



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

Working draft for public review

MEMORANDUM

Subject: Consumer Confidence Report (CCR) State Implementation Guidance

From: Cynthia Dougherty, Director
Office of Ground Water and Drinking Water

To: Water Division Directors
Regions I - X

I am writing to forward the *State Implementation Guidance for the Consumer Confidence Report (CCR) Rule*. This final version updates the *Interim State Implementation Guidance for the CCR Rule* you received in June.

The CCR Rule promulgated last August requires all community water systems to issue annual drinking water quality reports to their customers, with the first report due October 19, 1999. The attached guidance provides a “how to approach” for implementing the regulation for EPA Regions and States. It contains a plain English summary of the rule and guidance for preparing State primacy revision applications. The implementation guidance covers areas of State flexibility, violation determination, and data reporting to SDWIS. Examples of ways in which community water systems can prepare and present information in the CCR are also provided.

New in this version of the implementation guidance is the CCR compliance strategy. This strategy outlines actions States and Regions should take to address CCR rule noncompliance. The final guidance also discusses MCL reporting format and provides guidance on *Federal Register* notices for primacy revision.

Thank you for your participation in the CCR implementation guidance development process and for your continued efforts to ensure that CCRs are the public education tools envisioned by the 1996 SDWA Amendments. If you have any questions or comments, please call me at (202)-260-5543 or have your staff call Kathy Williams at (202)-260-2589.

Attachment

cc: CCR Implementation Workgroup
Betsy Devlin, OECA
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Stakeholders

Table of Contents

Introduction	1
Section I. Rule Requirements	3
A. Key Dates of the Rule	3
B. Summary of Rule Requirements - [40 CFR 141.153 and 141.154]	5
B.1. CCR Content Requirements	5
B.2. Report Delivery and Recordkeeping Requirements for CWSs (<i>Updated</i>)	22
B.3. Recordkeeping Requirements for States	26
Section II. Violation Determination and Safe Drinking Water Information System (SDWIS) Reporting	27
A. Violation Determination	27
B. SDWIS Reporting Summary	28
C. Optional CCR Compliance Checklist	28
Section III. Primacy Revision Application	33
A. Primacy Revision Application Package	33
A.1. Primacy Revision Time Frame	33
A.2. State Program Revision - Review Process	34
A.3. State Program Revision - Extension Procedures	36
A.4. State/EPA Implementation Agreement	37
A.5. Areas of State Flexibility	37
B. General State Primacy Requirements	40
B.1. State Primacy Revision Checklist	40
B.2. Text of the State's Regulation	40
B.3. Primacy Revision Crosswalk	40
B.4. Checklist of State Reporting and Recordkeeping Policies	40
B.5. Attorney General's Statement of Enforceability	40

Table of Appendices

Appendix A	State Primacy Revision Application Package - Example Format	A-1
Appendix B	State/EPA Implementation Agreement	B-1
Appendix C	CCR Certification - Example Formats	C-1
Appendix D	Governor’s Mailing Waiver - Example Formats	D-1
Appendix E	Safe Drinking Water Information System (SDWIS) Reporting (<i>Revised 1/00</i>)	E-1
Appendix F	CCR Example/Report Content Topics	F-1
Appendix G	List of EPA’s Minimum Detection Limits	G-1
Appendix H	Appendix A to Subpart O of 40 CFR 141 (<i>New</i>)	H-1
Appendix I	Information on Source Water Assessment Programs (SWAPs) and Susceptibility Determinations	I-1
Appendix J	CCR Compliance Strategy	J-1
Appendix K	Memorandum on Alternative MCL Reporting Format	K-1
Appendix L	Additional Resources Available to Prepare CCRs	L-1
Appendix M	Amendments to the CCR Rule from Other Rules (<i>New</i>)	M-1

List of Tables

Table 1 - Key Dates of Rule	4
Table 2 - Required Information for the CCR	5
Table 3 - Report Delivery and Recordkeeping Requirements for CWSs	22
Table 4 - Optional CCR Compliance Checklist	29
Table 5 - State Program Revision Extension Procedures	36
Table 6 - Areas of State Flexibility for Content Requirements	39
Table G-1 - EPA's Minimum Detection Limits	G-2
Table H-1 - Appendix A to Subpart O: Regulated Contaminants (<i>New</i>)	H-3
Table H-2 - List of Unregulated and ICR Contaminants	H-17
Table I-1 - CCR Requirements Referencing Source Water Assessment Results	I-3
Table I-2 - CCR Examples - Source Water Information	I-5

List of Figures

Figure 1 - Review Process for State Request for Approval of Program Revisions	35
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Introduction

The Consumer Confidence Report (CCR) rule is an important part of the 1996 Amendments to the Safe Drinking Water Act (SDWA). Reports issued under the CCR rule will give consumers information on their drinking water and opportunities to get involved in protecting their source(s) of drinking water. Under 40 CFR Part 141 Subpart O, all community water systems (CWSs) will be required to provide their customers with an annual water quality report or CCR. The purpose of this document is to provide EPA Regions and States with guidance on implementation of the CCR rule in the areas of State implementation, direct implementation by Regions, and how States can apply for primacy revision.

Every CWS, defined as a system that serves at least 25 residents year round or that has at least fifteen service connections used by year-round residents, must prepare and distribute a CCR [40 CFR 141.151(b)]. CWSs must deliver the first CCR to their customers by October 19, 1999. The second CCR is due by July 1, 2000 and subsequent reports by July 1, annually thereafter. A CWS that sells water to another CWS must provide the buyer with information such as monitoring results or other required water quality information that will enable the buyer to produce a CCR [40 CFR 141.152(d)].

The CCR rule provides a framework that water suppliers will use to give consumers 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. By understanding their water supplies, customers, especially those with special health needs, can make informed decisions regarding their use of drinking water. States and water suppliers should view these reports as a public information tool to not only educate and involve the public but also to promote a dialogue between customers and their drinking water utilities. It is an opportunity that water systems can use to their advantage to explain how their community's drinking water supplies are protected.

This guidance document contains information that will aid States in implementing the rule and in applying for interim primacy. It also provides examples of ways in which CWSs can prepare and present data in the CCR. You will find information on the following topics:

- C CCR rule requirements.
- C Reporting and recordkeeping.
- C Violation determination and Safe Drinking Water Information System (SDWIS) reporting.
- C Content of State Primacy Revision Applications.
- C State/EPA Implementation Agreements that cover the period prior to State submission of a complete and final primacy revision application, which results in interim primacy.

Section I is a summary of the rule requirements including key dates important to the rule. Section II addresses violation determination and associated reporting requirements. Section III covers procedures and content for primacy revision applications, including deadlines for submission.

The Appendices of this document contain information and example formats that State and EPA Regional Offices may find useful in the primacy revision process. The Appendices are:

- C Appendix A contains an example format for a State Primacy Revision Application Package.
- C Appendix B provides examples of a State/EPA Implementation Agreement.
- C Appendix C contains example formats for the CCR Certification.
- C Appendix D contains example formats for the Governor’s Mailing Waiver.
- C Appendix E provides guidance on Safe Drinking Water Information System (SDWIS) Reporting.
- C Appendix F contains a CCR example as well as additional information on report content.
- C Appendix G contains a list of EPA’s minimum detection limits.
- C Appendix H contains Appendix A from 40 CFR 141, Subpart O.
 - Table H-1: Appendix A - Regulated Contaminants
 - Table H-2: List of Unregulated and ICR Contaminants.
- C Appendix I contains additional information on the Source Water Assessment Program (SWAP) and susceptibility definitions.
- C Appendix J provides information on the CCR compliance strategy.
- C Appendix K contains a memorandum on alternative MCL reporting format.
- C Appendix L contains information on additional resources to prepare CCRs.
- C Appendix M contains information on amendments to the CCR Rule from other recently promulgated rules such as the Public Notification Rule and Radionuclides Rule.

