



- Board of Directors
Communications and Legislation Committee

10/11/2011 Board Meeting

8-6

Subject

Express support for H.R. 1340 (Young, R-FL) - End Unnecessary Costs Caused by Report Mailing Act of 2011

Description

Background

The Safe Drinking Water Act (SDWA) Amendments of 1996 require public water systems to mail annual water quality reports to their customers. These reports, also known as consumer confidence reports (CCRs), provide a summary of the source and types of contaminants identified in drinking water supplies. The cost of distributing these reports by postal mail may represent a considerable expense for large- and medium-size water systems, when alternative communication options may be equally effective.

Federal efforts at reducing unnecessary and costly regulations have prompted some members of Congress to examine ways of amending existing laws to provide both regulatory relief and savings to taxpayers. In 2010, the Obama Administration proposed allowing electronic communication of the water quality report in the U.S. EPA's recently released "Retrospective Review of Existing Regulations." The Internet may provide an opportunity to distribute water quality information online allowing customers to access data on demand. Most drinking water utilities maintain websites with the latest copy of their CCR.

Analysis

H.R. 1340 ([Attachment 1](#)) would amend the SDWA to remove the mandatory requirement to "mail" CCRs to retail customers on an annual basis, and instead authorize public water systems to provide a written notice to customers that the CCR is available on the system's website and by mail, upon request. This proposed change to the SDWA would keep in place mailing requirements for public water systems that have violated drinking water standards for regulated contaminants. An additional provision would add health concerns language to the CCR in the event of a violation.

If H.R. 1340 is successfully passed and signed into law removing federal mailing requirements, California would need to adopt similar legislation to allow the Department of Public Health to authorize electronic posting or distribution of CCRs in order for California water providers to benefit. Various groups have expressed an interest in introducing state legislation, accordingly.

In a recent letter ([Attachment 2](#)) to Representative Bill Young, author of H.R. 1340, a coalition of drinking water trade associations including the American Water Works Association, Association of Metropolitan Water Agencies and the Association of California Water Agencies urged support for H.R. 1340 noting the cost savings and increased efficiency of utilizing modern communication technologies. The organizations also underscored the importance of preserving the public's option for receiving mailed reports and ensuring that the public maintains robust access to water quality information.

As a wholesale supplier, Metropolitan compiles the information necessary to produce CCRs for itself and its member and retail agencies that use treated Colorado River and State Water Project supplies. Currently, Metropolitan posts CCRs on its website and produces only a limited number of hard copies. The printed reports

are distributed to the member agency general managers and the board of directors. The data for Metropolitan's CCRs are distributed by electronic mail and posted online for use by member and retail agencies as required. Metropolitan's member and retail agencies use all or part of these data in compiling their own CCRs, then mail the reports to their customers.

The Los Angeles Department of Water and Power estimated a cost of \$365,000 in 2010 to print and mail CCRs to its retail base of approximately 1.4 million customers. Other member agencies of Metropolitan have similar mailing costs proportionate to their customer base.

Staff Recommendation

Based on the potential benefits to Metropolitan and the region, staff recommends support for H.R. 1340.

Policy

Drinking Water Quality, M.I. 46191- April 12, 2005

Consumers' Right To Know and Understand the Quality of Their Drinking Water, M.I. 45255 - March 11, 2003

Federal Safe Drinking Water Act, M.I. 39928 – November 10, 1992

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination and express support for H.R. 1340.

Fiscal Impact: None to Metropolitan; however, reduced printing and mailing costs incurred by member agencies if the State of California adopts similar legislation

Option #2

Take no action at this time.

Fiscal Impact: None

Staff Recommendation

Option #1


Linda Waade
Deputy General Manager, External Affairs

9/28/2011
Date


Jeffrey Kightlinger
General Manager

9/29/2011
Date

Attachment 1 – H.R. 1340

Attachment 2 – Coalition Support Letter for H.R. 1340

Ref# ea12614530

112TH CONGRESS
1ST SESSION

H. R. 1340

To amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2011

Mr. YOUNG of Florida (for himself and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Unnecessary
5 Costs Caused by Report Mailing Act of 2011”.

6 **SEC. 2. CONSUMER CONFIDENCE REPORTS BY COMMUNITY**
7 **WATER SYSTEMS.**

8 (a) METHOD OF DELIVERING REPORT.—Subpara-
9 graph (A) of section 1414(c)(4) of the Safe Drinking
10 Water Act (42 U.S.C. 300g-3(e)(4)) is amended—

1 (1) in subparagraph (A), by striking “The Ad-
2 ministrator, in consultation” and inserting the fol-
3 lowing:

4 “(i) IN GENERAL.—The Adminis-
5 trator, in consultation”;

6 (2) by striking “to mail to each customer” and
7 inserting “to provide in accordance with the mailing
8 requirement of clause (ii) or (iii), as applicable, to
9 each customer”; and

10 (3) by adding at the end the following:

11 “(ii) MAILING REQUIREMENT IN CASE
12 OF VIOLATION OF MCL.—In the case of a
13 community water system for which there
14 has been a violation of the maximum con-
15 taminant level for any regulated contami-
16 nant during the year concerned, the regu-
17 lations under clause (i) shall require each
18 report to be mailed.

