

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission December 3, 2025	
(1) Agency Department of Environmental Protection		IRRC Number: 3472	
(2) Agency Number: 7 Identification Number: 589			
(3) PA Code Cite: 25 Pa. Code Chapter 109			
(4) Short Title: Safe Drinking Water Revised Consumer Confidence Report Rule			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Laura Campbell, 717.783.8727, laurcampbe@pa.gov Secondary Contact: Lauren Imgrund, 717.772.4052, limgrund@pa.gov			
(6) Type of Rulemaking (check applicable box): <input checked="checked" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation		<input type="checkbox"/> Emergency Certification Regulation <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) <p>The proposed rulemaking will: improve the readability, accuracy, and accessibility of Consumer Confidence Reports (CCR) for Pennsylvania community water system consumers; update the public notification and consumer confidence report requirements for public water systems that exceed the lead action level; and clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling water systems that purchase water.</p> <p>In order to retain primary enforcement responsibility for public water systems in Pennsylvania under the federal Safe Drinking Water Act (42 U.S.C. §§ 300f—300j-27), the Department of Environmental Protection (Department) must adopt all new and revised National Primary Drinking Water Regulations. This rulemaking would allow the Department to retain primary enforcement responsibility for public water systems in Pennsylvania under the federal Safe Drinking Water Act by ensuring that Pennsylvania's regulations are at least as stringent as those promulgated by the United States Environmental Protection Agency (EPA) in the National Primary Drinking Water Regulations for CCRs, the Lead and Copper Rule Revisions, and the Revised Total Coliform Rule.</p>			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation. <p>This proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P.S. § 721.4), which grants the Environmental Quality Board (EQB) the authority to adopt rules and regulations governing the provision of drinking water to the public, and section 1920-A</p>			

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

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

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

National Primary Drinking Water Regulations: Consumer Confidence Report – The EPA published the revised National Primary Drinking Water Regulations: Consumer Confidence Reports rulemaking (revised Federal CCR rule) at 89 FR 45980 (May 24, 2024). The revised Federal CCR rule improves readability, clarity, and accessibility of CCRs. In addition, community water systems who serve 10,000 or more persons are required to provide CCRs to customers biannually (twice per year). CCRs provide customers information on their drinking water, including the water source, contaminants detected in finished water, health effects of contaminants when violations occur, likely sources of detected contaminants, and availability of source water assessments.

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

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

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

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

CCRs – The information contained in CCRs is intended to raise awareness among community water system customers of where their water comes from, help those customers understand the process by which safe drinking water is delivered to their homes, and educate them about the importance of preventative measures that ensure a safe drinking water supply. CCRs also provide important information on source water assessments and health effects data. CCRs can promote dialogue between community water systems and the people they serve, encourage community water system customers to become more involved in decisions that may affect their health, and equip community water system customers to make more informed decisions about their drinking water.

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

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

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

According to EPA in the preamble to the revised Federal CCR rule, “[a]ll these changes will lead to a more informed public. A more informed consumer is better equipped to make decisions about their health. ... The EPA anticipates the primary benefit of the revised Federal CCR rule will be an improvement to public health protection. The revised rule will ensure consumers in all communities have accurate, timely, and accessible drinking water data. This will allow consumers to make educated

decisions regarding any potential health risks pertaining to the quality, treatment, and management of their drinking water supply.”

Federal LCRR and the Federal revised total coliform rule – For the proposed amendments to incorporate Tier 1 public notice and CCR provisions revised under the Federal LCRR, and the Tier 3 public notice revision under the Federal revised total coliform rule, the Department expects benefits similar to those for the CCR amendments, because a more informed public is better equipped to make decisions about their water consumption. Specifically for the Tier 1 public notice requirement for lead action level exceedances, there is an added benefit of customers being informed of the health effects of lead and possible corrective actions that can be taken within 24 hours as opposed to 60 days under current requirements.

Additional amendments – For the proposed amendments to clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling water systems that purchase water, benefits may include some cost savings by these businesses if they have been conducting more than the minimum required testing.

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

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

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

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

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

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

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

The draft proposed rulemaking was presented to the Public Water System Technical Assistance Center (PWS-TAC) Board on February 20, 2025. The PWS-TAC Board includes representatives from a broad array of drinking water professional associations and stakeholder organizations.

The PWS-TAC Board recommended proposed § 109.701(a)(4)(ii) be modified to replace “learns” with “becomes aware.” This change was not made in the proposed rulemaking because: the text as presented to the PWS-TAC Board matches the language in the Federal LCRR ; the Department believes the requested change does not change the meaning of § 109.701(a)(4)(ii); and the phrase “learns of” is

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

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

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

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

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

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

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

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

Please see the response to question #15.

