

| | | | | | | | | |
|---|--|---|---|---|--|---|--|--|
| <h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p> | | <p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> | | | | | | |
| <p>(1) Agency Department of Environmental Protection</p> | | <p>IRRC Number:</p> | | | | | | |
| <p>(2) Agency Number: 7 Identification Number: 589</p> | | | | | | | | |
| <p>(3) PA Code Cite: 25 Pa. Code Chapter 109</p> | | | | | | | | |
| <p>(4) Short Title: Safe Drinking Water Revised Consumer Confidence Report Rule</p> | | | | | | | | |
| <p>(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Laura Campbell, 717.783.8727, laurcampbe@pa.gov Secondary Contact: Lauren Imgrund, 717.772.4052, limgrund@pa.gov</p> | | | | | | | | |
| <p>(6) Type of Rulemaking (check applicable box):</p> <table> <tr> <td><input checked="" type="checkbox"/> Proposed Regulation</td> <td><input type="checkbox"/> Emergency Certification Regulation</td> </tr> <tr> <td><input type="checkbox"/> Final Regulation</td> <td><input type="checkbox"/> Certification by the Governor</td> </tr> <tr> <td><input type="checkbox"/> Final Omitted Regulation</td> <td><input type="checkbox"/> Certification by the Attorney General</td> </tr> </table> | | <input checked="" type="checkbox"/> Proposed Regulation | <input type="checkbox"/> Emergency Certification Regulation | <input type="checkbox"/> Final Regulation | <input type="checkbox"/> Certification by the Governor | <input type="checkbox"/> Final Omitted Regulation | <input type="checkbox"/> Certification by the Attorney General | |
| <input checked="" type="checkbox"/> Proposed Regulation | <input type="checkbox"/> Emergency Certification Regulation | | | | | | | |
| <input type="checkbox"/> Final Regulation | <input type="checkbox"/> Certification by the Governor | | | | | | | |
| <input type="checkbox"/> Final Omitted Regulation | <input type="checkbox"/> Certification by the Attorney General | | | | | | | |
| <p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The proposed rulemaking will: improve the readability, accuracy, and accessibility of Consumer Confidence Reports (CCR) for Pennsylvania community water system consumers; update the public notification and consumer confidence report requirements for public water systems that exceed the lead action level; and clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling water systems that purchase water.</p> <p>In order to retain primary enforcement responsibility for public water systems in Pennsylvania under the federal Safe Drinking Water Act (42 U.S.C. §§ 300f—300j-27), the Department of Environmental Protection (Department) must adopt all new and revised National Primary Drinking Water Regulations. This rulemaking would allow the Department to retain primary enforcement responsibility for public water systems in Pennsylvania under the federal Safe Drinking Water Act by ensuring that Pennsylvania's regulations are at least as stringent as those promulgated by the United States Environmental Protection Agency (EPA) in the National Primary Drinking Water Regulations for CCRs, the Lead and Copper Rule Revisions, and the Revised Total Coliform Rule.</p> | | | | | | | | |
| <p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>This proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P.S. § 721.4), which grants the Environmental Quality Board (EQB) the authority to adopt rules and regulations governing the provision of drinking water to the public, and section 1920-A</p> | | | | | | | | |

of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the EQB to promulgate rules and regulations necessary for the performance of the work of the Department.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Yes, the proposed amendments are mandated by federal regulation. The National Primary Drinking Water Regulations are legally enforceable, federal primary standards/statutes and treatment techniques that apply to public water systems. Primary standards/statutes and treatment techniques protect public health by limiting the levels of contaminants that are permitted in finished drinking water delivered by public water systems to consumers. States that have been granted primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act from the EPA are responsible for enforcing these standards, and must maintain regulations that are at least as stringent as federal regulations as a condition of retaining primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act. States with that primary enforcement responsibility are required to adopt requirements to oversee implementation of the updated federal regulations within 2 years of publication of the National Primary Drinking Water Regulations, unless an extension is approved by the EPA. Accordingly, this proposed rulemaking would incorporate the following federal rules into Pennsylvania's safe drinking water regulations:

National Primary Drinking Water Regulations: Consumer Confidence Report – 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 improves readability, clarity, and accessibility of CCRs. In addition, community water systems who serve 10,000 or more persons are required to provide CCRs to customers biannually (twice per year). CCRs provide customers information on their drinking water, including the water source, contaminants detected in finished water, health effects of contaminants when violations occur, likely sources of detected contaminants, and availability of source water assessments.

