Regulatory/Legislative Update

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WWOAP/PA-AWWA Joint SC-NC Spring 2025 Section Meeting

THE WATER WORKS OPERATORS' ASSOCIATION OF PENNSYLVANIA

Regulatory Updates

- 2025 CCR
  - new requirements in this year's CCR
- PADEP PFAS Rulemaking
  - adopting the EPA PFAS Rule
- Fluoride in the News

CCR Rule Revisions

Original CCR Rule **1998**

Updates via Executive Order 13563 - **2011**- to clarify electronic delivery

EPA Memorandum 2013- *Safe Drinking Water Act—Consumer Confidence Report Rule Delivery Options with attachment Consumer Confidence Report Electronic Delivery Options and Considerations*

Methods of electronic delivery interpreted to “mail or otherwise directly deliver”

EPA Published the Final CCR **Rule Revisions 5/24/24**

Effective Date 6/24/24

https://www.federalregister.gov/documents/2024/05/24/2024-10919/national-primary-drinking-water-regulations-consumer-confidence-reports

CCR Rule Revisions

Rule Summary:

"The revisions will *improve* the readability, clarity, and understandability of CCRs, the accuracy of the information presented, improve risk communication in CCRs, incorporate electronic delivery options, provide supplemental information regarding *lead levels and control efforts* and require systems who serve 10,000 or more persons to provide CCRs to customers *biannually (twice per year)...*"

Final Revisions:

"The EPA is promulgating revisions to the Consumer Confidence Report Rule (CCR) that strengthen public health protection by improving access to and clarity of drinking water data so that customers of community water systems (CWS) can have a more complete picture of water quality and water system compliance. The EPA is requiring primacy agencies to report compliance monitoring data (CMD) to the EPA to support the agency's oversight responsibilities by providing the EPA a more complete and accurate understanding of water system compliance with National Primary Drinking Water Regulations (NPDWRs) under the Safe Drinking Water Act (SDWA)."

CCR Rule Revisions

Applicability:

Category	Example of potentially affected entities
CWSs	CWSs (a public water system [PWS] that (A) serves at least 15 service connections used by year-round residents of the area served by the system; or (B) regularly serves at least 25 year-round residents) (§ 141.2).
State, territory, and Tribal agencies	Primacy agencies responsible for drinking water regulatory development and enforcement. (§ 142.2)

CCR Rule Revisions

2025 CCR Requirements

- ***NEW- for THIS years CCR***
  - LCRR CCR Requirements
  - Incorporated in CCR by July 1, 2025
  - Not delayed with LCRI

CCR Final Preamble

"The EPA proposed a minor modification to the statement on the lead service line (LSL) inventory requirement in § 141.153(h)(8)(ii) (renumbered from § 141.153(d)(4)(xi) that was codified during the LCRR rulemaking) by adding that systems need to include a link to their LSL inventory if it is available on a publicly accessible website. While the EPA has proposed additional revisions to §§ 141.153 and 141.154 within the proposed LCRI, the EPA has not proposed to delay the compliance date for revisions made under the LCRR to §§ 141.153 and 141.154 except for § 141.153(d)(4)(xii). The proposed revisions to the CCR rule renumbered § 141.153(d)(4)(xii) to § 141.153(h)(8)(i) as a technical edit."

https://www.federalregister.gov/documents/2024/05/24/2024-10919/national-primary-drinking-water-regulations-consumer-confidence-reports#p-164

CCR Rule Revisions

CCR Final Preamble- Compliance Dates

"Between June 24, 2024, and December 31, 2026, community water systems must comply with §§ 141.151 through 141.155, as codified in 40 CFR part 141, subpart O, on July 1, 2023. Beginning January 1, **2027**, community water systems must comply with §§ 141.151 through 141.156."

https://www.federalregister.gov/documents/2024/05/24/2024-10919/national-primary-drinking-water-regulations-consumer-confidence-reports#p-379

2025 CCR Requirements

- 40 CFR 141.153(d)(4)(vi) requires reporting of lead in the CCR, including the 90th percentile concentration from the most recent round of sampling, the number of sampling sites exceeding the lead action level, and **the range of tap sampling results**

- 40 CFR 141.153(d)(4)(xi) requires water systems to include a **statement** that a service line inventory has been completed and how to access the lead service line inventory