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

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

CCR – For the revised Federal CCR rule, EPA estimates the nationwide total annual cost to community water systems at \$15,904,355. There are approximately 50,000 community water systems nationwide, of which 1,867 (3.734%) are located in Pennsylvania. Multiplying EPA’s national costs estimate of \$15,904,355 by 3.734% yields a cost estimate for all community water systems in Pennsylvania of \$593,869 annually, or \$318 per community water system per year. Of the 1,867 community water systems in Pennsylvania, 146 community water systems serve 10,000 or more customers and will have to issue the report biannually. This requirement was included in the cost estimate. In addition to costs to community water systems, EPA estimated costs to the 57 primacy agencies at \$3,862,749 annually, an average of \$67,768 per year for each primacy agency. Costs to primacy agencies include work towards updating compliance and reporting programs for tracking CCR compliance and reporting as well as training staff and water systems and taking enforcement actions as well as reporting requirements to EPA. However, there is not a cost to the Department because current staff will implement this proposed rulemaking.

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

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

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

CCRs – As detailed in the response to question #10, according to EPA in the preamble to the revised Federal CCR rule, “EPA anticipates the primary benefit of the CCR Rule Revisions will be an improvement to public health protection. The revised rule will ensure consumers in all communities have accurate, timely, and accessible drinking water data. This will allow consumers to make educated decisions regarding any potential health risks pertaining to the quality, treatment, and management of their drinking water supply.” As detailed in the response to question #10, EPA did not attempt to quantify how the revised Federal CCR rule will change the ability of community water systems to meet health-based standards or what reductions in morbidity or mortality will result because the expected benefits of the revised Federal CCR rule are hard to quantify due to the uncertainty of how many people read CCRs and how the changes will affect their actions and health.

As detailed in the response to question #17, the cost estimate for complying with the revised Federal CCR rule for community water systems in Pennsylvania is approximately \$593,869 annually statewide (which includes community water systems owned and operated by State and local governments), or \$318 per community water system per year, with an additional estimated cost to the Department of \$67,768 per year for implementing the revised Federal CCR rule in Pennsylvania. However, there is not a cost to the Department because current staff will implement this proposed rulemaking.

Overall, implementing the revised Federal CCR rule in Pennsylvania will result in a community water system's consumers being better equipped to make decisions about their health and ultimately improve public health protection. While EPA did not quantify the expected benefits of the revised Federal CCR rule, the benefits of implementing the revised Federal CCR rule are expected to outweigh the costs per community water system.

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

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

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

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

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

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

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

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

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

CCRs – The costs to implement the proposed CCR provisions will be those incurred by community water systems that are owned and/or operated by the state government. Of the 1,867 community water systems affected by the CCR provisions, 30 systems are owned by the state government. As detailed in the

response to question #17, the cost per community water system is estimated at \$318 annually, resulting in a statewide total estimated cost to all 30 state-owned community water systems of \$9,540 per year.

As detailed in the response to question #17, in addition to costs incurred by community water systems owned or operated by the state government, the state government will also incur costs associated with the Department's implementation and administration of the CCR provisions, estimated at \$67,768 per year. However, there is not a cost to the Department because current staff will implement this proposed rulemaking.

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

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

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

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

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

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

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

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

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

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

	Current FY 2025-26	FY +1 2026-27	FY +2 2027-28	FY +3 2028-29	FY +4 2029-30	FY +5 2030-31
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	\$493,854	\$493,854	\$493,854	\$493,854	\$493,854	\$493,854
Local Government	\$90,312	\$90,312	\$90,312	\$90,312	\$90,312	\$90,312
State Government	\$9,540	\$9,540	\$9,540	\$9,540	\$9,540	\$9,540
Total Costs	\$593,706	\$593,706	\$593,706	\$593,706	\$593,706	\$593,706
REVENUE LOSSES:	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition to this network of training staff, the Department's Bureau of Safe Drinking Water has staff dedicated to providing training and technical outreach support services to public water system owners and operators. The Department's website also provides timely and useful information for drinking water and wastewater treatment system operators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Pennsylvania
**Department of
Environmental Protection**

February 26, 2025

Edgar Chescattie
Director
Bureau of Safe Drinking Water
P.O. Box 8467
Harrisburg, PA 17105-8467

Dear Ed:

The Public Water System Technical Assistance Center (PWS-TAC) Board met on February 20, 2025, to review the Department's proposed regulations for the PFAS and CCR Rules Revisions.

The PWS-TAC Board would like to make the following recommendations concerning these Chapter 109 revisions.

1. The definition of HBWC-Health Based Water Concentration should be changed to delete the phrase "or anticipated."
The motion passed: 2 abstentions, 1 "Nay" and 14 "Yays."
2. Keep the compliance dates as presented in the proposed rule to match the dates in the federal rule.
The motion passed by a unanimous "Yay" vote.
3. Remove the heading from paragraph § 109.301(17). If a header is required, change the word "additional" to "revised."
The motion passed by a unanimous "Yay" vote.
4. Modify the text in § 109.701(a)(4)(ii) to replace "learns" with "becomes aware" so that the language reads:
"For Tier 1 public notices for a lead action level exceedance, public water systems must provide a copy of the Tier 1 public notice to the Administrator and the Department as soon as practicable, but no later than 24 hours after the public water system becomes aware of the violation or exceedance."
The motion passed: 3 abstentions and 14 "Yays."
5. Should the Federal Courts, Administration, or EPA vacate the PFAS rule in whole, the PWS-TAC Board encourages the Department to not move forward with this new federal PFAS rule and to maintain the Commonwealth's MCLs for PFOS and PFOA. Should the Federal Courts, Administration, or EPA modify or vacate any portion of the PFAS rule, including the dates, MCLs, trigger levels, or hazard indices, the TAC Board encourages the Department (PADEP) to follow suit.
The motion passed: 6 abstentions and 11 "Yays."