National Primary Drinking Water Regulations: Lead and Copper Rule Revisions – The EPA published the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (Federal LCRR) at 86 FR 4198 (January 15, 2021), including revisions to the public notice requirements. Under the Federal LCRR, water systems with a 90th percentile compliance value that exceeds the lead action level are required to issue a Tier 1 public notice within 24 hours.

National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule – The EPA published the National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule (Federal revised total coliform rule) at 78 FR 10270 (February 13, 2013). The Federal revised total coliform rule included an amendment requiring Tier 3 public notice for failure to report results of total coliform and *E. coli* monitoring. This amendment was inadvertently missed in the rulemaking to incorporate the Federal revised total coliform rule into Chapter 109, published at 46 Pa.B. 6005 (September 24, 2016).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Safe drinking water is vital to maintaining healthy and sustainable communities and is a key foundation for economic growth. The proposed amendments would further protect the health of people in Pennsylvania who consume drinking water provided by PWSs and would make information about the drinking water provided by community water systems more accessible and understandable. To retain primary enforcement responsibility for public water systems in Pennsylvania under the federal Safe Drinking Water Act, the Department is required to promulgate regulations that are at least as stringent as EPA's National Primary Drinking Water Regulations. The proposed amendments are necessary to revise Pennsylvania's current safe drinking water regulations to be no less stringent than the revised Federal CCR rule, the Federal LCRR and the Federal revised total coliform rule.

CCRs – The information contained 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 community water system customers to become more involved in decisions that may affect their health, and equip community water system customers to make more informed decisions about their drinking water.

The revisions to CCR provisions in this proposed rulemaking would improve the readability, clarity, and understandability of CCR content, as well as enhancing the accuracy of the information presented, improving risk communication, and incorporating electronic delivery options. CCRs contain a great deal of highly technical information. The proposed revisions aim to make CCRs easier for every community water system consumer to understand so that they may make informed decisions about their health and any risks associated with their drinking water.

The CCR revisions are applicable to all 1,867 community water systems in Pennsylvania and will benefit the approximately 11.1 million Pennsylvanians served by those systems.

According to 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, 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. EPA did however describe the types of benefits the revisions could generate. In the preamble to the revised Federal CCR rule, EPA notes that the revised Federal CCR rule 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 EPA in the preamble to the revised Federal CCR rule, “[a]ll 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 the revised Federal CCR rule 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.”

Federal LCRR and the Federal revised total coliform rule – For the proposed amendments to incorporate Tier 1 public notice and CCR provisions revised under the Federal LCRR, and the Tier 3 public notice revision under the Federal revised total coliform rule, 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 public notice 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.

Additional amendments – For the proposed amendments to clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling 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.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. The proposed regulations are not more stringent than federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania’s ability to compete with other states?

All 57 states and territories with primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act will need to adopt regulations requiring public water systems to comply with EPA’s National Primary Drinking Water Regulations. Therefore, this proposed rulemaking is not expected to negatively affect Pennsylvania’s ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No, this proposed rulemaking will not affect other regulations of the Department or other State agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

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 includes representatives from a broad array of drinking water professional associations and stakeholder organizations.

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 Federal LCRR ; 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, lead and copper, or other clarifying revisions included in this proposed rulemaking.

The PWS-TAC Board letter also addresses the PFAS National Primary Drinking Water Regulation published by the EPA at 89 FR 32532 (April 26, 2024). The PWS-TAC Board reviewed a draft version of this proposed rulemaking which incorporated the PFAS National Primary Drinking Water Regulation along with the CCR, lead and copper, and other proposed revisions. Due to ongoing litigation relating to the PFAS National Primary Drinking Water Regulation, the initial draft proposed rulemaking was revised to remove the PFAS National Primary Drinking Water Regulation provisions, which may be considered in a separate rulemaking at a later date depending on the outcome of the PFAS National Primary Drinking Water Regulation litigation.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

A review of the federal Small Business Size Regulations at 13 CFR Part 121 provides a standard for determining what constitutes a small business for the North American Industry Classification System (NAICS) category relating to public water systems. A public water system falls within NAICS category 221310, Water Supply and Irrigation Systems, which comprises establishments primarily engaged in operating water treatment plants and/or operating water supply systems. The federal small size standard for this NAICS category is annual receipts of not more than \$27.5 million.