  If there are no lead service lines, a **statement** must be made that there are no lead service lines

- 40 CFR 141.154(d)(1) requires water systems to include an **informational statement about lead** in drinking water and its effects on children and the statement must include the following information:

Lead Revised Mandatory Informational Statement

"Lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality drinking water and removing lead pipes, but cannot control the variety of materials used in plumbing components in your home. You share the responsibility for protecting yourself and your family from the lead in your home plumbing. You can take responsibility by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Before drinking tap water, flush your pipes for several minutes by running your tap, taking a shower, doing laundry or a load of dishes. You can also use a filter certified by an American National Standards Institute accredited certifier to reduce lead in drinking water. If you are concerned about lead in your water and wish to have your water tested, contact [NAME OF UTILITY and CONTACT INFORMATION]. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at http://www.epa.gov/safewater/lead."

2025 CCR Requirements

If there is a Lead AL excedance, include new health effects language for lead:

40 CFR 141.85(a)(1)(ii)(B)

“Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems.”

PADEP CCR References

PADEP eLibrary Safe Drinking Water

Location: eLibrary - FOLDERS / FORMS / SAFE DRINKING WATER /

https://greenport.pa.gov/elibrary/GetFolder?FolderID=3195

CCR Checklist

https://greenport.pa.gov/elibrary/GetDocument?docId=9181&DocName=CONSUMER%20CONFIDENCE%20REPORT%20-CCR-%20COMPLETENESS%20CHECKLIST%20FOR%20WATER%20SUPPLIERS.PDF%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

CCR GW Template

https://greenport.pa.gov/elibrary/GetDocument?docId=1419397&DocName=CONSUMER%20CONFIDENCE%20REPORT%20(CCR)%20TEMPLATE%20AND%20INSTRUCTIONS%20FOR%20SYSTEMS%20USING%20ONLY%20GROUNDWATER%20SOURCES.PDF%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

CCR SW Template

https://greenport.pa.gov/elibrary/GetDocument?docId=1419400&DocName=CONSUMER%20CONFIDENCE%20REPORT%20(CCR)%20TEMPLATE%20AND%20INSTRUCTIONS%20FOR%20SYSTEMS%20USING%20SURFACE%20WATER%20SOURCES.PDF%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

CCR CERTIFICATION FORM

https://greenport.pa.gov/elibrary/GetDocument?docId=1419393&DocName=CONSUMER%20CONFIDENCE%20REPORT%20-CCR-%20CERTIFICATION%20FORM.PDF%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

CCR 2027 Requirements

- Each CCR must include a summary displayed prominently at the beginning of the report, including a brief description of the nature of the report. This includes:
  - Summary of Violations
  - Contact Information
  - Instruction to obtain a paper copy
  - Instruction to obtain a translated CCR when a large population has limited English proficiency
  - Summarized Public Notice (if included in the CCR) and a brief statement about the notice

- System >100k, must develop a plan to assist consumers with limited English proficiency; the first plan is due with the 2027 CCR

- Additional Lead Information
  - Notify customers that lead and copper data is available for review
  - Provide a statement about corrosion control efforts, including OCCT

- Changes to CCR Delivery Requirements
  - Systems > 50k population, must post CCR on internet
  - If posting CCR on websites, the report **MUST be available for 3 years**
    - this may impact the URLs for each CCR
  - Systems serving 10k or more must provide CCRs biannually by 7/1 and 12/31
    - 6-month update is required if there was a violation, AL exceedance or new UCMR monitoring between Jan 1 & Jun 30
  - otherwise, re-issue the same CCR

- CCR Certification due within 10 days of delivery
- MORE… PN for lead, LCRR and total coliform (Tier 3 PN in the CCR), what meets the delivery requirements

NOW…

PFAS

Regulatory Update- PFAS

On **April 26, 2024**, EPA adopted a National Primary Drinking Water Regulation (NPDWR) for PFAS, setting standards for a total of 6 PFAS.