The PWS-TAC Board acknowledges the efforts of the Department in developing this proposed rulemaking and the members look forward to working with the Department as these regulations are finalized.

Sincerely,

A handwritten signature in blue ink, reading "Sharon Fillmann". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

Sharon Fillmann

Chairperson

Public Water System Technical Assistance Center (PWS-TAC) Board

cc: PWS-TAC Board Members

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

December 3, 2025

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Copy below is hereby approved as to form and legality.
Attorney General

Amy M Elliott

Digitally signed by Amy
M Elliott
Date: 2025.11.10 14:13:44
-05'00'

By:

(Deputy Attorney General)

11/10/25

DATE OF APPROVAL

☒ Check if applicable

Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION
ENVIRONMENTAL QUALITY BOARD**

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-589

DATE OF ADOPTION September 9, 2025

BY


TITLE JESSICA SHIRLEY
CHAIRPERSON

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY



10/15/2025

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel - Independent Agency)
(Strike inapplicable title)

☒ Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD**

Safe Drinking Water Revised Consumer Confidence Report Rule

25 Pa. Code Chapter 109

**PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 109]**

Safe Drinking Water Revised Consumer Confidence Report Rule

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

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

Consumer Confidence Reports

The EPA's original National Primary Drinking Water Regulations: Consumer Confidence Reports rulemaking (original Federal CCR rule), published at 63 FR 44512 (August 19, 1998), requires all community water systems to issue an annual drinking water quality report to their customers. CCRs provide customers with information on the drinking water provided by their community water systems, 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. The EPA published the revised National Primary Drinking Water Regulations: Consumer Confidence Reports rulemaking (revised Federal CCR rule) at 89 FR 45980 (May 24, 2024). The revised Federal CCR rule is applicable to all community water systems, as are the Department's current CCR regulations in Chapter 109, so the proposed CCR amendments will not regulate additional public water systems in this Commonwealth.

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

Lead and Copper Rule revisions

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

Clarifying monitoring requirements at entry points of bottled, vended, retail and bulk hauling systems that purchase water

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

Additional amendments

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

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

This proposed rulemaking was adopted by the Board at its meeting of September 9, 2025.

A. Effective Date

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

B. Contact Persons

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

Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department's website at www.pa.gov/agencies/dep.html (select "Public Participation," then "Environmental Quality Board," then navigate to the Board meeting of September 9, 2025).

C. Statutory Authority

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

D. Background and Purpose

National Primary Drinking Water Regulations: Consumer Confidence Reports

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

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

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

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

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

National Primary Drinking Water Regulations: Lead and Copper Rule Revisions

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

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

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

Clarifying monitoring requirements at entry points of bottled, vended, retail and bulk hauling systems that purchase water

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

Additional amendments

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

Advisory committee review

The Public Water System Technical Assistance Center (PWS-TAC) Board reviewed the draft proposed rulemaking on February 20, 2025. The PWS-TAC Board recommended proposed § 109.701(a)(4)(ii) (relating to reporting and recordkeeping) be modified to replace “learns” with “becomes aware.” This change was not made in the proposed rulemaking because: the text as presented to the PWS-TAC Board matches the language in the Federal LCRR; the Department believes the requested change does not change the meaning of § 109.701(a)(4)(ii); and the phrase “learns of” is currently used repeatedly throughout Chapter 109. The PWS-TAC Board had no other comments on the CCR, lead and copper, or other clarifying amendments included in this proposed rulemaking.

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

As noted, the Department must adopt all new and revised National Primary Drinking Water Regulations to retain primary enforcement responsibility for public water systems in this Commonwealth under the Federal Safe Drinking Water Act. In accordance with the National Primary Drinking Water Regulations at 40 CFR 142.12 (relating to revision of State programs), the Department is required to revise its regulations and submit a request to revise the Department’s primary enforcement responsibility for public water systems in Pennsylvania under the Federal Safe Drinking Water Act (a primacy revision request) within 2 years of the publication date of new or revised National Primary Drinking Water Regulations unless the EPA

has approved an extension request meeting the criteria, including a schedule, specified in 40 CFR 142.12. Therefore, to meet the Federal deadlines and avoid confusion caused by overlapping State and Federal implementation requirements, the Department intends to promulgate this proposed rulemaking before the 2027 compliance dates for the revised Federal CCR rule.

E. Summary of Proposed Rulemaking

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

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

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

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

§ 109.416. CCR requirements

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

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

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

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

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

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

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

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

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

Paragraph (4)(ii) is proposed to be reserved.

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

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

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

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

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

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

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

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

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

Proposed paragraph (4)(x)(C)(II) describes the information that must be included in the 6-month update if a community water system has a Maximum Contaminant Level, Maximum Residual Disinfectant Level or treatment technique violation during the first 6 months of a year.