Section I. Rule Requirements

A. Key Dates of the Rule

The CCR final rule, published in the *Federal Register* on August 19, 1998, became effective September 18, 1998 - 30 days after publication [40 CFR 141.152(a)]. CWSs must deliver the first CCR to their customers within 13 months of the regulation's effective date, or by October 19, 1999. Delivery of the second report is due by July 1, 2000 and subsequent reports by July 1 each year thereafter [40 CFR 141.152(b)]. No later than the date the CCR is required to be delivered to customers, the CWS must also mail a copy of the CCR to the primacy agency, as well as any other agency or clearinghouse the primacy agency designates [40 CFR 141.155(c) and (d)]. The report due by October 19, 1999 must contain data used to determine compliance in calendar year 1998. The second report must contain data used to determine compliance in calendar year 1999. Each report thereafter must contain data used to determine compliance for the previous calendar year.

Within 3 months from the date the system is required to deliver its CCR to customers, the CWS must send a letter of certification to the primacy agency certifying that the system has: (1) distributed the CCR to its customers; and (2) used in the report information that is correct and consistent with compliance monitoring data previously submitted to the primacy agency [40 CFR 141.155(c)]. Certifications must be sent to the primacy agency by January 19, 2000 for the first CCR and by October 1 annually for the second and subsequent reports. A CWS can deliver the certification to the primacy agency at the same time it delivers the CCR to its customers.

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

Drinking water wholesalers are CWSs that sell water to other CWSs. Under this rule wholesalers must deliver relevant monitoring and compliance data to the retailers before reports are due to customers so that the retailer has lead-time to prepare a CCR. For the first CCR, drinking water wholesalers must provide data no later than 6 months before retailers are required to deliver their CCR or by April 19, 1999. For the second and subsequent reports, data must be delivered by April 1 annually thereafter. Data must be delivered to the buyer system by those dates, unless the wholesaler and retailer mutually agree upon a different date and specify it in a contract between the two parties [40 CFR 141.152(d)].

A time line of important dates under the rule for existing CWSs, new CWSs, and drinking water wholesalers is presented in Table 1.

Table 1 - Key Dates of Rule	
Rule Requirement	Requirement Date
1. Date of Publication	August 19, 1998
2. CCR Delivery Requirements	
<u>For Existing CWSs</u>	
Delivery of first CCR	By October 19, 1999
Delivery of first certification	By January 19, 2000
Delivery of second CCR	By July 1, 2000
Delivery of second certification	By October 1, 2000
Delivery of subsequent CCRs	By July 1 annually
Delivery of subsequent certifications	By October 1 annually
<u>For New CWSs</u>	
Delivery of first CCR	By July 1 after first full calendar operating year
Delivery of first certification	By October 1 after first full calendar operating year
Delivery of subsequent CCRs	By July 1 annually
Delivery of subsequent certifications	By October 1 annually
<u>For CWSs That Sell Water To Another CWS</u>	
Delivery of information for first CCR	By April 19, 1999
Delivery of information for subsequent CCRs	By April 1, annually
	The seller must provide the information to the buyer by the dates shown above, unless the buyer and seller enter into a contractual agreement specifying another date.

B. Summary of Rule Requirements - [40 CFR 141.153 and 141.154]

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

B.1. CCR Content Requirements

The eight items of information that must be included in the CCR are displayed in Table 2. Each item is discussed in more detail on the following pages.

Table 2 - Required Information for the CCR		
Items	Content Requirements	Federal Citation
Item 1	Required Information about the Water System	§141.153(h)(2) §141.153(h)(3) §141.153(h)(4)
Item 2	Source(s) of Water	§141.153(b)
Item 3	Definitions	§141.153(c)
Item 4	Reporting the Levels of Detected Contaminants	§141.153(d)
Item 5	Information on <i>Cryptosporidium</i> , Radon, and Other Contaminants	§141.153(e)
Item 6	Required Additional Health Information	§141.153(h)(1) §141.154
Item 7	Information on Violations of National Primary Drinking Water Regulations (NPDWR)	§141.153(f)
Item 8	Information If a System Is Operating Under a Variance or Exemption	§141.153(g)

**Item 1: Required Information about the Water System
[40 CFR 141.153(h)(2) to (h)(4)]**

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

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

- C For communities with a large proportion of non-English speaking residents, provide information in the appropriate language(s) regarding the importance of the report or a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language [40 CFR 141.153(h)(3)]. The primacy agency will determine when a population of non-English speaking residents is sufficiently large to require systems to take special measures for these residents. Appendix F of this guidance contains additional information on incorporating information for non-English speaking residents into the CCR.

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

Item 2: Sources of Water [40 CFR 141.153(b)]

A CWS must report the type of water (ground water, surface water, or a combination of the two) and the commonly-used name(s) (if sources are named) and locations of water source(s) [40 CFR 141.153(b)(1)]. EPA encourages systems to provide simple maps to help customers understand the source(s) of their water.

Under Section 1453 of the 1996 SDWA Amendments, States are required to ensure that source water assessments are completed for all public water systems by the year 2003. These assessments will include delineation, inventory, and susceptibility information. If a source water assessment has been completed, the system must notify customers in the CCR that an assessment is available and tell them where to obtain a copy [40 CFR 141.153(b)(2)]. If the CWS has an assessment that was provided or approved by the primacy agency, the CCR must also include a brief summary of the system's susceptibility to potential sources of contamination using language provided by the primacy agency or written by the operator. Susceptibility is a synthesis of several factors and is intended as a preliminary tool to facilitate local source water protection planning. Utilities could also use the reports to highlight additional local assessment and protection efforts which are planned or in place. In cases where a CWS has the available information, EPA encourages the system to highlight significant sources of contamination in the source water area.

More information about the Source Water Assessment Program (SWAP), including a list of State source water contacts can be found at <http://www.epa.gov/safewater>. Appendix I provides detailed information on State SWAP programs, wellhead protection programs, and other source water information resources. In addition, Appendix I contains information on susceptibility determinations and examples of how source water information can be included in the CCRs.

Item 3: Definitions [40 CFR 141.153(c)]

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

- C **Maximum Contaminant Level (MCL):** The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

- C **Maximum Contaminant Level Goal (MCLG):** The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

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

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

If the report contains information on a contaminant that is regulated as a Treatment Technique or Action Level, the following definitions must be included as applicable:

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

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

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

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

Item 4: Reporting Levels of Detected Contaminants [40 CFR 141.153(d)]

One key element of the CCR is the table (or series of adjacent tables) that reports the levels of detected contaminants. This table(s) must display the highest contaminant level used to determine compliance and the ranges of contaminant levels when compliance is based on an average of samples. For ease of comparison, the highest level of a detected contaminant should be presented alongside the associated MCL, MCLG, MRDL, or MRDLG, and a description of the likely or known source of that contaminant in drinking water.

The table(s) must contain data related to finished water monitoring for the following contaminants:

- C Regulated contaminants (i.e., contaminants subject to an MCL, MRDL, AL, or TT).
- C Unregulated contaminants (i.e., contaminants for which monitoring is required under 40 CFR 141.40 - Special monitoring for inorganic and organic contaminants).
- C Disinfection byproducts or microbial contaminants for which monitoring is required under 40 CFR 141.142 and 141.143 (i.e., the Information Collection Rule [ICR]) except results of monitoring for *Cryptosporidium*.

Note: Results from ICR or any other monitoring of raw or finished water that indicate the presence of *Cryptosporidium*, must be included in the CCR. A summary of the results should be displayed outside of the detected contaminants table, elsewhere in the report. Item 5 on page 12 discusses presentation of this data in more detail.

Only the results of ICR finished water monitoring are required to be included in the table(s). Any additional monitoring results which a CWS chooses to include in the CCR must be displayed separately.