- 5 PFAS regulated via MCLs; 3 of those PFAS with individual MCLs coupled with a 4th PFAS compound are regulated as a mixture using a Hazard Index
- PFOA and PFOS - MCLG 0; MCL 4.0 ppt
- PFNA, PFHxS, HFPO-DA (GenX) - MCLG and MCL 10 ppt
- PFBS - no MCLG or MCL -(Only regulated in the HI)
- HI = Hazard Index - applies to a mixture of 2 or more of 4 PFAS compounds: PFNA, PFHxS, HFPO-DA (GenX) and PFBS
- MCL and MCLG for HI are unitless and are both 1(rounded to 1 significant figure so a HI of $\leq$ 1.4 = 1)

Regulatory Update- PFAS

- HI = Hazard Index is calculated by adding the 4 PFAS compounds ratio of the water sample concentration to a Health-Based Water Concentration
- EPA HI Calculation and Example

FACT SHEET

$$HI\ MCL = \left(\frac{[HFPO\text{-}DA_{water}]}{[10\ ppt]}\right) + \left(\frac{[PFBS_{water}]}{[2000\ ppt]}\right) + \left(\frac{[PFNA_{water}]}{[10\ ppt]}\right) + \left(\frac{[PFHxS_{water}]}{[10\ ppt]}\right) = 1$$

- https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_fact-sheet_hazard-index_4.8.24.pdf

Regulatory Update – PFAS

MORE…

- EPA's PFAS Rule also set TRIGGER Levels at ½ the MCLs (2.0 ppt, 5 ppt and 0.5 HI)
  - Trigger levels are used to determine the monitoring frequencies
- Labs MUST report down to the Trigger Level- even if it is a "J" value
  - PADEP does not currently accept "qualified data" e.g. a "J" value
- What is a "J" value? a value that is > MDL but < MRL
- "J" flag signifies that the concentration is detected but with some degree of uncertainty due to it being below the reporting limit
- For PFAS, under EPA's rule, the J-value is less than the PQL but greater than the Trigger level; > Trigger and < PQL

Regulatory Update – PFAS

PADEP Current PFAS

	PA DEP		
	PA MCLG	PA MCL	PA MRL
PFOA	8	14	5
PFOS	14	18	5
PFNA			
PFHxS			
HFPO-DA (Gen X)			
PFBS			
Mixture of 2 or more			
	PA DEP		
Lab Methods	EPA MTD 533, EPA MTD 537.1, EPA MTD 537 version 1.1		

Regulatory Update – PFAS

EPA PFAS Rule

	EPA				
	EPA Trigger Level	EPA PQL	EPA MCLG	EPA MCL	HI
PFOA	2	4.0	0	4.0	
PFOS	2	4.0	0	4.0	
PFNA	5	4.0	10	10	1
PFHxS	5	3.0	10	10	1
HFPO-DA (Gen X)	5	5.0	10	10	1
PFBS	NA	3.0	NA	NA	1
Mixture of 2 or more	0.5 HI				1
	EPA				
Lab Methods	Lab Methods	EPA MTD 533, EPA MTD 537.1 version 2.0			
	Lab Methods	EPA MTD 537.1 version 1 is acceptable for initial monitoring only			

Regulatory Update – PFAS

PFAS Lab Methods

- EPA 537 - original version - test for 6 PFAS (PFOA, PFOS, PFNA, PFHxS, PFHpA, PFBS)
- EPA 533 - test for 25 PFAS - short chain
- EPA 537.1 - test for 18 PFAS
- *Combination of 533 and 537.1 = 29 PFAS (overlap between the 2 methods)*
- 537.1 version 1.0 vs 2.0 - holding time, preservation, QC acceptance etc.
- *Current PADEP PFAS monitoring will satisfy EPA's PFAS Initial Monitoring requirement*

Regulatory Update – PFAS

- PQLs are used to assign values in the compliance calculations
- If a sample result is less than the PQL, zero will be used to calculate the RAA
- For PFOS and PFOA, the PQL = MCL
- PFOA RAA Calculation
  - What is the PFOA MCL? 4.0
  - What is the PFOA Trigger Level? 2.0
  - What is the PFOA PQL? 4.0

Regulatory Update – PFAS

For example, if a system's quarterly sampling results for PFOA are 3.8, 4.7, 5.0, and 2.5 ppt for the last four quarters:

what are the values used to calculate the RAA for that sample location? 0, 4.7, 5.0, 0

