and control efforts, and require systems who serve 10,000 or more persons to provide CCRs to customers biannually (twice per year). These requirements were finalized in the CCR NPDWR, as published in the *Federal Register* on May 24, 2024.

Other amendments in the proposed rulemaking are needed to: incorporate PN and CCR provisions revised under the LCRR NPDWR, as published in the *Federal Register* on January 15, 2021; clarify and ensure monitoring requirements are consistent for bulk water haulers and for entry points of systems that purchase water; and require Tier 3 PN for failure to report results of total coliform and *E. coli* monitoring, as required by the RTCR NPDWR.

Safe drinking water is vital to maintaining healthy and sustainable communities and is a key foundation for economic growth. This proposed rulemaking will make CCRs easier for consumers of drinking water provided by public water systems (PWSs) in Pennsylvania to access and understand, so that they may make informed decisions about their health and any risks associated with their drinking water.

Overall, the proposed amendments would further protect the health of people in Pennsylvania who consume drinking water provided by PWSs and make information about the drinking water provided by CWSs in Pennsylvania more accessible and understandable to consumers.

Summary of the Proposed Rulemaking

CCR: The proposed rulemaking would improve the readability, clarity, and understandability of CCRs. The proposed amendments would also improve the accuracy of the information presented, improve risk communication in CCRs, incorporate electronic delivery options, provide supplemental information regarding lead levels and control efforts, and require systems who serve 10,000 or more persons to provide the report to customers biannually (twice per year). These revisions will make CCRs easier for consumers of drinking water provided by PWSs in

Pennsylvania to access and understand, so that they are better equipped to make decisions about their health and any risks associated with their drinking water.

LCRR: The proposed rulemaking will incorporate PN and CCR provisions revised under the LCRR NPDWR.

Additional amendments: Other amendments in the proposed rulemaking are needed to clarify and ensure monitoring requirements are consistent for bulk water haulers and for entry points of PWSs that purchase water. This proposed rulemaking also includes an amendment to require Tier 3 PN for failure to report results of monitoring for total coliform and *E. coli* bacteria. This amendment is required under the RTCR NPDWR, which EPA finalized on February 13, 2013. The amendment was inadvertently missed in the Commonwealth's rulemaking to incorporate the RTCR NPDWR, published in the *Pennsylvania Bulletin* on September 24, 2016.

For the proposed amendments to incorporate Tier 1 PN and CCR provisions revised under the LCRR NPDWR, and the Tier 3 PN revision under the RTCR NPDWR, the Department expects benefits similar to those for the CCR amendments because a more informed public is better equipped to make decisions about their water consumption. Specifically for the Tier 1 PN 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 proposed amendments to clarify and ensure monitoring requirements are consistent for bulk water haulers and for EPs of PWSs that purchase water, benefits may include some cost savings by these businesses if they have been conducting more than the minimum required testing.

Affected Parties

As further detailed in the preamble to this proposed rulemaking, complying with this proposed rulemaking will result in only slight cost increases to PWSs in Pennsylvania.

CCR: The CCR provisions in this rulemaking would be applicable to all 1,867 CWSs in Pennsylvania. Of the 1,867 CWSs in Pennsylvania, 146 CWS serve 10,000 or more customers and will have to issue the CCR biannually.

LCRR: The LCRR provisions will apply to 1,867 CWSs and 1,050 nontransient noncommunity water systems in Pennsylvania.

Additional amendments: The other amendments will apply to the 159 bottled, vended, retail and bulk hauling water systems in Pennsylvania.

Outreach (Advisory Committee/Stakeholder Consultation)

The draft proposed rulemaking was presented to the Public Water System Technical Assistance Center (PWS-TAC) Board on February 20, 2025. The PWS-TAC Board recommended proposed § 109.701(a)(4)(ii) be modified to replace “learns” with “becomes aware.” This change was not made in the proposed rulemaking because: the text as presented to the PWS-TAC Board matches the language in the LCRR NPDWR; the Department believes the requested change does not change the meaning of § 109.701(a)(4)(ii); and the phrase “learns of” is currently used

repeatedly throughout Chapter 109. The PWS-TAC Board had no other comments on the CCR, LCRR or other clarifying revisions included in this proposed rulemaking.

The PWS-TAC Board letter also addresses the PFAS NPDWR finalized by EPA on April 26, 2024. The PWS-TAC Board reviewed a draft version of this proposed rulemaking which incorporated the PFAS NPDWR along with the CCR, LCRR, and other proposed revisions. Due to ongoing litigation relating to the PFAS NPDWR, the initial draft proposed rulemaking was revised to remove the PFAS NPDWR provisions, which may be considered in a separate rulemaking at a later date depending on the outcome of the PFAS NPDWR litigation.

Recommendation

The Department recommends adoption of this proposed rulemaking. A 30-day public comment period is also recommended.