

Comments of the Independent Regulatory Review Commission



Environmental Quality Board Regulation #7-589 (IRRC #3472)

Safe Drinking Water Revised Consumer Confidence Report Rule

February 11, 2026

We submit for your consideration the following comments on the proposed rulemaking published in the December 13, 2025 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. Section 109.408. Tier 1 public notice—categories, timing, and delivery of notice. – Protection of the public health, safety, and welfare; Clarity.

The Board explains in the preamble that 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.

The Pennsylvania Municipal Authorities Association (PMAA) asserts that Tier 1 notices are typically associated with acute, short-term health risks that require immediate consumer action. By contrast, PMAA explains, lead exposure presents a chronic health risk associated with long-term exposure and often reflects site-specific distribution systems or premise plumbing conditions, rather than sudden changes in source water quality. PMAA states, “We understand [the United States Environmental Protection Agency (EPA)] rationale for elevating lead notifications to Tier 1; however, without state-provided context and standard messaging, the Tier 1 framework risks miscommunication and unintended consequences.” We ask the Board to clarify implementation requirements for Tier 1 public notification to protect the public health, safety, and welfare.

2. Section 109.416. [Consumer Confidence Report (CCR)] requirements. – Protection of the public health, safety, and welfare; Clarity; Reasonableness of requirements; Implementation procedures.

Section 109.416(4)(i)

The Board states in the preamble that the proposed CCR amendments incorporate electronic delivery options. We note that subparagraph (4)(i) requires each community water system to directly deliver to each customer one copy of the CCR using at least one of the methods listed, such as mailing a notification that the report is available on a website through a direct link or emailing a direct link or electronic version of the report. A commenter asks the Board to protect

customers who don't have reliable internet access. We agree that community water systems must ensure that customers can obtain easily a paper copy at no cost upon request and that notices about how to obtain a paper copy are clear and prominent. We ask the Board to explain how implementation of this provision in the final regulation will protect the public health, safety, and welfare of customers who may struggle with access to the internet.

Section 109.416(4)(x)(A)

Clause (4)(x)(A) states, "Each report distributed by July 1 must use data collected during or prior to the previous calendar year." The wording of this provision allows a community water system to choose whether to use data collected during the previous calendar year or data collected prior to the previous calendar year. We ask the Board to explain the reasonableness of providing community water systems the option to choose the timeframe during which data was collected, and to ensure that implementation procedures for this provision are clear in the final regulation.

Section 109.416(4)(x)(B)

Clause (4)(x)(B) states, "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)." The EPA Region 3 comments that some of these CCRs will contain updated information and if the second report is provided to consumers shortly after the first report (due by July 1), it may be misconstrued as a duplicate report and disregarded. We agree that by distributing the report later in the year, consumers are more likely to read the report. The EPA Region 3 suggests that the second report be required between October 1 and December 31—an end date consistent with the Federal rule. We ask the Board to amend the final regulation to clarify the distribution requirements and align the final regulation with the recommendation of the EPA Region 3.

Likewise, PMAA addresses the proposed requirement to issue CCRs on a biannual basis. PMAA notes that a biannual CCR reporting schedule represents a significant increase in administrative effort with limited corresponding benefit to consumers and does not capture enough new or actionable information to meaningfully enhance consumer understanding of drinking water quality. PMAA asks if the biannual CCR requirement could be satisfied through a supplemental or abbreviated report that updates only new or changed information, consistent with the EPA's intent to improve timeliness without duplicative reporting. We ask the Board to explain how the CCR reporting requirements in the final regulation are reasonable and protect the public health, safety, and welfare

PMAA also notes that the proposed revisions elevate narrative CCR sections, including contaminant summaries and explanatory text, to a level of regulatory importance comparable to the contaminant table. However, PMAA asserts that the proposed regulation does not clearly define how narrative disclosures should align with tabular data, particularly in cases where no regulatory violation has occurred. PMAA states that without additional guidance, this dual-track disclosure framework risks inconsistent messaging and public confusion. We ask the Board to clarify implementation of narrative CCR sections in order to protect the public health, safety, and welfare.

Section 109.416(4)(x)(C)

The preamble explains that clause (4)(x)(C) describes the content of the six-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 proposed clause (4)(x)(B). The preamble states that Subclause (4)(x)(C)(V) describes reporting requirements for unregulated contaminants that were not included in system's first report for the year. PMAA comments that unregulated contaminants are, by definition, unregulated, stating, "They have no established maximum contaminant levels (MCLs), do not require treatment, and are monitored solely for data collection and future regulatory evaluation. Although [Unregulated Contaminant Monitoring Rule (UCMR)] monitoring is unregulated, reporting them now resembles that of regulated contaminants, which may shift public perception." Likewise, the Water Utility Council of PA-American Water Works Association (WUC) is concerned that reporting of UCMRs, in accordance with the federal rule, is going to create confusion for and unrealistic expectations by the customers. The WUC also questions how the Department will track UCMRs. We ask the Board to clarify implementation of reporting requirements for unregulated contaminants to protect the public health, safety, and welfare.

3. Section 109.1003. Monitoring requirements. – Determining whether the regulation is in the public interest; Protection of the public health, safety, and welfare.

The EPA Region 3 notes that with the proposed changes to subparagraph (b)(1)(iii), the carrier vehicles of bulk water hauling systems will be regulated as a distribution system. The EPA Region 3 submits the following concerns:

- The current bottled water and vended water systems, retail water facilities, and bulk water hauling systems (BVRB) monitoring requirement of subparagraph (a)(1)(x) requires chlorite monitoring on a daily basis and additional monitoring following an MCL exceedance, but it does not allow for routine monthly monitoring in the distribution system. The federal chlorite monitoring requirements of 40 CFR §141.132(b)(2)(i)(B) should be required for BVRB similar to the requirements in Section 109.301(12)(iii)(A)(II).
- The proposed BVRB monitoring requirement of subparagraph (a)(1)(xi) only requires daily chlorine dioxide monitoring at the entry point on the day following exceedance of the maximum residual disinfectant level (MRDL) and does not meet the intent of the federal requirement. The federal chlorine dioxide monitoring requirement of 40 CFR §141.132(c)(2)(ii) requires analysis of three additional chlorine dioxide samples, for systems with no booster chlorination, that are collected at one location at intervals of at least six hours on the day following exceedance of the MRDL.
- Proposed minor edits to subparagraph (a)(1)(xii) clarify the bromate monitoring location at a BVRB as the system's entry point. Requirements for BVRB to reduce bromate monitoring in Section 109.1003(a)(1)(xii)(A) are based on individual sample results, which [are] inconsistent with the requirements in Section 109.301(12)(iv)(B) that base that determination on a running annual average. Similarly, the period of record to be used for the reduced bromate monitoring determination is the "previous 12 months" in

Section 109.1003(a)(1)(xii)(A) and the “most recent 4 quarters” in Section 109.301(12)(iv)(B)(II).

- Proposed revisions to subparagraph (a)(1)(vii) would exempt some BVRB meeting specific criteria from radiological monitoring and require some to monitor each entry point once every four years. For BVRBs considered community water systems under Section 109.1003(d), it is unclear how the specified monitoring frequency in this revised subparagraph is consistent with Section 109.301(14)(i)(B), as well as 40 CFR §141.26(a)(3).

We will evaluate the Board’s responses to the comments of the EPA Region 3 related to carrier vehicles of bulk water hauling systems being regulated as a distribution system as we make our determination of whether the proposed regulation is in the public interest and protects the public health, safety, and welfare.