



# Revised Consumer Confidence Report Rule (CCR) - Primacy Support Documents

Office of Water (4606M)  
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The EPA is providing these documents to its Primacy Agency partners (i.e., states, Tribes, and territories) so that they may start their planning and application process for their primacy program revisions to incorporate the Consumer Confidence Report (CCR) Rule, published on May 24, 2024, at 89 FR 45980. This support document includes a subset of letters and checklists for primacy agencies that plan to request extensions for submitting their primacy revision applications for the CCR Rule. Each item has been formatted for ease of use by intended users.

# CCR Rule Primacy Support Documents

## Timetables

### Primacy Program Revision

To obtain approval for primary enforcement responsibility, referred to as “primacy,” states, Tribes or territories must have, among other things, statutory or regulatory enforcement authority adequate to compel compliance with State drinking water regulations including authority to require community water systems to provide consumer confidence reports as required by 40 CFR part 141 Subpart O (40 CFR 142.10(b)(6)(vii)). Each State that has primary enforcement responsibility must adopt the revised requirements of [40 CFR part 141, subpart O](#) no later than May 25, 2026. (40 CFR 142.16(f)(1)). The CCR Rule is structured to give Primacy Agencies<sup>1</sup> flexibility to incorporate the Rule’s requirements into existing state programs that are diverse in scope. Primacy Agencies are given flexibility in several areas of the CCR Rule, including some mailing waiver and alternate form and content.

Pursuant to Safe Drinking Water Act (SDWA) section 1413(a)(1) and [40 CFR 142.12](#), primacy agencies must submit a complete and final primacy revision application to adopt new or revised EPA regulations no later than two years after the date of promulgation. The EPA Regions will directly implement the new or revised regulations until the primacy revision application is approved or the primacy agency obtains interim primacy (discussed below), although the Primacy Agency and the EPA can agree to implement a rule together during this period.

Under SDWA section 1413(c) and 40 CFR 142.12(e), Primacy Agencies that have primacy for all existing National Primary Drinking Water Regulations (NPDWRs) are considered to have interim primacy for each new or revised federal regulation they adopt. Therefore, if a Primacy Agency is eligible for interim primacy, it will have full implementation and enforcement authority for the revised CCR Rule beginning on the date the Primacy Agency submits its final and complete primacy revision application or the effective date of the new Primacy Agency regulation (whichever is later). Interim primacy for the revised CCR Rule ends when the EPA makes a final determination on the primacy agency’s program revision application (refer Table 1).

Pursuant to the SDWA and 40 CFR 142.12(b)(2), a Primacy Agency may request and receive an extension of up to two years to submit its primacy revision application package. During any extension period, an extension agreement outlining the Primacy Agency’s and EPA’s responsibilities is required.

**TABLE 1: PRIMACY AGENCY RULE IMPLEMENTATION AND REVISION TIMETABLE FOR THE CCR RULE**

EPA/Primacy Agency Action	Time Frame
CCR Rule Revision promulgated in the Federal Register	May 24, 2024*

<sup>1</sup> For the purpose of 40 CFR 141 subpart O, the term “Primacy Agency” refers to the state or Tribal government entity that has jurisdiction over, and primary enforcement responsibility for, public water systems, even if that government does not have interim or final primary enforcement responsibility for this part. Where the state or Tribe does not have primary enforcement responsibility for public water systems, the term “Primacy Agency” refers to the appropriate EPA regional office (40 CFR 141.151(f)).

Revised CCR Rule effective date	June 24, 2024*
Each Primacy Agency must submit complete and final requests for EPA approval of program revisions to adopt the revised CCR Rule or request an extension <sup>2</sup>	May 25, 2026 <sup>3,*</sup>
CCR Rule compliance date	January 1, 2027*
Primacy Agencies with approved two-year extensions submit a complete and final program revision application	May 24, 2028*
*These are federally mandated dates for rule promulgation and compliance.	