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

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

No data older than 5 years need be included in the first or subsequent reports. For example, the first report must contain data used to determine compliance in calendar year 1998. Working backward, the 5 year period would extend from the end of 1998 to the beginning of 1994, so data obtained prior to 1994 should not be used in the report.

The results of disinfection byproduct monitoring done under 40 CFR 141.142 and finished water microbial monitoring done under 40 CFR 141.143 (the ICR) must be reported only for 5 years from the date of the last sample or until the detected contaminant is regulated and subject to regular monitoring requirements, whichever comes first.

A detected contaminant is any contaminant found at or above the minimum detection limits in:

- C 40 CFR 141.23(a)(4) for inorganic contaminants.
- C 40 CFR 141.24(f)(7) for organic contaminants listed in 40 CFR 141.61(a).
- C 40 CFR 141.24(h)(18) for organic contaminants listed in 40 CFR 141.61(c).
- C 40 CFR 141.25(c) for radionuclides.

Refer to Appendix G for a list of EPA's minimum detection limits for the contaminants specified above. The detection levels for some contaminants, such as lead, copper, and many of the disinfection byproducts are not included in the CFR sections above and are thus not included in Appendix G. If a system's laboratory analysis provides a detected value for a contaminant not listed in the detection limit table, the system should report the contaminant in the CCR.

For each detected contaminant identified above (i.e., inorganic and organic contaminants, and radionuclides), the table(s) must contain:

- G The MCL for that contaminant expressed as a number equal to or greater than 1 (refer to Appendix A to Subpart O of the rule, which illustrates how to convert MCL compliance values for CCRs. Appendix H of this guidance contains a copy of Appendix A to Subpart O of the rule). If the contaminant is regulated as a treatment technique, put the words "TT" in place of the MCL. If the contaminant is regulated as an action level, specify the AL applicable to that contaminant.
- G The MCLG for that contaminant expressed in the same units as the MCL (refer to Appendix A to Subpart O of the rule, a copy of which is included in Appendix H of this guidance).
- G The highest level of that contaminant used to determine compliance with National Primary Drinking Water Regulations (NPDWR) and the range of detected levels, expressed in the same units as the MCL and MCLG. Refer to Appendix F of this guidance to see examples of how to interpret and present monitoring data for some contaminants in the scenarios described below.

- < If compliance with the MCL is determined annually or less frequently (for example, many inorganic and organic chemical contaminants), include the highest detected level at any sampling point **and** the range of detected levels.
- < If compliance with the MCL is determined by a running annual average of all the samples taken from a sampling point (for example, inorganic contaminants specified in 40 CFR 141.23(i)), include the highest average of any of the sampling points **and** the range of detections at all sampling points.
- < If compliance with the MCL is determined by calculating a running annual average of all samples at all sampling points (for example, total trihalomethanes [TTHMs]), include the average of all samples **and** the range of detected levels.

Note: When rounding off results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A to Subpart O of the rule. A copy of that appendix is provided in Appendix H of this guidance.

< ***For turbidity, the table(s) must contain:***

i The highest average monthly value, when reported pursuant to 40 CFR 141.13 - turbidity as a MCL. Although an explanation for why turbidity is measured is not required in this situation, a CWS may wish to include such an explanation in the CCR.

i The highest single measurement, when reported pursuant to 40 CFR 141.71 - Criteria to avoid filtration. An explanation for why turbidity is measured should be included and could read as follows:

Turbidity is a measure of the cloudiness of the water. We monitor it because it is a good indicator of the quality of water.

i The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 40 CFR 141.73 for the relevant filtration technology, when reported pursuant to 40 CFR 141.73 - turbidity as a TT/indicator of filtration performance. An explanation of the reasons for measuring turbidity should be included and could read as follows:

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

Appendix F of this guidance contains an illustration of how to present turbidity data.

Note: The final Interim Enhanced Surface Water Treatment Rule (IESWTR) [63 FR 69516, 16 December 1998], revised the turbidity reporting requirements in 40 CFR 141.73. New section 40 CFR 141.173 states that for systems using conventional filtration or direct filtration, the current turbidity standard of 5 NTU as a maximum and 0.5 NTU in at least 95% of the measurements taken has been revised to 1 NTU as a maximum and 0.3 NTU in at least 95% of the samples taken. The revised requirement, which becomes effective December 17, 2001, applies to surface water systems or ground water systems under the direct influence of surface water (GWUDI) that serve 10,000 or more people and use filtration treatment. The final IESWTR also amended Section 141.153 (d)(4)(v)(C) of the CCR rule to reflect the revised turbidity requirement.

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

< ***If lead and/or copper is detected, the table(s) must contain:***

- | The 90th percentile value from the most recent sampling, and
- | The number of sampling sites exceeding the action level.

< ***For total coliforms, the table(s) must contain:***

- | The highest number of positive samples collected in 1 month, for systems that collect fewer than 40 samples per month.
- | The highest percentage of positive samples collected in 1 month, for systems that collect 40 or more samples per month.

< ***For fecal coliform and E. Coli, the table(s) must contain:***

- | The total number of positive samples for the year.

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

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

Note: Appendix H, Table H-2 contains additional information on likely sources for unregulated contaminants, a system may wish to include in its report.

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

As stated in the preamble to the final rule (p. 44519), EPA's intent is for this information to be as specific as possible. For example, the report should identify a specific point source, such as "Al's Chicken Houses" or the "Super-Shiny Paper Mill" if possible but may use generic terms from Appendix A to Subpart O such as "farms" or "paper mills" in the absence of specific information from sanitary surveys, source water assessments, or other means. If none of the generic sources from Appendix A to Subpart O of the rule are applicable to the system, a footnote may be added to the report indicating that to the best of the system's knowledge none of the typical sources of contamination listed in the table(s) for that contaminant exist in the source water area(s). A copy of Appendix A to Subpart O of the regulation is provided in Appendix H of this guidance.

- G For any contaminant that violates an MCL, MRDL, a TT, or exceeds an AL, include a clear indication in the table(s) of the violation or exceedence. This indication could, for example, take the form of a different color type, a larger or heavier font, or a large star. Near by, but not in the table(s), include a clear and easy to understand statement explaining not only the violation, but also the length of the violation, potential health effects because of the violation, and the actions that have been taken by the CWS to remedy the problem. The potential health effects language must be from Appendix A to Subpart O of the rule, a copy of which is included in Appendix H of this guidance.

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

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

Item 5: <u>Information on <i>Cryptosporidium</i>, Radon, and Other Contaminants</u> [40 CFR 141.153(e)]
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If a system monitored for *Cryptosporidium* and/or radon and did not detect either, the system is not required to discuss the monitoring or the results of the monitoring in the report. However if monitoring indicated the presence of either of these contaminants, information about the monitoring and results of the monitoring must be included in the CCR and displayed outside of the table(s) reporting the levels of detected contaminants.

Cryptosporidium

If the system has performed any monitoring for *Cryptosporidium*, including monitoring to satisfy ICR requirements, which indicates that *Cryptosporidium* may be present either in its source water or its finished water, the CCR must contain:

- < A summary of the results of the monitoring. CWSs may choose whether or not to report the actual analytical results as a part of this summary.
- < An explanation of the significance of the results. CWSs should tell customers if they need to be concerned by this information. A sample explanation is given below:

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

Radon

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

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

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

Note: In 2001, EPA expects to promulgate a Radon rule which will set a new standard for radon in drinking water. The Radon Rule will apply to community water systems (CWSs) that use ground water or mixed ground and surface water (e.g. systems serving homes, apartments, and trailer parks). Affected CWSs must begin their initial monitoring requirements (one year of quarterly monitoring) for radon by 3 years after publication of the final rule in the Federal Register. However, CWSs in States that submit a letter to the Administrator committing to develop a Multimedia Mitigation Plan (MMM), in accordance with the Radon Rule, are required to begin one year of quarterly monitoring 4.5 years after publication of the final rule. This CCR provision will remain in effect until CWSs have completed the initial monitoring requirements in accordance with the Radon Rule. Refer to Appendix M which contains additional information on amendments to the CCR Rule from other new rules.