The Pennsylvania Safe Drinking Water Act and Chapter 109 do not contain any requirements for the submission of financial records. As such, the Department has no way to estimate annual receipts of public water systems. The Department and EPA have historically classified public water system size based on the number of persons served. For purposes of identifying small businesses affected by this proposed rulemaking, the Department used a population of 10,000 persons served as the threshold for determining the number of public water systems that could be considered a small business because that is a key population threshold for the CCR provisions.

The CCR provisions impact all 1,867 community water systems in Pennsylvania, which serve a population of approximately 11.1 million consumers statewide. Of all community water systems in Pennsylvania, 919 serve fewer than 10,000 people and are privately or investor owned, so they can be considered small businesses for purposes of this regulation.

The estimated benefits of this proposed rulemaking are detailed in the response to question #10. The estimated costs of this proposed rulemaking are detailed in the response to question #17.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Please see the response to question #15.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The estimated benefits expected as a result of the regulation are described in the response to question #10.

CCR – For the revised Federal CCR rule, 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 Pennsylvania. Multiplying EPA’s national costs estimate of \$15,904,355 by 3.734% yields a cost estimate for all community water systems in Pennsylvania of \$593,869 annually, or \$318 per community water system per year. Of the 1,867 community water systems in Pennsylvania, 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, EPA estimated costs to the 57 primacy agencies at \$3,862,749 annually, an average of \$67,768 per year for each primacy agency. Costs to primacy agencies include work towards updating compliance and reporting programs for tracking CCR compliance and reporting as well as training staff and water systems and taking enforcement actions as well as reporting requirements to EPA.

Additional amendments – The Department does not expect significant compliance costs associated with the proposed amendments to: incorporate public notice and CCR provisions revised under the Federal LCRR; to clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling water systems that purchase water; and require Tier 3 public notice for failure to report results of total coliform and *E. coli* monitoring.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The estimated benefits of the regulation are described fully in the response to question #10. The estimated costs of the regulation are described fully in the response to question #17. Comparison of estimated benefits and costs of each part of the proposed rulemaking is provided immediately below.

CCRs – As detailed in the response to question #10, according to EPA in the preamble to the revised Federal CCR rule, “EPA anticipates the primary benefit of the CCR Rule 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.” As detailed in the response to question #10, 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 because the expected 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.

As detailed in the response to question #17, the cost estimate for complying with the revised Federal CCR rule for community water systems in Pennsylvania is approximately \$593,869 annually statewide (which includes community water systems owned and operated by State and local governments), or \$318 per community water system per year, with an additional estimated cost to the Department of \$67,768 per year for implementing the revised Federal CCR rule in Pennsylvania.

Overall, implementing the revised Federal CCR rule in Pennsylvania will result in a community water system’s consumers being better equipped to make decisions about their health and ultimately improve

public health protection. While EPA did not quantify the expected benefits of the revised Federal CCR rule, the benefits of implementing the revised Federal CCR rule are expected to outweigh the costs per community water system.

Additional amendments – As noted in the response to question #10, the Department expects benefits similar to those noted with the CCR amendments in that more informed consumers are better equipped to make decisions about their water consumption. The Department does not expect significant compliance costs associated with the proposed amendments to incorporate public notice and CCR provisions revised under the Federal LCRR or to clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling water systems that purchase water.

(19) Provide a specific estimate of the costs and/or savings to the *regulated community* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The estimated benefits of the proposed rulemaking are detailed in the response to question #10.

CCRs – The regulated community owns 1,553 community water systems that will be affected by the proposed CCR provisions. As detailed in the response to question #17, the cost of complying with the proposed CCR provisions is estimated at \$318 annually per community water system, resulting in a total estimated annual statewide cost for the regulated community of \$493,854.

Additional amendments – As detailed in previous responses, the additional amendments in this proposed rulemaking are not expected to have appreciable costs or benefits to public water systems in Pennsylvania, including those owned by the regulated community.

(20) Provide a specific estimate of the costs and/or savings to the *local governments* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

CCRs – There are 284 community water systems owned by municipalities that will be affected by the proposed CCR provisions. As detailed in the response to question #17, the cost of complying with the proposed CCR provisions is estimated at \$318 annually per community water system, resulting in a total estimated annual statewide cost for all 284 municipally owned community water systems of \$90,312.

Additional amendments – As detailed in previous responses, the additional amendments in this proposed rulemaking are not expected to have appreciable costs or benefits to public water systems in Pennsylvania, including those owned by local governments.

