

## **ATTACHMENT**

### **CONSUMER CONFIDENCE REPORT ELECTRONIC DELIVERY OPTIONS AND CONSIDERATIONS**

The purpose of the Consumer Confidence Report (CCR) Rule is to raise customers' awareness of where their drinking water comes from, the quality of their drinking water, what it takes to deliver water to their home and the importance of protecting drinking water sources. The CCR Rule requires each community water system (CWS) to mail or otherwise directly deliver one copy of its CCR to each customer annually. As many water systems, technical service providers, and primacy agencies have inquired about electronic delivery of the CCR to each customer EPA's CCR Rule Retrospective Review [December 2012] evaluated several electronic delivery methods to determine which forms meet existing CCR Rule requirements.

This attachment provides an overview of electronic delivery methods and describes ways CWSs can approach electronic delivery of their CCRs to their bill paying customers and meet current regulatory requirements if they so choose. This attachment first discusses the different electronic delivery approaches and methods to "mail and otherwise directly deliver" the CCR. Then, this attachment provides a review of additional CCR rule elements that a CWS must still consider when implementing electronic delivery, such as a "good faith effort" to reach non-bill paying customers, multilingual requirements, small system delivery requirements and delivery certification. It is important to note that this document provides information, recommendations and interpretations of existing rule provisions. It is not a rule and does not add to or replace any existing CCR Rule requirements. It also does not supersede any additional state or tribal primacy requirements for content or delivery of CCRs.

## APPROVED CCR DELIVERY METHODS

The CCR Rule Retrospective Review revealed a variety of forms of communication available for delivery of the CCR. EPA found some forms of communication were not consistent with the regulatory requirement to “mail or otherwise directly deliver” the CCR and, as a result, would not be consistent with current CCR Rule requirements. The table below provides a summary of CCR delivery methods that meet existing rule language to “mail or otherwise directly deliver,” including electronic, so long as the system is providing the report directly to each customer. CWSs may want to consider a combination of delivery methods for their CCRs based on available technology and with consideration of the demographic and technology limitations of their customer base. The methods below take into account the future development of new technologies. CWSs can use Table 1 to assist with deciding about which method or methods would be most appropriate for them. Each method should be considered by the CWS in consultation with their primacy agency in order to ensure that they directly deliver the CCR to their bill-paying customers.

**Table 1. CCR Delivery Methods for Bill-Paying Customers**

CCR DELIVERY METHOD	METHOD DESCRIPTION
<b>Mail - paper copy</b>	CWS mails a paper copy of the CCR to each bill-paying customer.
<b>Mail - notification that CCR is available on website</b>	CWS mails to each bill-paying customer a notification that the CCR is available and provides a direct URL to the CCR where it can be viewed. A URL that navigates to a webpage that requires a customer to search for the CCR does not meet the “directly deliver” requirement. The mail method for the notification may be, but is not limited to, a postcard, water bill insert, statement on the water bill or community newsletter.
<b>Email – direct URL to CCR</b>	CWS emails a direct URL to the CCR on a publicly- available site on the Internet. A URL that navigates to a webpage that requires a customer to search for the CCR does not meet the “directly deliver” requirement.
<b>Email – CCR sent as an attachment to the email</b>	CWS emails the CCR as an electronic file email attachment (e.g., portable document format (PDF)).
<b>Email – CCR sent as an embedded image in an email</b>	CWS emails the CCR text and tables inserted into the body of an email (not as an attachment.)
<b>Additional electronic delivery that meets “otherwise directly deliver” requirement*</b>	CWS delivers CCR through a method that otherwise directly delivers to each bill-paying customer and in coordination with the primacy agency.

\*This category is intended to encompass methods or technologies not included above.

## **“Directly Deliver” Requirements**

EPA interprets the existing rule language so that two elements must be met in order to comply with the requirement to “directly deliver”.

1. The CWS must provide a direct URL to the CCR.
2. If a CWS is aware of a customer’s inability to receive a CCR electronically, it must continue providing a paper CCR (or follow requirements for distribution by other means if the system has a small system mailing waiver.)