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

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

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

§ 109.701. Reporting and recordkeeping

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

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

§ 109.1003. Monitoring requirements

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

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

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

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

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

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

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

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

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

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

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

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

§ 109.1009. System operational requirements

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

F. Benefits, Costs and Compliance

Benefits

Benefits of CCR revisions

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

According to the EPA in the preamble to the revised Federal CCR rule:

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

See 89 FR 45980, 46003.

Benefits of additional amendments

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

Compliance costs

Compliance costs of CCRs

For the revised Federal CCR rule, the EPA estimates the Nationwide total annual cost to community water systems at \$15,904,355. There are approximately 50,000 community water systems Nationwide, of which 1,867 (3.734%) are located in this Commonwealth. Multiplying the EPA's National costs estimate of \$15,904,355 by 3.734% yields a cost estimate for all community water systems in this Commonwealth of \$593,869 annually, or \$318 per community water system per year. Of the 1,867 community water systems in this Commonwealth, 146 community water systems serve 10,000 or more customers and will have to issue the report biannually. This requirement was included in the cost estimate. In addition to costs to community water systems, the EPA estimated costs to the 57 primacy agencies at \$3,862,749 annually, an average of \$67,768 per year for each primacy agency. Costs to primacy agencies include work towards updating compliance and reporting programs for tracking CCR compliance and reporting, training staff and water systems, taking enforcement actions and reporting to the EPA. However, there is not a cost to the Department because current staff will implement this proposed rulemaking.

Compliance costs associated with additional amendments

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

Compliance assistance plan

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

In addition to this network of training staff, the Department's Bureau of Safe Drinking Water has staff dedicated to providing training and technical outreach support services to public water system owners and operators. The Department's website also provides timely and useful information for drinking water and wastewater treatment system operators.

Paperwork requirements

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

G. Pollution Prevention

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

H. Sunset Review

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 3, 2025, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), and to the chairperson of the Environmental and Natural Resource Protection Committee of the House of Representatives and the chairperson of the Environmental Resources and Energy Committee of the Senate. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations, or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding the proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by January 12, 2026.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Comments may also be submitted to the Board by mail or express mail. Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

JESSICA SHIRLEY,
Chairperson

Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES
CHAPTER 109. SAFE DRINKING WATER
Subchapter D. PUBLIC NOTIFICATION

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

(a) *General violation categories and other situations requiring a Tier 1 public notice.* A public water supplier shall provide Tier 1 public notice for the following circumstances:

* * * * *

(10) Occurrence of a waterborne disease outbreak, as defined in § 109.1 (relating to definitions), or other emergency situation as defined in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping) that adversely affects the quality or quantity of the finished water and has a significant potential to have serious adverse effects on human health as a result of short-term exposure.

(10.1) Exceedance of the lead action level as specified in § 109.1102 (relating to action levels and treatment technique requirements).

(11) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Department on a case-by-case basis.

(b) *Timing for a Tier 1 public notice.* A public water supplier shall do the following:

* * * * *

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

(a) *General violation categories and other situations requiring a Tier 3 public notice.* A public water supplier shall provide Tier 3 public notice for the following circumstances:

* * * * *

(7) Failure to submit certification of completion of a Department-approved start-up procedure by a seasonal system in accordance with § 109.715(e) (relating to seasonal systems).

(8) Failure to report results of total coliform and *E.coli* monitoring as required under § 109.301(3) (relating to general monitoring requirements) and § 109.701(a)(1).

(9) Reporting violations under Subchapter K (relating to lead and copper) except when a Tier 1 notice is required under § 109.408 or when the Department determines that a Tier 2 notice is required, taking into account potential health impacts and persistence of the violation.

(b) *Timing for a Tier 3 public notice.*

* * * * *

§ 109.416. CCR requirements.

This section applies only to community water systems and establishes the minimum requirements for the content of the CCR that each system shall deliver to its customers. This report must contain information on the quality of the water delivered by the system and characterize the risks, if any, from exposure to contaminants detected in the drinking water in an accurate and understandable manner. **This section also includes requirements for systems serving 100,000 or more persons to develop and annually update a plan for providing assistance to consumers with limited English proficiency.**

(1) For the purposes of this section, the definitions of “customer,” “**consumer**” and “detected” established by the EPA under 40 CFR 141.151(c) and (d) (relating to [definitions] **purpose and applicability of this subpart**), respectively, are incorporated by reference.

(2) Each community water system shall deliver to its customers a CCR on the dates established by the EPA under 40 CFR 141.152 (relating to [effective] **compliance** dates), which is incorporated by reference.

(3) Except as noted in subparagraphs (i)—(v), the annual report that a community water system provides to its customers shall contain all of the information, mandatory language and optional text specified by the EPA under 40 CFR 141.153 and 141.154 (relating to content of the reports; and required additional health information), which are incorporated by reference, and under 40 CFR 141, Subpart O, Appendix A (relating to regulated contaminants), which is incorporated by reference, unless other information, mandatory language or optional text is established by regulations or order of the Department. **The report must also include a summary, as specified in 40 CFR 141.156 (relating to summary of report contents), which is incorporated by reference.** The health effects language for fluoride is not incorporated by reference. Public water systems shall include the health effects language specified in § 109.411(e)(1)(i) (relating to content of a public notice) for violation of the primary MCL of 2 mg/L fluoride.