## The Revision Process

The EPA recommends that primacy agencies use a two-step process for the development of their program revision applications. The first step is the submission of a draft application for EPA review and feedback (optional) and the second step is the submission of a complete and final application for program approval. The Primacy Agency and the EPA Region should establish a plan and timetable for submitting the Primacy Agency primacy revision application as soon as possible after a final rule is promulgated.

### Draft Application

The Primacy Agency may submit a draft application for the EPA's review and tentative determination. See 40 CFR 142.12(d)(1). The preliminary approval request should contain drafts of all required primacy application materials (with the exception of a draft Attorney General's statement). A draft application should be submitted as soon as practicable. The EPA will make a tentative determination as to whether the Primacy Agency program meets the applicable requirements. The EPA will strive to make a tentative determination within 90 days.

### Complete and Final Application

The Primacy Agency must submit the complete and final application in accordance with [40 CFR 142.12\(c\)\(1\)](#) and [40 CFR 142.12\(c\)\(2\)](#) and include the Attorney General's statement. The Primacy Agency should also include its response to any comments or program deficiencies identified by the EPA in the tentative determination (if applicable). Submitting only a final application may make it more difficult for Primacy Agencies to address any necessary changes within the allowable time for Primacy Agency rule adoption.

The EPA recommends that Primacy Agencies submit their complete and final revision application for the revised CCR rule as soon as possible. This will prevent backlogs of revision applications to adopt future federal requirements.

### The Final Review Process

Once the EPA determines that a Primacy Agency's program revision application is complete and final, the EPA has a 90-day statutory deadline to approve or disapprove the revised program. The EPA Office of

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<sup>2</sup> [40 CFR 142.72](#)

<sup>3</sup> The two- year statutory deadline would be May 24, 2026. However, because the deadline falls on a Sunday, EPA does not expect compliance until Monday, May 25, 2026.

Ground Water and Drinking Water (OGWDW) in headquarters (HQ) will conduct a detailed concurrent review of the first primacy application from each EPA Region. The EPA Regional office should submit its comments with the Primacy Agency's application within 45 days for review by HQ. When the EPA Region has identified all significant issues, OGWDW may waive concurrence on all other Primacy Agency programs in that EPA Region, although the EPA HQ retains the option to review additional Primacy Agency programs as appropriate. The Office of General Counsel (OGC) has delegated its review to the Office of Regional Counsel (ORC).

In order to meet the 90-day deadline for applications undergoing concurrent review by HQ, the review period is equally split by giving the EPA Regions and HQ 45 days each to conduct their respective reviews. For the first application in each Region, EPA Regions should forward copies of the primacy revision applications and their evaluations to the appropriate contact in HQ no later than 45 days after determining the Primacy Agency's application is complete and final.

## Primacy Program Revision Extension

### The Extension Process

Under [40 CFR 142.12\(b\)\(2\)](#), a Primacy Agency may request that the two-year deadline for submitting the complete and final program revision application be extended up to an additional two years. The extension application must be submitted to the EPA within the two years following promulgation. The EPA Regional Administrator has been delegated authority to approve extension applications. HQ concurrence on extension requests is not required.

Therefore, the Primacy Agency must either adopt regulations pertaining to the revised CCR Rule and submit a complete and final primacy revision application by May 25, 2026, or request an extension of up to two years by that date.

### Extension Application Criteria

For an extension to be granted under [40 CFR 142.12\(b\)\(2\)](#), the Primacy Agency must demonstrate that it is requesting the extension because it cannot meet the original deadline for reasons beyond its control despite a "good faith" effort to do so. A critical part of the extension application is the Primacy Agency's proposed schedule to submit its complete and final primacy revision application. The extension application must also demonstrate at least one of the following:

- That the Primacy Agency currently lacks the legislative or regulatory authority to enforce the new or revised requirements
- That the Primacy Agency currently lacks the program capability adequate to implement the new or revised requirements
- That the Primacy Agency is requesting the extension to group two or more program revisions in a single legislative or regulatory action

In addition, the Primacy Agency must demonstrate that it is implementing the EPA's requirements to be adopted in the Primacy Agency's program revision pursuant to [40 CFR 142.12\(b\)\(3\)](#), within the scope of its current authority and capabilities.