Other Contaminants

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

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

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

Item 6: Required Additional Health Information
[40 CFR 141.153(h)(1) and 141.154]

Every CCR must contain the following two statements, prominently displayed somewhere in the report. The first statement is a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water, including bottled water [40 CFR 141.153(h)(1)]. The second statement informs customers that some people may be more vulnerable to contaminants in drinking water than the general population and encourages those who may be particularly at risk from infection to seek advice from their health care provider [40 CFR 141.154(a)]. Additional information about arsenic, nitrate, lead, and TTHMs may also be required, as described following explanations of the two required statements [40 CFR 141.154(b)-(e)].

Statement 1 - Explanation of Contaminants in Drinking Water and Bottled Water

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

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).

CWSs must also include information contained in §141.153(h)(1)(i) through (iii) on sources of drinking water, contaminants that may be present in source water, and why EPA and the Food and Drug Administration (FDA) establish regulations for contaminants respectively. CWSs have the

choice of using the EPA language provided in §141.153(h)(1)(i) through (iii) or developing their own comparable language.

< §141.153(h)(1)(i) - Sources of Drinking Water:

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

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

Microbial Contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

Inorganic Contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial, or domestic wastewater discharges, oil and gas production, mining, or farming.

Pesticides and Herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

Organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

Radioactive Contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

< §141.153(h)(1)(iii) - EPA and FDA Regulations:

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

Statement 2 - Explanation of the Vulnerability of Some Populations to Contaminants in Drinking Water

This second statement informs customers that some people may be more vulnerable to contaminants in drinking water than the general population and encourages those who may be particularly at risk from infections to seek advice from their health care provider.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control and Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

Educational Information about Arsenic, Nitrate, and Lead [40 CFR 141.154(b)-(d)]

A CCR must also contain additional educational material about arsenic, nitrate, and lead if those contaminants are detected under the following circumstances:

- < Arsenic at levels above 25 Fg/l (50% of the MCL), but below the MCL

Note: *In 2001, EPA expects to promulgate an Arsenic Rule, which will set a new, more stringent standard for arsenic in drinking water. Upon promulgation of the Arsenic Rule, this provision will be amended. Beginning 30 days after the publication date of the final rule in the Federal Register until the effective date of the revised arsenic MCL, community water systems that detect arsenic above the revised, but not yet effective, MCL but below the current MCL in Section 141.62 must include health effects language prescribed by Appendix A to Subpart O. Refer to Appendix M, which contains additional information on amendments to the CCR Rule from other new rules.*

- < Nitrate at levels above 5 mg/l (50% of the MCL), but below the MCL

- < Lead above the action level of 15 Fg/l in more than 5%, and up to and including 10%, of sites sampled.

Note: Due to the difficulty of determining the action level between 5% and 10% of sites sampled when using small sample sizes, systems collecting fewer than 20 samples do not have to include the lead educational statement. Refer to Appendix F of this guidance for further explanation.

EPA requires that the appropriate educational statement be included in the report.

Arsenic: *EPA is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally occurring mineral known to cause cancer in humans at high concentrations.*

Nitrate: *Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than 6 months of age. High nitrate levels in drinking water can cause “blue baby syndrome.” Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.*

Lead: *Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home’s plumbing. If you are concerned about elevated lead levels in your home’s water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).*

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

Note: Systems can add information on arsenic, nitrate, or lead in conjunction with these educational statements, as long it does not detract from the educational nature of the report as specified in 40 CFR 141.153(h)(5). For example, a system can explain that there could be other sources of arsenic from mining operations or pesticides that were used in the past. Additional information on health effects should be consistent with information provided in Appendix A to Subpart O of the rule. A copy of this appendix is provided in Appendix H of this guidance.

Health Effects Language for TTHMs [40 CFR 141.154(e)]

As stated in the preamble to the final CCR rule [p. 44514], the 1996 SDWA Amendments authorized the Administrator to require inclusion of language describing health concerns in CCRs for “not more than three regulated contaminants” other than those detected at levels above the MCL. EPA will use this authority in future rulemaking to require health effects language for contaminants when MCLs are promulgated or revised. The health effects language will be included in the reports of systems which are not in violation of the regulations because the MCL is not yet effective, but which detect the contaminant above the new or revised MCL.

The revised MCL for TTHMs is the first occasion where EPA exercised this authority. The final Stage 1 Disinfectants/Disinfection Byproducts Rule (DBPR) [63 FR 69475, 16 December 1998], amended the CCR rule to require systems that exceed the revised MCL of 80 ppb for TTHMs, but are below the current MCL of 100 ppb, to include health effects language in their CCRs. Section 141.154 of the CCR regulation has been amended by adding paragraph (e) to read as follows:

Community water systems that detect TTHMs above 0.080 mg/l (80 ppb), but below the MCL in Section 141.12, as an annual average, monitored and calculated under the provisions of Section 141.30, must include health effects language prescribed by paragraph (73) of Appendix A to Subpart O.

TTHMs Health Effects Language from Appendix A to Subpart O:

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have increased risk of getting cancer.

Compliance with the revised TTHM MCL is required for Subpart H systems serving 10,000 or more persons beginning December 16, 2001. (Subpart H systems are those systems using surface water or ground water under the direct influence of surface water). Ground water systems, as well as small surface water systems (Subpart H systems serving less than 10,000 persons), must comply with the revised TTHM MCL beginning December 16, 2003.

Systems serving more than 10,000 persons that detect TTHMs at levels between the current and revised MCLs must include TTHMs health effects language in their reports, beginning with the first CCR due in October 1999. Systems that serve less than 10,000 persons are not affected by this CCR requirement. If systems choose, they can include a footnote with the health effects language explaining that the system is in compliance with the current standards, but are above a future standard. The system may also wish to explain any actions the system is taking to reduce the level and meet the future standard. Refer to Appendix F of this guidance to see how data for TTHMs can be presented in the CCR.

Item 7: Information on Violations of National Primary Drinking Water Regulations (NPDWR) [40 CFR 141.153(f)]

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

- C Monitoring and reporting of compliance data.
- C Recordkeeping of compliance data.
- C Filtration and disinfection prescribed by Subpart H (§141.70 to §141.75).

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

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

- C Lead and copper control requirements prescribed by Subpart I (§141.80 to §141.84).

For systems that fail to meet the requirements listed below, the CCR must include applicable language for lead, copper, or both, from Appendix A to Subpart O of the rule. A copy of this appendix is provided in Appendix H of this guidance.

- G 40 CFR 141.80(d); 141.81; and 141.82 - Corrosion control treatment requirements.
- G 40 CFR 141.83 - Source water treatment requirements.
- G 40 CFR 141.84 - Lead service line replacement requirements.
- C Treatment techniques for Acrylamide and Epichlorohydrin prescribed by Subpart K (§141.110 to §141.111).

For systems that violate Subpart K requirements, the CCR must contain the relevant language from Appendix A to Subpart O of the rule, a copy of this appendix is provided in Appendix H of this guidance.

- C Special monitoring requirements as prescribed by 40 CFR 141.40 for inorganic and organic contaminants and 40 CFR 141.41 for sodium.
- C Violation of the terms of a variance, an exemption, or a State or federal administrative or judicial order.

The Agency is not prescribing mandatory language to describe the health significance of monitoring and reporting violations; violations of recordkeeping or special monitoring requirements; or violations of a variance, or an exemption of a State or Federal administrative or judicial order; because the explanation has to be tailored to the circumstances of the violation. In cases where there is a violation that presents a significant health threat, the CWS may use relevant language from Appendix A to Subpart O of the rule, a copy of which is provided in Appendix H of this guidance. Appendix F of this guidance contains an example of a generic CCR and information on how to report violations.