PFOA RAA (0+4.7+5.0+0) / 4 = 2.43 ppt or 2.4 ppt

Does this RAA exceed the PFOA MCL? NO

Regulatory Update – PFAS

- Implementation and Monitoring
  - two or four samples collected at each entry point to the distribution system over a period of one year, dependent on source type and system size; and/or
  - use of recent, previously acquired PFAS drinking water data from Unregulated Contaminant Monitoring Rule (UCMR5) **OR** State-level drinking water occurrence data or other appropriate collection program
- Initial monitoring results *will* determine Initial Compliance Monitoring Schedule for *each individual* entry point within the system
- Initial monitoring (or demonstration of previously acquired data) must be completed in the three years following rule promulgation (by 4/26/2027)
- Compliance is determined by a RAA

Regulatory Update – PFAS

Implementation: Timeframes

Within three years of rule promulgation (4/26/2024 – 4/26/2027):

- Initial monitoring must be completed

Starting three years following rule promulgation (starting 4/26/2027):

- Results of initial monitoring must be included in CCRs
  - Regular monitoring for compliance must begin, and results of compliance monitoring must be included in CCRs
  - Public notification for monitoring and testing violations

Starting five years following rule promulgation (4/26/2029)

- Comply with all MCLs
- Public notification for MCL violations

PADEP Adopting EPA PFAS Rule

- PADEP must follow PA's regulatory process to adopt the EPA PFAS Rule
- This process takes approximately 2 years
- Look for and attend PADEP Training Sessions when they are available
- Be Mindful that Systems MUST comply with the PADEP PFAS Rule *(be careful when monitoring in 2nd quarter - consult with PADEP to ensure your system is compliant with the PADEP rule- because of the 4/26 date)*

Regulatory Update – PFAS

- PADEP **must** adopt standards that are at least as stringent as EPA's to maintain primacy.

- **<u>Chapter 109 Pre-Draft Rulemaking: Revised PFAS MCL & CCR Rules</u>**

- On February 20, 2025, the Public Water System Technical Assistance Center (TAC) Board adopted the following motion:

  - *Should the federal court vacate the PFAS rule, the TAC encourages the DEP to not move forward with this new federal PFAS rule (i.e., the MCL (4.0 ppt), trigger level (1/2 MCL) or Hazard Index (1)) and maintain the state MCL rule for PFOA (14 ppt) and PFOS (18 ppt)*

PADEP TAC (PWS Technical Assistance Center) Board

Public Water System Technical Assistance Center Board (pa.gov)

Feb 28, 2025 TAC MTG

PRESENTATION

https://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/TAC/2025/03-Chapter_109_Revisions_PFAS_and_CCR_Rules_Presentation.pdf

DRAFT ANNEX A

https://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/TAC/2025/04-DRAFT_PROPOSED-ANNEX-A-FOR-PFAS-AMP-AMP-CCR-RULES.pdf

Next TAC Meeting - May 29, 2025

Regulatory Updates - what else?

Keep Working On:

- Lead & Copper - LCRR & LCRI

Watch For Updates:

- Perchlorate - Final 5/2027 ?
- M-DBP - Proposed Feb 2028?

In the News

Fluoride

- Utah - March 2025- first State to ban Fluoridation of drinking water- effective May 2025

- April 7, 2025 - US Health and Human Services Secretary - Robert Kennedy, Jr. and EPA Administrator - Lee Zeldin - announce they will take actions regarding fluoridation

- AWWA Policy Statement on Fluoridation of Public Water Supplies

"AWWA supports the application of fluoride in a responsible, effective, and reliable manner that includes monitoring and control of fluoride levels mandated by provincial, state, and/or federal laws and which is subject to community acceptance through applicable local decision making processes. AWWA supports regular reviews of the most current research on fluoride and the positions of the medical and dental communities.

Practices specified in this policy statement are consistent with all other pertinent AWWA policy statements.

Adopted by the Board of Directors Jan. 25, 1976, and reaffirmed Jan. 31,1982, and revised Jan. 20, 2002, and Jan. 21, 2007, and Jan. 22, 2012, and Jan. 16, 2016, Oct. 24, 2018, and April 5, 2022."

** per AWWA's March 12 Advisory*

Questions?

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WWOAP REGULATORY/LEGISLATIVE COMMITTEE CHAIR &
PADEP TAC BOARD CHAIR

THE WATER WORKS OPERATORS' ASSOCIATION OF PENNSYLVANIA