(21) Provide a specific estimate of the costs and/or savings to the *state government* associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

CCRs – The costs to implement the proposed CCR provisions will be those incurred by community water systems that are owned and/or operated by the state government. Of the 1,867 community water systems affected by the CCR provisions, 30 systems are owned by the state government. As detailed in the response to question #17, the cost per community water system is estimated at \$318 annually, resulting in a statewide total estimated cost to all 30 state-owned community water systems of \$9,540 per year.

As detailed in the response to question #17, in addition to costs incurred by community water systems owned or operated by the state government, the state government will also incur costs associated with the Department's implementation and administration of the CCR provisions, estimated at \$67,768 per year.

Additional amendments – As detailed in previous responses, the additional amendments in this proposed rulemaking are not expected to have appreciable costs, savings or benefits to public water systems in Pennsylvania, including those owned by the state government, or to the Department.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Community water systems may create their own CCR or use a template. Templates and instructions are currently available from the Department for both groundwater systems and surface water systems.

- Consumer Confidence Report (CCR) Template and Instructions (For Systems Using Only Ground Water Sources) (Document ID 3930-FM-BSDW0113)
[https://greenport.pa.gov/elibrary/GetDocument?docId=1419398&DocName=CONSUMER%20CONFIDENCE%20REPORT%20\(CCR\)%20TEMPLATE%20AND%20INSTRUCTIONS%20FOR%20SYSTEMS%20USING%20ONLY%20GROUNDWATER%20SOURCES.DOCX%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E%3C%2Fspan%3E](https://greenport.pa.gov/elibrary/GetDocument?docId=1419398&DocName=CONSUMER%20CONFIDENCE%20REPORT%20(CCR)%20TEMPLATE%20AND%20INSTRUCTIONS%20FOR%20SYSTEMS%20USING%20ONLY%20GROUNDWATER%20SOURCES.DOCX%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E%3C%2Fspan%3E)
- Consumer Confidence Report (CCR) Template and Instructions (For Systems Using Surface Water Sources) (Document ID 3930-FM-BSDW0114)
[https://greenport.pa.gov/elibrary/GetDocument?docId=1419401&DocName=CONSUMER%20CONFIDENCE%20REPORT%20\(CCR\)%20TEMPLATE%20AND%20INSTRUCTIONS%20FOR%20SYSTEMS%20USING%20SURFACE%20WATER%20SOURCES.DOCX%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E%3C%2Fspan%3E](https://greenport.pa.gov/elibrary/GetDocument?docId=1419401&DocName=CONSUMER%20CONFIDENCE%20REPORT%20(CCR)%20TEMPLATE%20AND%20INSTRUCTIONS%20FOR%20SYSTEMS%20USING%20SURFACE%20WATER%20SOURCES.DOCX%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E%3C%2Fspan%3E)

The reporting and recordkeeping requirements listed above do not include any new requirements or forms. The reporting requirements were minimized by adopting provisions in the federal regulations.

(22a) Are forms required for implementation of the regulation?

No new forms are required for implementation of the proposed rulemaking. The previously listed existing forms are required for implementation of this proposed rulemaking. The CCR forms will be updated to include the proposed revisions based on the Federal CCR rule.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

No new forms are required for implementation of the proposed rulemaking.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

| | Current FY 2025-26 | FY +1 2026-27 | FY +2 2027-28 | FY +3 2028-29 | FY +4 2029-30 | FY +5 2030-31 |
|-----------------------------|-----------------------|------------------|------------------|------------------|------------------|------------------|
| SAVINGS: | \$ | \$ | \$ | \$ | \$ | \$ |
| Regulated Community | 0 | 0 | 0 | 0 | 0 | 0 |
| Local Government | 0 | 0 | 0 | 0 | 0 | 0 |
| State Government | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Savings | 0 | 0 | 0 | 0 | 0 | 0 |
| COSTS: | | | | | | |
| Regulated Community | \$493,854 | \$493,854 | \$493,854 | \$493,854 | \$493,854 | \$493,854 |
| Local Government | \$90,312 | \$90,312 | \$90,312 | \$90,312 | \$90,312 | \$90,312 |
| State Government | \$77,308 | \$77,308 | \$77,308 | \$77,308 | \$77,308 | \$77,308 |
| Total Costs | \$661,474 | \$661,474 | \$661,474 | \$661,474 | \$661,474 | \$661,474 |
| REVENUE LOSSES: | 0 | 0 | 0 | 0 | 0 | 0 |
| Regulated Community | 0 | 0 | 0 | 0 | 0 | 0 |
| Local Government | 0 | 0 | 0 | 0 | 0 | 0 |
| State Government | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Revenue Losses | 0 | 0 | 0 | 0 | 0 | 0 |