EPA also identified current electronic delivery methods that do not meet existing CCR Rule requirements. Providing customers with an indirect URL to their CCR which would require the customer to search on a website and possibly not find the CCR is not “directly delivering” the CCR. Use of social media (e.g., Twitter or Facebook) solely to bill-paying customers does not meet the requirement to “directly deliver” since these are membership Internet outlets and would require a customer to join the website to read their CCR.

## **Considerations**

There are several considerations that a CWS should evaluate when choosing to deliver CCRs electronically. This list highlights electronic delivery considerations identified as a part of EPA’s CCR Rule Retrospective Review but it is not an exhaustive list.

- A CWS needs to ensure delivery to every customer, which may require a combination of paper and/or electronic delivery. For example, a CWS may provide the CCR through an email to electronic bill-paying customers but include a mail notification with a direct URL to customers who receive paper bills or mail those customers a paper CCR.
- When using a mail notification method with a direct URL a CWS may want to consider displaying the direct URL on every mailing (e.g., quarterly water bill.) This could increase the customers’ access to the information and knowledge of the electronic delivery option.
- Electronic bill and auto-pay customers may not receive and/or may ignore their monthly billing statements as found during a state electronic delivery pilot study. Therefore, to ensure that the customer is aware of how to obtain their CCR a CWS could consider sending a dedicated email (with a CCR-related subject line) informing their customers of the availability of the CCR each year.
- CWSs should manage their email databases regularly to ensure correct emails are being used for electronic delivery to their customers.
- Once a customer requests a paper or electronic CCR for one year, a CWS could consider keeping record of this delivery preference for future CCR deliveries.
- Before providing electronic delivery of CCRs to customers, a CWS may want to conduct public outreach to provide advance notification of the change in approach. The CWS could send a notification to customers of the upcoming change in delivery method and an opportunity to contact the CWS with any concerns.

These considerations are not required by the existing CCR Rule language but are important in continually promoting consumer awareness and confidence.

### Advantages and Limitations

To further assist CWSs in evaluating which combination of CCR delivery methods is best for their communities, these tables offer advantages and limitations of each CCR delivery method. These tables are not exhaustive, but rather offer a broad summary of considerations. The last delivery method listed in Table 1, additional electronic delivery that meets the “otherwise directly deliver” requirement is intended to encompass future and emerging technologies. The CWS should work with its primacy agency to determine limitations and advantages of this method.

**Table 2. Advantages Matrix of CCR Delivery Methods**

ADVANTAGES*	CCR DELIVERY METHODS				
	Mail - Paper Copy	Mail - Notification that CCR available and direct URL	Email – direct URL to CCR	Email – CCR sent as an attachment	Email – CCR sent as an embedded image
Customers may have access to more information beyond what is required in the CCR because they are already on the CWS website.		■	■		
CWS does not have to invest in new software, additional staff training or other new logistical needs for delivery.	■				
CWS has potential printing and mailing cost savings.		■	■	■	■
CWS with e-billing systems can use existing database and other resources.			■	■	■
Customer can view or receive CCR with limited or no Internet access.	■				
Customer expects the CCR to be delivered by this method based on CCR delivery history.	■				
Customer does not have to share a personal email account.	■	■			
CCR is directly available and customer does not have to take a second step to view (e.g., go to website or click link.)	■				■
Method consumes less of limited natural resources, including paper for production.			■	■	■
CWS may be able to use the same method to reach bill-paying and non-bill-paying customers.	■	■	■	■	■
Method assured to reach customer because it uses a reliable postal address.	■	■			
Use of e-bill pay customer email addresses to deliver CCR (reduction of inaccurate emails.)			■	■	■

\* Advantages are not in any ranked order.