<p><u>Item 8: Information if a System is Operating Under a Variance or Exemption</u> <u>[40 CFR 141.153(g)]</u></p>

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

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

B.2. Report Delivery and Recordkeeping Requirements for CWSs

The CCR rule established eight report delivery and recordkeeping requirements for CWSs. Each requirement is shown in the table below and discussed in more detail on the following pages.

Table 3 - Report Delivery and Recordkeeping Requirements for CWSs		
Items	Requirement	Federal Citation
Item 1	<p>CCR Delivery to Customers</p> <p>< Each CWS must mail or otherwise directly deliver one copy of the CCR to each customer, unless granted a mailing waiver. (See Item 7 for mailing waivers)</p>	§141.155(a)
Item 2	<p>“Good Faith” Effort for Delivery to Non-Bill Paying Consumers</p> <p>< CWSs must make a “good faith” effort to reach those consumers who they serve but who do not get water bills, such as renters. “Good faith” efforts mean using a mix of several methods recommended by the primacy agency.</p>	§141.155(b)
Item 3	<p>Delivery of CCR and Certification to Primacy Agency</p> <p>< CWSs must mail to the primacy agency: (1) a copy of the CCR no later than the date the system is required to deliver the report to customers; and (2) within 3 months of the required CCR delivery date, a certification that the CCR was distributed to customers with information that is correct and consistent with compliance monitoring data previously submitted to the primacy agency.</p>	§141.155(c)
Item 4	<p>CCR Delivery to Other Agencies</p> <p>< CWSs must deliver the CCR to any other agency identified by the primacy agency no later than the required date to send the CCR to its customers.</p>	§141.155(d)
Item 5	<p>CCR Availability to the Public</p> <p>< CWSs must make CCRs available to the public upon request.</p>	§141.155(e)
Item 6	<p>CCR Availability on the Internet</p> <p>< CWSs serving 100,000 or more persons must post the CCR on a publicly accessible Internet site.</p>	§141.155(f)
Item 7	<p>Mailing Waiver for CWSs Serving Fewer Than 10,000 Persons</p> <p>< The Governor of a State or his/her designee, or the Tribal leader (if the Tribe has met §142.72 requirements) can waive the mailing requirement of §141.155(a). The Regional Administrator in consultation with the Tribal government can waive the mailing requirement in Indian country when no Tribe is deemed eligible.</p>	§141.155(g)
Item 8	<p>CWS Keeping CCR Copies on File</p> <p>< CWSs must keep copies of their CCR on file for at least 3 years.</p> <p>Note: <i>PN Rule (65 FR25982) amended the recordkeeping requirement for CWSs from five to three years.</i></p>	§141.155(h)

<p>Items 1-2: <u>CCR Delivery to Customers [40 CFR 141.155(a)]</u> <u>“Good Faith” Effort for Delivery to Non-Bill Paying Consumers</u> <u>[40 CFR 141.155(b)]</u></p>

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

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

EPA does not intend to place an undue burden on the systems, but believes that it is in the systems’ interest to spread the word about the quality of its water as widely as possible. CWSs should know that there are a variety of options that can be tailored to each specific local situation to reach non-bill paying consumers. EPA would interpret the inclusion of a note in the CCR, asking recipients to share the information with non-bill paying consumers, as part of a “good faith” effort. A sample note may read as follows:

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

**Items 3-4: Delivery of CCR and Certification to Primacy Agency [40 CFR 141.155(c)]
CCR Delivery to Other Agencies [40 CFR 141.155(d)]**

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

1. Distributed the CCR to its customers, and
2. Used in the report information that is correct and consistent with compliance monitoring data previously submitted to the primacy agency.

The delivery date for the first CCR is October 19, 1999 and the due date for the certification is January 19, 2000. A CWS does have the option to deliver the certification to the primacy agency at the same time it delivers the CCR. As discussed in Item 7 on page 24, systems that have been granted mailing waivers are still required to deliver a copy of the report to the primacy agency and any other agency the primacy agency designates.

EPA recommends that States and CWSs view the certification letter as another opportunity to explain how the CWS is telling customers about the quality of the drinking water and the steps taken to protect sources of their water. Therefore, States are encouraged to have CWSs certify that they comply with all the regulatory requirements of Subpart O; include information on how they made a "good faith" effort to reach consumers that do not get water bills; include date(s) and method(s) of distribution, including names of newspapers, if applicable; list other means of making the report available to the public; and list the other agencies the CCR was sent to as directed by the primacy agency. For systems with mailing waivers, information on the newspaper and dates where the CCR was published for systems serving fewer than 10,000 persons may be included. For systems serving fewer than 500 persons information on how customers were notified about the availability of the CCR, including posting locations may be included.

Appendix C of this guidance includes example formats for the CCR certification. The first format is for a basic CCR certification where only the two elements described above are required. The remaining example formats are more enhanced certifications to be used when CWSs are asked, based on States rules, to provide additional information on how the CCR was distributed.

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

CWSs must make their CCRs available to members of the public who request the report. This means that a system must send, fax, or otherwise deliver a copy of the report to a member of the public who requests it. As discussed in Item 8 on page 25, systems must keep copies of past reports on file for at least 5 years. Systems may choose to make their reports available in the newspaper, on a web site, or in public places such as libraries, but this does not relieve them of the responsibility to send the reports to interested customers or other members of the public who may not have access to these other resources. Each CWS serving 100,000 or more persons must post the CCR on a publicly-accessible site on the Internet.

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

The Governor of a State or his/her designee may waive the report mailing/direct delivery requirement for systems serving fewer than 10,000 persons. If a Tribe has met the eligibility requirements contained in 40 CFR 142.72 for waiving mailing requirements, then Tribal leaders may grant mailing waivers for systems serving fewer than 10,000 persons. On Indian lands where no Tribe has been deemed eligible, the authority to grant mailing waivers is delegated to the EPA Regional Administrator, who in consultation with the Tribal government can grant a mailing waiver. When the proper authority has granted the mailing waiver, the systems must take steps each year to make their customers aware of the CCR. A system which has been granted a mailing waiver may choose at any time to mail its report to customers instead of publishing it in the newspaper.

Depending on the circumstance, the CCR rule gives a Governor of a State or their designee, Tribal leader, or Regional Administrator the authority to sign a mailing waiver for systems serving fewer than 10,000 persons. If allowed by State law, a Governor may delegate authority to sign the waiver to the State drinking water administrator. The waiver may be included as part of State regulations when they are promulgated. A State may issue the waiver before it has promulgated its own regulations (i.e., while EPA is directly implementing the rule.) States, in accordance with their laws, can also establish specific criteria for obtaining and renewing the waivers. For example, a State can choose whether the waiver should be system-specific or apply to all systems in a given category. Appendix D of this guidance contains example formats for a Governor's mailing waiver.

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

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

Systems that have been granted mailing waivers are still required to follow other CCR rule requirements such as delivery of the report to the primacy agency and any other agency the primacy agency designates and using “good faith” efforts to reach non-bill paying consumers. As discussed in Items 1-2 on page 23, a “good faith” effort means selecting the most appropriate methods from those recommended by the primacy agency to reach those consumers. For example, in addition to publishing the CCR in a local newspaper, “good faith” efforts for systems serving fewer than 10,000 persons may include announcing the availability of the CCR on the radio or delivering the CCR to community organizations.

Item 8: CWS Keeping CCR Copies on File [40 CFR 141.155(h)]

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

B.3. Recordkeeping Requirements for States

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

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

A. Violation Determination

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

Major Violation

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

Minor Violation

- C CCR Adequacy/Availability/Content Violation.