* * * * *

(4) Each community water system shall do the following:

(i) [Mail or otherwise directly] **Directly** deliver to each customer one copy of the CCR no later than the date specified in paragraph (2)[.] **using at least one of the following methods:**

(A) Mail or hand deliver a paper copy of the report.

(B) Mail a notification that the report is available on a website through a direct link.

(C) Email a direct link or electronic version of the report.

(D) Another direct delivery method approved in writing by the Department.

(i.1) For systems that choose to electronically deliver the reports by posting to a website and providing notification either by mail or email:

(A) The report must be publicly available on the website at the time notification is made.

(B) Notifications must prominently display the link to the website and include an explanation of the nature of the link.

(C) A webpage may be used to convey the information as long as all content requirements are met.

(i.2) Systems using electronic delivery methods in subparagraph (i)(B), (C) or (D) must provide a paper copy of the report to any customer upon request. The notification method must prominently display directions for requesting a paper copy.

(i.3) Systems that use a publicly available website to provide reports must maintain public access to the report for no less than 3 years.

(ii) [Mail a paper copy of the annual CCR to the Department no later than the date the water system is required to distribute the CCR to its customers.] **{Reserved}**.

(iii) Make a good faith effort to reach consumers who do not get water bills. The Department will determine “good faith” based on those methods identified in 40 CFR 141.155(b) (relating to report delivery, **reporting**, and recordkeeping), which are incorporated by reference.

(iv) [Submit in writing to the Department no later than 3 months after the delivery of the annual CCR:] **Provide a copy of the CCR to the Department no later than 10 days after the date the water system is required to distribute the CCR to its customers, along with a certification that the report has been distributed to customers and that the information in the report is correct and consistent with compliance monitoring data previously submitted to the Department. The certification must also include a description of what was done to meet good faith efforts described in subparagraph (iii).**

(A) [A certification that the annual CCR has been distributed to customers and that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the Department.] **{Reserved}**.

(B) [A description of what was done to meet the good faith effort requirement described in subparagraph (iii).] **{Reserved}**.

(v) If another State agency or commission also regulates the community water system, submit a copy of the system’s annual CCR to the other agency or commission upon the specific request of that agency or commission no later than the date the water system is required to distribute the CCR to its customers. Each State agency or commission shall determine the way it requests a copy of the system’s CCR. Those agencies or commissions may include, but are not limited to, the following:

(A) The Pennsylvania Public Utility Commission and the Office of Consumer Advocate in the Office of the Attorney General, for water systems that are public utilities regulated under 66 Pa.C.S. (relating to Public Utility Code).

(B) The Department of Human Services, for self-contained community water systems serving personal care or other group housing facilities.

(C) The Department of Health, for self-contained community water systems serving skilled health care facilities.

(vi) Make copies of its CCR available to the public on request. **Systems shall make a reasonable effort to provide the reports in an accessible format to anyone who requests an accommodation.**

(vii) If a community water system serves [100,000] **50,000** or more people, post its current year's report to a publicly accessible [site on the Internet] **website**.

(viii) Retain copies of each CCR and the related information required in paragraph (3) on the premises of the system or at a convenient location near the premises for no less than 3 years after the date of its delivery to customers.

(ix) Systems serving 100,000 or more persons must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system and the system's anticipated approach to address the translation needs. The initial plan must be provided to the Department with the first report required under subparagraph (iv) in 2027. Plans must be evaluated annually, updated as necessary and reported with the certification required in subparagraph (iv).

(x) Systems must deliver reports as follows:

(A) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during or prior to the previous calendar year using methods described in subparagraph (i).

(B) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in subparagraph (i).

(C) Systems required to comply with clause (B) with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under 40 CFR 141.40 (relating to monitoring requirements for unregulated contaminants), must include a 6-month update with the second report including the following:

(I) A short description of the nature of the 6-month update and the biannual delivery.

(II) If a system receives an MCL, MRDL or treatment technique violation, the 6-month update must include the applicable contaminant section information in 40 CFR 141.153(d)(4), and a readily understandable explanation of the violation including the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system shall use the relevant language of 40 CFR Part 141, Subpart Q, Appendix A (relating to NPDWR violations and other situations requiring public notice).

(III) If a system receives any other violation, the 6-month update must include the information in 40 CFR 141.153(f).

(IV) If a system exceeded the lead action level following monitoring conducted between January 1 and June 30 of the current year, the system must include information in 40 CFR 141.153(d)(4)(vi) and (8).

(V) For systems monitoring under 40 CFR 141.40 that become aware of results for samples collected during the reporting year but were not included in the report distributed by July 1, the system must include information in 40 CFR 141.153(d)(7).

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

* * * * *

(4) [Notice.] ***Certification of notice.*** The water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification) with the exception of a CCR, submit to the Department a certification that it has fully complied with the public notification requirements. **[The water supplier shall include with this certification a representative copy of each type of notice distributed, published, posted and made available to persons served by the system and to the media and a description of the means undertaken to make the notice available.]**

(i) For all Tier 1 public notices, with the exception of those required for a lead action level exceedance under subparagraph (ii), and for all Tier 2 and 3 public notices, the water supplier must include with this certification a representative copy of each type of notice distributed, published, posted and made available to persons served by the system and to the media and a description of the means undertaken to make the notice available.