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

| Program | FY - 3 (2021-22) | FY - 2 (2022-23) | FY - 1 (2023-24) | Current FY (2024-25) |
|--|---------------------|---------------------|---------------------|-------------------------|
| Environmental Program Management (161-10382) | \$34,160,000 | \$35,739,000 | \$39,714,000 | \$40,195,000 |
| Safe Drinking Water Account (092-60065) | \$4,874,000 | \$11,058,000 | \$12,339,000 | \$11,012,000 |

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

Small business impacts are detailed in the response to question #15.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

Administrative costs for public water systems associated with this proposed rulemaking may increase minimally, if at all. There are no new administrative requirements.

For small community water systems, the proposed CCR provisions will not change or increase reporting, recordkeeping and other administrative costs. Additional professional skills are not necessary to produce the CCR.

(c) A statement of probable effect on impacted small businesses.

Small business impacts are detailed in the response to question #15. Steps taken by EPA and the Department, and financial resources available, to minimize the compliance burden for the regulated community, including small businesses, are detailed in the response to question #25.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

No alternative regulatory schemes were considered because all customers of public water systems deserve equitable water quality and public health protection and access to information about drinking water provided by public water systems.

Under the revised Federal CCR rule, small community water systems are given the flexibility to determine the best way to deliver the report to their customers, whether through direct delivery, electronic delivery, mailing (the report may be included with other mailings), or posting on a website.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

For the revised Federal CCR rule provisions, community water systems will be able to deliver CCRs to consumers electronically or post CCRs on a website, which could decrease mailing expenditures for all community water systems, including small systems. The proposed rulemaking would also give all community water systems the ability to target the CCR appearance (large print, screen readable, etc.) and delivery methods to meet the needs of their customer base.

The Department's Safe Drinking Water Program has established a network of regional and Central Office training staff that are responsible for identifying training needs. The target audiences for training included regulated public water systems and the Department's Safe Drinking Water Program staff.

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 provides timely and useful information for drinking water and wastewater treatment system operators.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory schemes were considered. These amendments reflect federal rules that must be complied with or adopted by individual states to retain primary enforcement responsibility for public water systems under the federal Safe Drinking Water Act and to provide equitable water quality and public health protections to all public water system customers.

The proposed rulemaking contains the least burdensome acceptable option because it provides public water systems the flexibility to select the most cost-effective method to comply, as noted in the response to question #24(d).

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses;

For these provisions, no less stringent compliance or reporting requirements for small businesses were considered. The proposed CCR provisions do not change any of the existing compliance or reporting requirements, except for the change in the date of certification submission. This would benefit small community water systems and improve regulatory compliance. The proposed revisions require the certification to be submitted to the Department 10 days after the end of the delivery period, so the certification of delivery and copy of the CCR can be submitted to the Department in one package.

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

For these provisions, no less stringent schedules or deadlines for small businesses were considered. The Department cannot consider less stringent schedules or deadlines in order to retain primary enforcement responsibility for public water systems in Pennsylvania under the federal Safe Drinking Water Act.

c) The consolidation or simplification of compliance or reporting requirements for small businesses;

Neither consolidation nor simplification of compliance or reporting requirements for small businesses were considered. The Department develops a signable check box and fill-in form for certification, fill-in report templates, and a compilation of data to assist all public water systems in fulfilling this requirement.

d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and

For these provisions, there are no design or operational standards required by the proposed regulation.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

For these provisions, no exemptions for small businesses from all or any part of the requirements in the proposed rulemaking were considered. No exemption of small business was considered as the proposed rulemaking simply updates the CCR provision to be as stringent, but not more stringent than, the federal rule.

Alternative provisions were not considered for small water systems, because the customers of water systems classified as small businesses must be afforded the same level of public health protection as customers of large water systems.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not used as the basis for this proposed rulemaking.

(29) Include a schedule for review of the regulation including:

| | |
|---|---|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>None scheduled</u> |
| C. The expected date of delivery of the final-form regulation: | <u>October 2026</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon publication in the Pennsylvania Bulletin</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>Upon publication in the Pennsylvania Bulletin.</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Not applicable</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department will closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.