19 “(iii) MAILING REQUIREMENT ABSENT
20 ANY VIOLATION OF MCL.—In the case of a
21 community water system for which there
22 was no such violation during the year con-
23 cerned, the regulations under clause (i)
24 shall require the system to comply with one

1 of the following (to be selected by the sys-
2 tem):

3 “(I) Mail each report.

4 “(II) Make each report available
5 on the system’s Web site and, upon
6 request, by mail and provide notice in
7 plain language (either by using cus-
8 tomized message space on the cus-
9 tomer’s bill or by enclosing a flier
10 within the customer’s bill) that—

11 “(aa) the system’s water has
12 remained in compliance with the
13 maximum contaminant level for
14 each regulated contaminant dur-
15 ing the year concerned; and

16 “(bb) a consumer confidence
17 report is available on the sys-
18 tem’s Web site and, upon re-
19 quest, by mail.

20 “(iv) RELATION TO OTHER PROVI-
21 SIONS.—For purposes of subparagraphs
22 (C) and (D), references to the mailing re-
23 quirement of this subparagraph refer to
24 the requirements of clauses (ii) and (iii).”.

1 (b) CONTENT OF REPORT.—Clause (iii) of section
2 1414(c)(4)(B) of the Safe Drinking Water Act (42 U.S.C.
3 300g-3(c)(4)(B)) is amended by striking “(IV) for any
4 regulated” and all that follows through the period at the
5 end of the clause and inserting “(IV) for any regulated
6 contaminant in such water system for which there has
7 been a violation of the maximum contaminant level during
8 the year concerned, the brief statement in plain language
9 regarding the health concerns that resulted in regulation
10 of such contaminant (as provided by the Administrator in
11 regulations under subparagraph (A)), a description in
12 plain language of the specific contaminant measurements
13 which caused the violation and the possible effects on
14 health and welfare, a description in plain language of the
15 actions being taken to correct the violation so as to be
16 in compliance with this Act, and a statement of the date
17 by which compliance will be attained.”.

18 (c) APPLICATION; ADMINISTRATIVE ACTIONS.—The
19 amendments made by this section apply beginning on the
20 day that is 90 days after the date of the enactment of
21 this Act. Not later than such day, the Administrator of
22 the Environmental Protection Agency shall promulgate re-
23 vised regulations and take such other actions as may be

1 necessary to carry out the amendments made by this sec-
2 tion.

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September 7, 2011

The Honorable C.W. Bill Young
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Young:

On behalf of the undersigned organizations representing thousands of drinking water systems across the country, we would like to express our support for H.R. 1340, the "End Unnecessary Costs Caused by Report Mailing Act of 2011." We believe this legislation will allow the nation's drinking water utilities to save money and increase efficiency by utilizing modern communications technology when sharing annual water quality reports with their customers.

The Safe Drinking Water Act Amendments of 1996 (SDWA) require public drinking water systems to "mail" water quality reports to all customers on an annual basis. Fifteen years after enactment of this law, our members report spending hundreds of thousands of dollars per year to distribute these reports through the mail, even though electronic communication options have become prevalent. The money spent printing and mailing these reports could instead be invested in infrastructure upgrades that improve water quality and create jobs.

We are glad to see that H.R. 1340 updates the SDWA to allow drinking water utilities to distribute water quality reports over the Internet, while also ensuring that the public maintains robust access to water quality information. We strongly support the public's right to know about the quality of their drinking water and agree that utilities should continue to be required to mail reports announcing violations of federal water quality standards to their customers. We also support allowing customers to request a paper copy of a water quality report by mail.

H.R. 1340 represents a sensible update to SDWA that will save drinking water systems money while maintaining the public's ability to access important water quality information. The Obama Administration has proposed allowing electronic communication of water quality reports in EPA's "Retrospective Review of Existing Regulations." Your legislation will allow this change to happen in a timely manner. Thank you for introducing this legislation, we look forward to working with you toward its passage.

Sincerely,

American Water Works Association
Association of California Water Agencies
Association of Metropolitan Water Agencies
National Association of Water Companies
National Rural Water Association

cc: The Honorable Fred Upton, Chairman, Committee on Energy and Commerce
The Honorable Henry Waxman, Ranking Member, Committee on Energy and Commerce
The Honorable John Shimkus, Chairman, Subcommittee on Environment and the Economy
The Honorable Gene Green, Ranking Member, Subcommittee on Environment and the Economy