(ii) For Tier 1 public notices for a lead action level exceedance, public water systems must provide a copy of the Tier 1 public notice to the Administrator and the Department as soon as practicable, but no later than 24 hours after the public water system learns of the violation or exceedance.

(5) *Siting plan.* The water supplier shall submit to the Department a written sample siting plan for routine and repeat coliform sampling as required under § 109.301(3) by September 24, 2016. A public water system that begins operation after September 24, 2016, shall submit the sample siting plan prior to serving water to the public.

* * * * *

(g) *Monitoring plans for disinfectants, DBPs and DBP precursors.*

* * * * *

(2) *Stage 2 DBP Rule.* Systems required to monitor for disinfection byproducts under § 109.301(12)(ii) shall comply with the following:

(i) *IDSE requirements.* The IDSE requirements established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.600—141.605 (relating to initial distribution system evaluations) are incorporated by reference except as otherwise established by this chapter.

(ii) *Stage 2 [DPB] DBP Rule monitoring plan.*

* * * * *

Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS

§ 109.1003. Monitoring requirements.

(a) *General monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs, MRDLs and treatment techniques as follows, except that systems which have installed treatment to comply with a primary MCL shall conduct quarterly operational monitoring for the contaminant which the treatment is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems[, **for each entry point**] shall **monitor as follows**:

(i) **[Monitor weekly for the presence or absence of total coliform.] Bottled water systems, retail water facilities and vended water systems shall monitor weekly at each entry point for the presence or absence of total coliform. Bulk water haulers shall monitor each carrier vehicle weekly for the presence or absence of total coliform.** For any total coliform positive routine or check sample, determine the presence or absence of *E. coli*. All analyses must be conducted in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego *E. coli* testing on a total coliform-positive sample if the system assumes that any total coliform positive sample is also *E. coli*-positive. A system which chooses to forego *E. coli* testing shall, under § 109.701(a)(3) (relating to reporting and recordkeeping), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.1004 (relating to public notification).

(ii) Monitor **each entry point** for turbidity every 4 hours or continuously each day a surface water or GUDI source is in use.

(iii) Monitor **each entry point** for compliance with the MCLs for VOCs in accordance with § 109.301(5) (**relating to general monitoring requirements**) beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for the VOCs if the public water system supplying the finished water performs the required monitoring [**at least annually**] and a copy of the analytical reports are received by the Department.

* * * * *

(iv) [**Conduct**] **At each entry point, conduct** initial and repeat monitoring for compliance with the MCLs for SOC—pesticides and PCBs—in accordance with § 109.301(6) for [**four**] **4** consecutive quarters beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the SOC if one of the following applies:

(I) The public water system supplying the finished water performs the required monitoring [**annually**] and a copy of the analytical results are received by the Department.

* * * * *

(v) Beginning in 1995, monitor **each entry point** for the primary IOC, including lead and copper annually, except that:

(A) Systems are granted a waiver from asbestos monitoring unless the Department determines that the system's finished water is vulnerable to asbestos contamination by means of an asbestos cement pipe or the system's source water is vulnerable to asbestos contamination.

(B) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the IOC, except lead, copper and asbestos if the supplying system has not optimized corrosion control, if the public water system supplying the finished water performs the required monitoring [**annually**] and a copy of the analytical results is received by the Department.

(C) Monitoring for compliance with the MCLs for nitrate and nitrite shall be conducted quarterly following a monitoring result which is equal to or greater than 50% of the MCL. After four consecutive quarterly samples, indicate nitrate and nitrite in each sample are less than 50% of the MCLs, required monitoring is reduced to one sample per year.

(vi) [**Conduct**] **At each entry point, conduct** operational monitoring for fluoride at least once each day, if the system fluoridates its water.

(vii) Monitor **each entry point** for compliance with radiological MCLs once every 4 years. **Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the radiological contaminants if the public water system supplying the finished water performs the required monitoring and a copy of the analytical results is received by the Department.**

* * * * *

(ix) *TTHM and HAA5 Stage 2 DBP Rule*. Beginning October 1, 2013, monitor **each entry point** annually for TTHM and HAA5 if the system uses a chemical disinfectant or oxidant to treat the water, or obtains finished water from another public water system that uses a chemical disinfectant or oxidant to treat the water as follows:

* * * * *

(x) Beginning January 1, 2004, monitor **each entry point** daily for chlorite if the system uses chlorine dioxide for disinfection or oxidation. Systems shall take at least one daily sample at the entry point. If a daily sample exceeds the chlorite MCL, the system shall take three additional samples within 24 hours from the same lot, batch, machine, carrier vehicle or point of delivery. The chlorite MCL is based on the average of the required daily sample plus any additional samples.

(xi) Beginning April 28, 2018, a system using chlorine dioxide shall take one sample per day at each entry point. A violation of the chlorine dioxide MRDL occurs when any entry point sample result exceeds the chlorine dioxide MRDL.

(xii) Beginning January 1, 2004, monitor monthly **each entry point** for bromate if the system uses ozone for disinfection or oxidation.

* * * * *

(xv) Beginning January 1, 2024, monitor **each entry point according to this subparagraph** for compliance with the MCLs for PFAS established under § 109.202(a).