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

A brief summary of the definitions for each violation type and return to compliance under the CCR rule are given below. Appendix E provides more detailed information on violation and compliance achieved definitions, and reporting requirements for each violation type. Examples on what to report, including how to report utilizing the appropriate Safe Drinking Water Information System/Federal version (SDWIS/FED) Data Transfer File Format can also be found in Appendix E, SDWIS Reporting.

CCR Report Violation: (*Major*)

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

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

Return to Compliance: The CWS has subsequently prepared a CCR that addresses all deficiencies identified by the State, delivered it to the primacy agency, and distributed the report in accordance with the regulation.

CCR Adequacy/Availability/Content Violation: (*Minor*)

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

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

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

Return to Compliance: It is possible that a system might be required to revise and redeliver its report if the primacy agency determines the deficiencies warrant it. For the first two years, where the emphasis will be on producing a report, if the primacy agency determines that the deficiencies have been corrected in the revised report, the primacy agency can report that the system has returned to compliance.

Appendix J of this guidance contains the CCR compliance strategy. This strategy outlines actions EPA Regions should take to address CCR rule noncompliance for the first year.

B. SDWIS Reporting Summary

Appendix E of this guidance contains detailed information on SDWIS reporting requirements for each violation type.

C. Optional CCR Compliance Checklist

Table 4, “CCR Compliance Checklist,” is an optional tool that may help CWSs and regulators determine whether they have satisfied the content and delivery requirements of the rule. If a CWS can answer “Yes” to each of these items, then it is most likely that the system’s CCR meets content requirements and the requirements for CCR distribution.

Table 4 - Optional CCR Compliance Checklist		
Task	Completed	
	Yes	No
Report Delivery and Recordkeeping		
Did Primacy Agency Receive: <ul style="list-style-type: none"> < A copy of the CCR by the delivery date of October 19, 1999 for the first CCR and subsequent reports by July 1 annually thereafter? < Certification by January 19, 2000 for the first CCR and subsequent certifications by October 1 annually thereafter? 		
Did the Certification Indicate and the CWS Ensure That: <ul style="list-style-type: none"> < The CCR was distributed to customers (i.e., CWS mailed or otherwise directly delivered reports)? < The CCR contained information correct and consistent with compliance monitoring data previously submitted to primacy agency? 		
Did the CWS Make the CCR Available by: <ul style="list-style-type: none"> < Using a “good faith” efforts to reach non-bill paying consumers? < Delivering the CCR to other agencies as prescribed by the primacy agency? < Making the CCR available to the public upon request? < Post the CCR on the Internet if serving 100,000 or more persons? 		
For CWSs with Mailing Waivers That Serve Fewer than 10,000 Persons, Did They: <ul style="list-style-type: none"> < Publish CCR in at least one local newspaper? < Notify customers that CCR will not be mailed? < Make CCR available to the public upon request? 		
For CWSs with Mailing Waivers That Serve Fewer than 500 Persons, Did They: <ul style="list-style-type: none"> < Provide notice to customers at least once during the year that the CCR is available to the public upon request? 		
Note: Systems with mailing waivers must complete the tasks identified within this block in addition to the other rule requirements for report delivery, recordkeeping and content.		

Table 4 - Optional CCR Compliance Checklist		
Task	Completed	
	Yes	No
Content of CCR		
Did the CCR Contain:		
(1) Required Water System Information? C Telephone number of a contact person. C Information for non-English speaking populations, if appropriate. C Information on public participation opportunities.		
(2) Information on Source(s) of Water? C Type, common name, and location of water source(s). C Source water assessment information, if available - notice of availability of completed assessment - information on how customers can obtain assessment - a brief summary of the system's susceptibility to potential sources of contamination		
(3) Definitions For: C MCL and MCLG? (required) C TT, AL, Variances and Exemptions? (only if applicable)		
(4) Reported Levels of Detected Contaminants? C Highest contaminant level used to determine compliance C MCL and MCLG C Range of levels found C Description of likely source(s)		
(5) Information on <i>Cryptosporidium</i> , Radon, and Other Contaminants?		
(6) Required Health Effects Language? C Explanation of the vulnerability of some populations to contaminants in drinking water: <i>Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/Centers for Disease Control and Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).</i>		

Table 4 - Optional CCR Compliance Checklist

Task	Completed	
	Yes	No
<p>(6) Required Health Effects Language? - continued</p> <p>C Explanation of contaminants which may be reasonably expected to be found in drinking water, including bottled water:</p> <p><i>Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).</i></p> <p>C Information on: sources of drinking water, contaminants that may be present in source water, and EPA/FDA regulations.</p> <p><u>§141.153(h)(1)(i) - Sources of Drinking Water:</u> <i>The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.</i></p> <p><u>§141.153(h)(1)(ii) - Contaminants That May Be Present in Source Water:</u></p> <p>Microbial Contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.</p> <p>Pesticides and Herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.</p> <p>Inorganic Contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial, or domestic wastewater discharges, oil and gas production, mining, or farming.</p> <p>Organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.</p> <p>Radioactive Contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.</p> <p><u>§141.153(h)(1)(iii) - EPA and FDA Regulations:</u> <i>In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water which must provide the same protection for public health.</i></p>		

Table 4 - Optional CCR Compliance Checklist		
Task	Completed	
	Yes	No
<p>C Informational statements on arsenic, nitrate, and lead, if those contaminants are detected under conditions prescribed in the rule:</p> <p style="padding-left: 40px;">Arsenic at levels above 25 Fg/l (50% of the MCL), but below the MCL.</p> <p style="padding-left: 40px;">Nitrate at levels above 5 mg/l (50% of the MCL), but below the MCL..</p> <p style="padding-left: 40px;">Lead above the action level of 15 Fg/l in more than 5%, and up to and including 10%, of sites sampled (If 20 or more samples are collected).</p> <p>C TTHMs health effects language, if levels are found between 80 and 100 ppb for CWS serving 10,000 or more persons.</p>		
<p>(7) Information on Violations of NPDWR such as:</p> <p>C Monitoring and reporting of compliance data.</p> <p>C Recordkeeping of compliance data.</p> <p>C Filtration and disinfection prescribed by Subpart H.</p> <p>C Lead and copper control requirements.</p> <p>C Treatment techniques for acrylamide and epichlorohydrin prescribed by Subpart K.</p> <p>C Special monitoring requirements for inorganic and organic contaminants and sodium.</p> <p>C Violation of the terms of a variance, an exemption, or a State or Federal administrative or judicial order.</p> <p>C For these violations the report must:</p> <ul style="list-style-type: none"> - Contain an explanation of violations, potential health effects, and steps the CWS has taken to correct the violations. - Include language from Appendix C to Subpart O of the rule for violations of the lead and copper control requirements and violations of the acrylamide and epichlorohydrin requirements. 		
<p>(8) Required Information If CWS Is Operating under a Variance or Exemption?</p>		

Section III. Primacy Revision Application

A. Primacy Revision Application Package

A.1. Primacy Revision Time Frame

The CCR final rule, published on August 19, 1998, became effective September 18, 1998 - 30 days after publication in the *Federal Register*. CWSs have 13 months from that date or until October 19, 1999 to prepare and deliver the first CCR to their customers. The 1996 SDWA Amendments give States 2 years (until August 21, 2000) to adopt new or revised regulations and to submit complete and final requests for approval of program revisions, with the possibility of a 2-year extension. EPA recognizes that most States will not have their own rules in place until after the first or second CCR is required to be published. The Agency will implement and enforce the rule in partnership with the States in the interim.