Table 3. Limitations Matrix of CCR Delivery Methods

LIMITATIONS*	CCR DELIVERY METHODS				
	Mail - Paper Copy	Mail - Notification that CCR available and direct URL	Email - direct URL to CCR	Email – CCR sent as an attachment	Email – CCR sent as an embedded image
CWS must dedicate staff to manage more than one delivery method, including collecting and updating email addresses.			■	■	■
CWS may have to invest in new software and train staff.		■	■	■	■
CWS incurs printing and mailing costs.	■	■			
CWS needs Internet access and adequate bandwidth to distribute large numbers of emails at once.			■	■	■
Customer may not receive CCR by email due to lack of software compatibility, spam filtering, firewalls or file size limitations.			■	■	■
Customer may be reluctant to download an attachment or click a URL to an unfamiliar website.		■	■	■	
Customer may be reluctant to open email from an unfamiliar email address.			■	■	■
Customer may be reluctant to share personal email address.			■	■	■
Responsibility of customer to take the next step to view the CCR (e.g., access website or click URL or download attachment.)		■	■	■	
Customer needs Internet access to view or receive CCR.		■	■	■	■
Method consumes natural resources, including paper for production.	■	■			
Method uses email addresses, which are less reliable than postal addresses (unless part of e-billing system).			■	■	■

\* Limitations are not in any ranked order.

## **ELECTRONIC CCR DELIVERY APPROACHES**

Once a CWS has identified appropriate CCR delivery methods that include electronic delivery, they next consider the approach in which to electronically deliver CCRs. With stakeholder input, EPA has analyzed different approaches and identified two that meet existing CCR rule requirements to “mail or otherwise directly deliver.” The two approaches are: 1) paper CCR delivery with a customer option for electronic CCR delivery or 2) electronic CCR delivery with a customer option to request a paper CCR. If a CWS chooses to pursue electronic delivery of CCRs, each approach should be considered by the CWS to determine how best to directly deliver the CCR to their bill-paying customers. CWSs may also find it best to use a phased approach over time from a paper delivery approach to an electronic delivery approach. Because this is rapidly changing environment, EPA recommends that primacy agencies reach out to their water systems and provide assistance to ensure that methods of electronic delivery being considered by CWSs meet CCR Rule requirements.

### **Paper CCR Delivery with Electronic CCR Delivery Option Approach**

One approach to an electronic delivery program is to provide paper CCR delivery but allow customers to choose to receive electronic delivery of CCRs. A CWS would notify customers of the availability of electronic delivery of the CCR. This notification could be performed through a variety of mechanisms including through the water bill, separate mailing, CWS’s website or other mechanisms. Customers would express to the CWS their preference to receive their CCR through electronic delivery. CWSs’ would catalog customers’ delivery preferences and deliver the CCR according to their specified preference. The CWS has a choice of any of the electronic delivery methods or a combination discussed in Table 1. Customers who do not identify a preference for electronic delivery would receive a paper CCR.

This approach benefits the customer and CWS by ensuring that the electronic CCR only reaches those who are able to and interested in receiving it electronically. This approach may require additional CWS staff resources to coordinate the logistics of tracking customer delivery preferences. The Agency sees this approach as a gradual transition to electronic delivery over time as more customers become comfortable with the electronic methods.

### **Electronic Delivery with Paper CCR Option Approach**

A second approach for CCR electronic delivery program is to provide CCRs electronically to customers with an option to request a paper CCR. Under this approach, the CWS establishes an electronic delivery method considering their customers’ needs and technology capabilities. These methods could be any of the methods or a combination discussed in Table 1. The CWS would deliver the CCR electronically to customers and include in the electronic message a way to request paper CCR delivery. The CWS would provide a paper copy of the CCR to those customers who request a paper CCR.

This approach may lead to a higher usage of electronic delivery of the CCR to customers. Therefore, a CWS could reduce costs over time with limited printing and mailing costs; however, may incur higher start up costs. For example, the system may need to find a way to collect email addresses. CWSs using this approach for all of its customers may limit the paper delivery of the CCR only to those customers who prefer that method. However, the burden falls to the

customers to request a paper CCR if they prefer paper delivery and/or are unable to participate in electronic delivery.