* * * * *

(b) *Sampling requirements.*

(1) For bottled water and vended water systems, retail water facilities and bulk water hauling systems, samples taken to determine compliance with subsection (a) shall be taken from each entry point.

(i) For bottled water systems, each entry point means each finished bottled water product. If multiple sources are used for a product and are not blended prior to bottling, the bottled water product for each source shall be considered a different product for monitoring purposes.

(ii) For **[bulk water hauling systems,]** retail water facilities and vended water systems, each entry point shall mean a point of delivery to the consumer from each **[carrier vehicle,]** machine or dispenser representative of each source.

(iii) For bulk water hauling systems, each entry point means the point from which water is dispensed into the carrier vehicle.

(2) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter, the Department will consider only those samples analyzed by a laboratory accredited by the Department, except that measurements of turbidity, fluoridation operation, residual disinfectant concentration, daily chlorite, temperature and pH may be performed by a person meeting the requirements of § 109.1008(c) (relating to system management responsibilities).

* * * * *

§ 109.1009. System operational requirements.

* * * * *

(c) *Disinfectant residual requirements.* A disinfectant residual acceptable to the Department shall be maintained at the entry point of the bottled water or vended water system[, **and** retail water facility **[or bulk water hauling system]** sufficient to assure compliance with the microbiological MCL specified in § 109.1002 (relating to MCLs, MRDLs or treatment techniques). **A disinfectant residual acceptable to the Department shall be maintained in each carrier vehicle for a bulk water hauling system sufficient to assure compliance with the microbiological MCL specified in § 109.1002.** The Department will determine the acceptable residual of the disinfectant considering factors such as type and form of disinfectant, temperature and pH of the water, and other characteristics of the water system.

* * * * *



Pennsylvania
**Department of
Environmental Protection**

December 3, 2025

David Sumner
Executive Director
Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Proposed Rulemaking: Safe Drinking Water Revised Consumer Confidence Report Rule
(#7-589)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking for review by the Independent Regulatory Review Commission (Commission). The Environmental Quality Board adopted this rulemaking on September 9, 2025. This proposal is scheduled for publication in the *Pennsylvania Bulletin* on December 13, 2025, with a 30-day public comment period ending on January 12, 2026.

This proposed rulemaking will enhance the accessibility and clarity of a Consumer Confidence Report (CCR), which provides information to public water system customers about the quality of their drinking water, incorporate public notification and CCR provisions for lead action level exceedances, and clarify and ensure monitoring requirements are consistent for entry points at bottled, vended, retail and bulk hauling water systems that purchase water. This proposed rulemaking also includes an amendment to require a Tier 3 public notice for failure to report results of total coliform and *E. coli* monitoring.

As set forth in the Regulatory Review Act, the Department will consider any comments and recommendations made by the Commission, as well as the House Environmental and Natural Resource Protection Committee, the Senate Environmental Resources and Energy Committee and the public, prior to final adoption of the enclosed rulemaking.

Please contact me by e-mail at laurcampbe@pa.gov or by telephone at 717.772.5830 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Laura Campbell".

Laura Campbell
Regulatory Coordinator

Enclosures

From: [Eyster, Emily](#)
To: [Campbell, Laura](#); [Osenbach, Matt](#)
Cc: [Troutman, Nick](#); [Imgrund, Lauren](#); [Nezat, Taylor](#); [Reiley, Robert A.](#); [Griffin, Laura](#)
Subject: Re: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)
Date: Wednesday, December 3, 2025 9:01:22 AM

Received. Thanks Laura!

Emily Eyster
Executive Director, Senate Environmental Resources & Energy Committee
Legislative Director, Senator Carolyn T. Comitta

From: Campbell, Laura
Sent: Wednesday, December 3, 2025 8:50:19 AM
To: Osenbach, Matt ; Eyster, Emily
Cc: Troutman, Nick ; Imgrund, Lauren ; Nezat, Taylor ; Reiley, Robert A. ; Griffin, Laura
Subject: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)

EXTERNAL EMAIL

Good morning,
Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking (7-589) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura

Laura Campbell | Regulatory Coordinator
Department of Environmental Protection | Policy Office
717.772.5830 | laurcampbe@pa.gov

This message and any attachment may contain privileged or confidential information intended solely for the use of the person to whom it is addressed. If the reader is not the intended recipient then be advised that forwarding, communicating, disseminating, copying or using this message or its attachments is strictly prohibited. If you receive this message in error, please notify the sender immediately and delete the information without saving any copies.

December 3, 2025

From: [Bulletin](#)
To: [Campbell, Laura](#); [A.J. Mendelsohn](#)
Cc: [Griffin, Laura](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#)
Subject: [External] Re: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)
Date: Wednesday, December 3, 2025 10:02:43 AM

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Good morning Laura!

Thank you for submitting this Proposed Rulemaking package. It is scheduled for publication in the December 13 issue of the Bulletin.

Have a great day!