EPA encourages States to adopt regulations and submit complete and final primacy revision applications as soon as possible. EPA strongly encourages States to submit applications by May 2000 to allow time for any changes needed to make applications “complete and final” before July 2000. This will ensure that States have interim primacy before the second set of CCRs are due to the public. Timely adoption will minimize confusion at water systems and make any necessary enforcement State enforcement. The CCR is the first of a series of regulations that will be promulgated under the 1996 amendments to the SDWA. States that postpone adoption and primacy revision may find the process of rule adoption overwhelming if they do not start now.

40 CFR 142 contains procedures for States to use as they obtain and/or update primary enforcement responsibility (primacy) for the Public Water System Supervision (PWSS) program. The 1996 SDWA Amendments modify the procedures for obtaining and updating primacy. On April 28, 1998, EPA promulgated the Primacy Rule to reflect these statutory changes (63 FR 23361). The Primacy Rule codified the new process for granting primary enforcement authority to States while their applications to modify primacy programs are under review (interim primacy). New section 142.12(e) explains that any State already having primacy for all existing NPDWRs is considered to have interim primacy for a new or revised regulation during the period in which EPA is making a determination with regard to the new or revised regulation. This interim enforcement authority begins on the date the primacy revision application is submitted in complete and final form or the effective date of the new or revised State regulation, whichever is later, and ends when EPA makes a final determination.

States must submit a primacy revision application following procedures outlined in 40 CFR 142.12 (b) to (d) - Revision of State Programs. Until primacy revision applications are submitted in complete and final form, EPA Regions have responsibility for directly implementing the CCR rule. However, the State and EPA can agree to implement the rule together during this period, through a State-EPA implementation agreement. Section A.4. on page 36 contains discussion of the options for documenting implementation agreements. EPA expects that most States will carry out implementation tasks and EPA will step in if enforcement becomes necessary.

A.2. State Program Revision - Review Process

EPA recommends a two-step process including submission of an optional draft and a complete and final request for program approval. The State and Region should agree to a plan and timetable for submitting the State primacy revision application as soon as possible after rule promulgation. Figure 1 on the next page diagrams these processes and their timing.

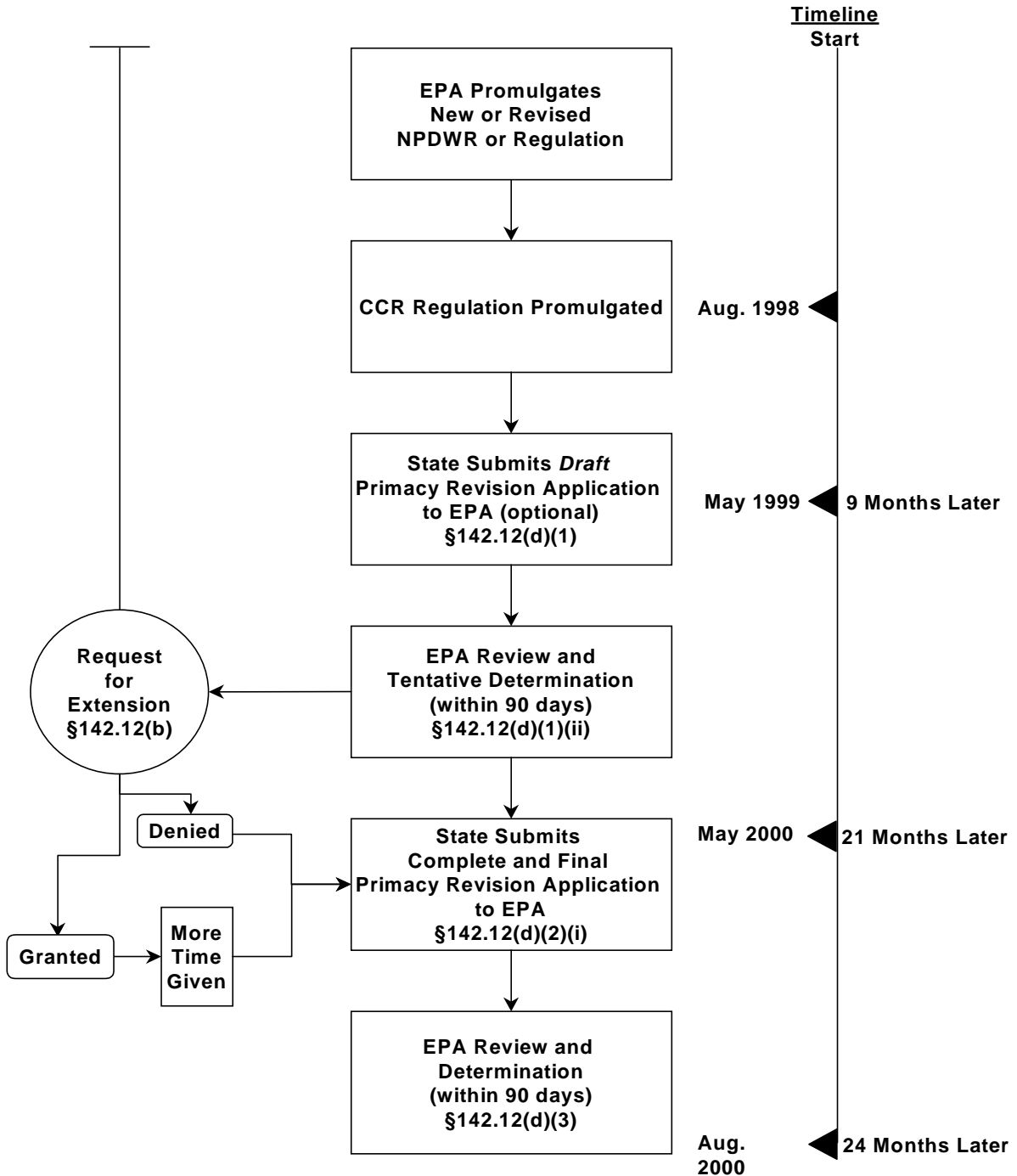
Draft Request - At their option, the State may submit a draft request for EPA review and tentative determination. The request should contain drafts of all required primacy application materials. We recommend that a draft request be submitted within 9 months after rule promulgation or by May 1999. We will make a tentative determination within 90 days on whether the draft request is approvable and list any changes that must be made before approval.

Complete and Final Request - This submission must be in accordance with 40 CFR 142.12(c)(1) and (2) and include an Attorney General's statement. Submission of a final request that is not preceded by a draft request may result in EPA requiring changes to final State regulations or policies. The Primacy Rule specified that rule adoption and submission of a primacy revision application should occur within 2 years after promulgation of the CCR regulation - August 21, 2000. However, EPA suggests that States submit a primacy revision application by May 2000 to allow time for any changes needed to make the application "complete and final" by the time the second set of reports are due in July.

Final Review Process - Once a State application is complete and final, EPA has a regulatory (and statutory) deadline of 90 days to review and either approve or disapprove the revised program. The Office of Ground Water and Drinking Water (OGWDW) and Office of Enforcement and Compliance Assurance (OECA) will conduct detailed reviews of the first State package submitted to each Region. We ask that the Region submit their comments with the State package for Headquarters review. Where the Regional review has identified all significant issues, Headquarters will waive review on the remainder of CCR Rule applications in that Region. OGWDW and OECA reserve the right to review additional packages for cause. Because the drinking water rules can be complex and raise significant implementation and enforcement issues, we encourage Regions to consult with Headquarters even on subsequent packages, where the revision contains novel language or unique positions which may impact the national program. The Office of General Counsel (OGC) will not directly review the packages, but will depend on the Office of Regional Counsel (ORC) to conduct detailed reviews.

In order to meet the 90 day deadline for packages undergoing Headquarters review, the review period will be equally split giving the Regions and Headquarters each 45 days to conduct their respective reviews. For the first package in each Region, Regions should forward copies of the primacy revision applications that require Headquarters review to the Implementation and Assistance Division in OGWDW. OGWDW will act as the coordinator of Headquarters review and provide OECA with a copy for review. OECA will concur on OGWDW approvals. For all Headquarters reviews, the Regions should send the package to Headquarters as early in the process as possible.