## **ADDITIONAL RULE ELEMENTS**

### **“Good Faith” Effort to Reach Consumers Who Do Not Receive a Water Bill 40 C.F.R. § 141.155(b)**

The CCR is meant to serve as a tool to open dialogue between the CWS and its customers about water quality and encourage customers to be more active in the decision making process that affects their health. To ensure that all customers know about the quality of their drinking water, the CCR Rule requires CWSs to make a “good faith effort” to reach consumers who do not receive a water bill. A good faith effort to reach consumers should include a mix of appropriate methods including posting on the Internet, mailing to postal patrons in metropolitan areas, advertising the availability of the report in the news media, posting in public places, etc. The delivery methods and approaches discussed throughout this document are not intended to limit the options available to CWSs in meeting this requirement, but instead to present additional opportunities to expand public outreach. The delivery methods and approaches for bill-paying customers may also serve as ways to reach consumers who do not receive a water bill.

A CWS’s website can offer sign-up for e-delivery to the public, including consumers who do not receive a water bill. Where allowed by the primacy agency, CWSs should also consider increasing outreach and public participation by taking advantage of advancements in new technology, such as increased accessibility of email and mobile phone applications, and the use of blogs or social media on the Web. CWSs opting to use social media will have to promote the availability of these resources and dedicate staff to keep these active. Once established, CWSs would be able to reach many consumers in a single post or tweet. CWSs should stay apprised of new opportunities to reach all their customers as technology continues to advance.

### **Multilingual Requirement 40 C.F.R. § 141.153(h)(3)**

The CCR is an important communication tool, and a CWS needs to ensure it reaches non-English speaking populations who may comprise a significant portion of its customer base as well. As determined by the primacy agency, communities with a large portion of non-English speaking residents must provide a CCR that contains information in the appropriate languages regarding the importance of the report. The electronic delivery methods and approaches discussed in this document do not alter the CCR content requirements including any required translated statements. CWSs, when providing electronic delivery, should consider adding any translated statements to their electronic delivery methods, including emails and websites. The CCR Rule also allows for a CWS to provide a phone number or address where residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language in their report. CWSs should consider including any contact information in their electronic messaging so that non-English speaking residents may contact the CWS to obtain a translated CCR or to receive assistance in the appropriate language. Washington State provides more than two dozen translations for informational statements to use on CCRS at

<http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/DrinkingWaterEmergencies/PublicNotification/TranslationsforPublicNotification.aspx>.

### **Small System Waiver of Mailing Requirements 40 C.F.R. § 141.155(g)**

The delivery options discussed in this document do not replace primacy agency regulations regarding the waiving of the requirement to “mail or directly deliver” the CCR for small CWSs. The current CCR Rule allows a governor or Tribal leader to waive the CCR “mail or directly deliver” requirement for CWSs serving fewer than 10,000 persons. Some primacy agencies have made these waivers automatic by incorporating waiver language into state regulations. Others require small CWSs to request waivers. CWSs serving between 501 and 10,000 persons may publish their CCR in a local newspaper if permitted by state regulation or granted a CCR waiver. They must also inform their customers that a CCR report will not be mailed; reports are to be available upon request. CWSs serving 500 or fewer persons, if permitted by state regulation or granted a CCR waiver, must provide notice to their customers, annually, by door to door delivery or posting notification in an appropriate location that a CCR is available upon request. If allowed by the primacy agency, CWSs serving less than 10,000 that do not wish to take advantage of a mailing waiver (meaning they are choosing to mail hard copies) are eligible to use a form of electronic delivery in lieu of mailing or hand delivery of hard copies. For example, manufactured home communities and military bases with known populations may be able to reach all persons served via email.

### **Delivery Certification 40 C.F.R. § 141.155(c)**

The CCR Rule requires a CWS to certify that the report was delivered to its customers and that the information contained within the CCR is correct and consistent with the compliance monitoring data previously submitted to the primacy agency. Many primacy agencies have a certification form the CWSs use, and a CWS checks off the appropriate methods used to distribute the CCR. The primacy agency should ensure that, especially as new communication methods are used, CCRs continue to be “directly delivered” to customers in a manner that is accessible and convenient. Therefore, primacy agencies may wish to consider amending their certification forms to list allowable combinations of hard copy and electronic delivery methods including a space for a direct URL address. Primacy agencies should also verify the URL listed by the CWS to ensure it is a direct URL to meet requirements to directly deliver to customers.