Leah

From: Campbell, Laura <laurcampbe@pa.gov>
Sent: Wednesday, December 3, 2025 9:44 AM
To: Bulletin <bulletin@palrb.us>; A.J. Mendelsohn <amendelsohn@palrb.us>
Cc: Griffin, Laura <laurgriffi@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>
Subject: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking (7-589). The rulemaking documents are attached in a zip folder. This is the official filing of proposed rulemaking 7-589. Preamble and annex files were provided on November 13, 2025, for initial processing.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs received the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura

Laura Campbell | Regulatory Coordinator
Department of Environmental Protection | Policy Office
717.772.5830 | laurcampbe@pa.gov

From: [Marisa Thomas](#)
To: [Campbell, Laura](#)
Cc: [Shupe, Hayley](#); [Franzese, Evan B.](#); [Nezat, Taylor](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Griffin, Laura](#)
Subject: Re: [EXTERNAL]: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)
Date: Wednesday, December 3, 2025 9:38:59 AM

Received.

RECEIVED -

Independent Regulatory
Review Commission

December 3, 2025

On Dec 3, 2025, at 8:50 AM, Campbell, Laura wrote:

Good morning,
Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking (7-589) for review by the House Environmental and Natural Resource Protection Committee. The rulemaking documents are attached in a zip folder and the cover letters for Representative Vitali and Representative Rader are attached separately.
A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.
Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura

Laura Campbell | Regulatory Coordinator
Department of Environmental Protection | Policy Office
717.772.5830 | laurcampbe@pa.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

<7-589_CCR Revisions_Proposed.zip>
<7-589_CCR Revisions_Proposed_Transmittal Sheet.docx>

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.

From: [Osenbach, Matt](#)
To: [Campbell, Laura](#)
Cc: [Eyster, Emily](#); [Troutman, Nick](#); [Imgrund, Lauren](#); [Nezat, Taylor](#); [Reiley, Robert A.](#); [Griffin, Laura](#)
Subject: Re: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)
Date: Wednesday, December 3, 2025 9:13:32 AM

Messaged received. Thank you!

RECEIVED

Independent Regulatory
Review Commission

December 3, 2025

Matt Osenbach
Director, Environmental Resources & Energy Committee
Office of State Senator Gene Yaw (R-23)
362 Main Capitol Building, Senate Box 203023
Harrisburg, PA 17120
T: (717) 787-3280
F: (717) 772-0575
www.SenatorGeneYaw.com



On Dec 3, 2025, at 08:51, Campbell, Laura wrote:

CAUTION : External Email

Good morning,
Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking (7-589) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Campbell | Regulatory Coordinator
Department of Environmental Protection | Policy Office
717.772.5830 | laurcampbe@pa.gov

<7-589_CCR Revisions_Proposed.zip>

<7-589_CCR Revisions_Proposed_Transmittal Sheet.docx>

From: [Shupe, Hayley](#)
To: [Campbell, Laura](#); [Marisa Thomas](#)
Cc: [Franzese, Evan B.](#); [Nezat, Taylor](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Griffin, Laura](#)
Subject: Re: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)
Date: Wednesday, December 3, 2025 9:14:51 AM
Attachments: [Outlook-w3auhsi2.png](#)

RECEIVED

Received.

Independent Regulatory
Review Commission

Thank you!

December 3, 2025



From: Campbell, Laura
Sent: Wednesday, December 3, 2025 8:50 AM
To: Mthomas@pahousegop.com ; Shupe, Hayley
Cc: Franzese, Evan B. ; Nezat, Taylor ; Imgrund, Lauren ; Reiley, Robert A. ; Griffin, Laura
Subject: Delivery of Proposed Rulemaking - Safe Drinking Water Revised Consumer Confidence Report Rule (7-589)

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Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking (7-589) for review by the House Environmental and Natural Resource Protection Committee. The rulemaking documents are attached in a zip folder and the cover letters for Representative Vitali and Representative Rader are attached separately. A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura

Laura Campbell | Regulatory Coordinator
Department of Environmental Protection | Policy Office
717.772.5830 | laurcampbe@pa.gov

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 7-589

SUBJECT: SAFE DRINKING WATER REVISED CONSUMER CONFIDENCE REPORT RULE

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

RECEIVED

Independent Regulatory
Review Commission

TYPE OF REGULATION

X Proposed Regulation

December 3, 2025

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON ENVIRONMENTAL & NATURAL RESOURCE PROTECTION</i>
<u>12.3.2025</u>	<u>Hayley Shupe</u> <i>(via electronic delivery)</i>	MAJORITY CHAIR <u>Representative Greg Vitali</u>
<u>12.3.2025</u>	<u>Marisa Thomas</u> <i>(via electronic delivery)</i>	MINORITY CHAIR <u>Representative Jack Rader, Jr.</u>
		<i>SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY</i>
<u>12.5.2025</u>	<u>Matt Osenbach</u> <i>(via electronic delivery)</i>	MAJORITY CHAIR <u>Senator Gene Yaw</u>
<u>12.3.2025</u>	<u>Emily Eyster</u> <i>(via electronic delivery)</i>	MINORITY CHAIR <u>Senator Carolyn Comitta</u>
		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		EXECUTIVE DIRECTOR <u>David Sumner</u>
		ATTORNEY GENERAL (for Final Omitted only)
<u>12.3.2025</u>	<u>Leah Brown</u> <i>(via electronic delivery)</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)