Figure 1: Review Process for State Request for Approval of Program Revisions



A.3. State Program Revision - Extension Procedures

Under §142.12(b), States may request that the 2-year deadline for submitting the complete and final request for EPA approval of program revisions be extended for up to 2 additional years in certain circumstances. The extension request must be submitted to EPA within 2 years of rule promulgation. States can request an extension for the primacy revision process by submitting a written application to the Regional Administrator, who is delegated authority to approve extension requests. Headquarters concurrence is not required.

For an extension to be granted, the State must demonstrate that it is requesting the extension because it cannot meet the original deadline for reasons beyond its control, despite a good faith effort. A critical part of the extension application is the State’s proposed schedule for submission of its complete and final request for approval of a revised primacy program. Table 5, “State Program Revision Extension Procedures,” gives the requirements and time frame for States that wish to request an extension to the primacy revision process. To receive an extension, States must sign a Memorandum of Understanding (MOU) with the Region. The MOU must cover all aspects of CCR rule implementation, enforcement, and reporting to SDWIS.

Table 5 - State Program Revision Extension Procedures	
EPA/State Action	Time Frame
1. Under 40 CFR 142.12(b)(2), the State extension request must include: <ul style="list-style-type: none"> (1) A schedule for the submission of a final request by a certain time; and (2) Provide sufficient information to demonstrate (a) and (b) below: <ul style="list-style-type: none"> (a) The State cannot submit a package because of one of the reasons below: <ul style="list-style-type: none"> < Currently lacks the legislative or regulatory authority to enforce the new or revised requirement; or < Currently lacks the program capability adequate to implement the new or revised requirements; or < Is requesting the extension to group two or more program revisions in a single legislative or regulatory action. (b) The State is implementing the requirements to be adopted by the State in its program revision pursuant to 40 CFR 142.12(b)(3) within the scope of its current authority and capabilities. 	By the primacy revision deadline of August 21, 2000
2. EPA Approval/Disapproval of Extension	Completed as soon as possible after submittal of State extension request

A.4. State/EPA Implementation Agreement

Until States receive updated primacy, EPA is the primacy agent responsible for implementation of this rule. During this interim period, which may cover the first two CCRs, EPA has responsibility to ensure that systems are informed of the rule requirements and provided with training and technical assistance. EPA also has responsibility for compliance with the rule.

Although the first reports will likely be EPA's responsibility, we believe that most States will implement the rule to the extent that their authority allows. To ensure that EPA and States understand their responsibilities, States and EPA Regions must agree on the responsibilities of each party until States receive updated primacy.

One option for documenting this agreement is for the Region to write a letter to the State explaining EPA Regional and State roles. For example, the State and EPA could meet to discuss implementation and agree on roles during the meeting. The Region could then document the agreement and forward it to the State for comment. The final document could be forwarded by the Region to the State and EPA Headquarters. A second option for documenting this agreement is to jointly sign an MOU that describes the States and EPA's roles.

The first option is less burdensome to most States than a bilateral MOU. However, the first option cannot be used after the rule has been promulgated for 2 years. After August 21, 2000, States that have not submitted a complete and final primacy revision application must operate under an extension agreement and jointly sign an MOU with EPA. Appendix B of this guidance contains an example of a draft MOU and a Regional letter to the State.

A.5. Areas of State Flexibility

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

Governor's Mailing Waiver:

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

Additional Public Notice:

Under 40 CFR 141.155(d), systems must deliver the report to any other agency or clearinghouse identified by the primacy agency. Examples of other agencies a State may identify

include State and local public health or environment departments, public utility commissions, and consumer advocates.

Alternative Form and Content:

Under 40 CFR 141.151(e), primacy States may adopt by rule, after notice and opportunity for public comment, alternative requirements for the form and content of reports. Only States that have submitted a complete and final primacy revision application can change form and content. Alternative requirements must provide for the same type and amount of information as specified in the federal rule as well as provide an equivalent level of public information and education.

It is important to remember that:

- < **Until States obtain interim primacy, the CCR rule does not provide States with the flexibility to change form and content.**

MCL Reporting Format

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

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

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

Report Content

A summary of areas where report content may be changed is given below in Table 6.

Table 6 - Areas of State Flexibility for Content Requirements		
Citation	Content Requirements	Primacy States Have the Flexibility to...
§141.153(b)	Source Water Assessment Information	Determine the level of detail required in the CCR to summarize the results of a completed source water assessment, in accordance with State priorities and protection goals.
§141.153(c)	Definitions: MCL, MCLG, TT, AL, and Variances and Exemptions	Alter the wording of the definitions. Note: States must provide standard language that meets the statutory intent of being "brief and plainly worded."
§141.153(d)(4)(ix)	Likely Source(s) of Detected Contaminants (Appendix A to Subpart O)	Alter the wording of the language provided for typical sources in Appendix A to Subpart O of the rule. Note: States must require systems to include generic information on specific sources where it is available.
§141.153(d)(6) §141.153(f)(3)-(f)(4)	Potential Adverse Health Effects for Regulated Contaminants (Appendix A to Subpart O)	Alter the wording of the health effects language in Appendix A to Subpart O of the rule. Note: State regulations must require the use of a standard set of health effects language when a contaminant exceeds its MCL, TT, or AL. The language must, at a minimum, list the same health effects as in Appendix A to Subpart O of the rule.
§141.153(h)(1)	Explanation of Contaminants Reasonably Expected to be Found in Drinking Water, including Bottled Water	Alter the wording of the explanation. Note: States must require the inclusion of an explanation of contaminants that may be in drinking water, including bottled water, and provide reference to EPA's Safe Drinking Water Hotline (800-426-4791).
§141.154 §141.154(a) §141.154(b) to (d)	Required Additional Health Information Vulnerable Populations Warning Educational Statements for Arsenic, Nitrate, and Lead	Alter the wording of the warning for vulnerable populations and educational statements for arsenic, nitrate, and lead. CWSs may further modify the educational statements after consultation with the primacy agency. Note: States must require the inclusion of a warning to vulnerable populations about the effects of <i>Cryptosporidium</i> and other microbial contaminants and information on how populations can protect themselves by referring to EPA/CDC guidelines.

B. General State Primacy Requirements

Each primacy revision application must contain the following sections. Appendix A of this guidance contains example formats that can be used for a State Primacy Revision Application package.

B.1. State Primacy Revision Checklist

This section is a checklist of program elements, taken from 40 CFR 142.10. In completing this checklist, the State must identify the program elements that it has revised in response to new federal requirements. The State should mark a “Yes” or “No” in the blank column next to the list of program elements. If a State indicates “Yes” we ask that they include the specific information/documentation relative to these changes. During the application review process, EPA will insert its findings and comments in the second blank.

B.2. Text of the State’s Regulation

Each primacy application package must include the text of the State’s regulation.

B.3. Primacy Revision Crosswalk

The Primacy Revision Crosswalk identifies the State statutory or regulatory provisions that correspond to each federal requirement under 40 CFR 141. If the State’s provisions differ from federal requirements, we ask the State to explain how their requirements are “no less stringent.” The Primacy Revision Crosswalk for the CCR rule should be completely filled out and annotated as necessary.

B.4. Checklist of State Reporting and Recordkeeping Policies

This section is a checklist of State reporting and recordkeeping requirements. The States can use this form to explain how State reporting and recordkeeping requirements are consistent with federal requirements for recordkeeping, 40 CFR 142.14, and reporting, 40 CFR 142.15. If State requirements are not the same as federal requirements, the State can use this form to explain how their requirements are “no less stringent.”

B.5. Attorney General’s Statement of Enforceability

The application must contain an Attorney General’s Statement that the State regulations can be enforced by the State government.

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