## Conditions of the Extension

To be granted an extension, the Primacy Agency must agree to meet certain requirements during the extension period, which will be determined by the EPA during the extension approval process and are decided on a case-by-case basis ([40 CFR 142.12\(b\)\(3\)](#)). The conditions must be included in the extension agreement between the Primacy Agency and the EPA Regional Office (see Primacy Program Revision Extension section). Conditions of an extension agreement may include the following activities:

- Informing CWSs of the new federal (and upcoming State, Tribe, or territory) requirements and that EPA Region will be overseeing implementation of the requirements until the Primacy Agency. If eligible for interim primacy, submits a complete and final primacy revision request to EPA Region, or in all other cases, until EPA approves the Primacy Agency's program revision
- Assisting the EPA Region in the development of the technical aspects of enforcement actions and conducting informal follow-up on violations (e.g., telephone calls, letters)
- Providing technical assistance to CWSs
- For Primacy Agencies whose application for an extension is based on a current lack of program capability adequate to implement the new requirements, taking steps agreed to by the EPA Region and the Primacy Agency to remedy the deficiency during the extension period
- Providing the EPA Region with all the information required under [40 CFR 142.15](#) for Primacy Agency reporting

[Table 2](#) provides a checklist the EPA Region can use to review Primacy Agency extension requests or to create an extension agreement.

Until a state, Tribe or territory obtains primacy or interim primacy, the EPA serves as the primary enforcement authority; however, Primacy Agencies have historically played a role in implementation for various reasons—most importantly because they have local knowledge, expertise, and established relationships with their systems.

The Primacy Agency and the EPA should be viewed as partners in this effort, working towards two very specific goals. The first goal is to achieve a high level of compliance with the regulation. The second goal is to facilitate successful implementation of the regulation during the transition period between when the EPA has primacy and when the Primacy Agency has primacy, including interim primacy, for a new or revised rule. Community Water Systems (CWS)<sup>4</sup> should be notified of a contact person at the EPA Region if they want to ask questions or obtain information about the revised CCR Rule before the Primacy Agency has primacy.

Primacy Agencies can use the checklist provided below to guide the development of their program revision extension agreement.

## CCR Rule Primacy Revision Extension Application Checklist

**TABLE 2: CCR RULE PRIMACY REVISION EXTENSION APPLICATION CHECKLIST**

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<sup>4</sup> Community water system means a public water system which servers at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents ([40 CFR 141.2](#)).

CFR Reference	Elements	EPA Findings/Comments
40 CFR 142.12(b)(1)	Primacy Agency provides a final extension request before the deadline May 25, 2026.	
40 CFR 142.12(b)(2)	Primacy Agency demonstrates good faith effort to meet original deadline.	
40 CFR 142.12(b)(2)	Primacy Agency requests an extension due to reasons beyond its control.	
40 CFR 142.12(b)(2)	Primacy Agency's application for extension includes a schedule with a timeframe for the submission of a final request for primacy agency program revision. <sup>1</sup>	
40 CFR 142.12(b)(2)	Primacy Agency's application for extension includes sufficient information to demonstrate at least one of the following:	
40 CFR 142.12(b)(2)(i)(A)	Primacy Agency lacks legislative/regulatory authority to enforce the rule; or	
40 CFR 142.12(b)(2)(i)(B)	Primacy Agency lacks the program capability adequate to implement the rule; or	
40 CFR 142.12(b)(2)(i)(C)	Primacy Agency requests the extension to group two or more program revisions in a single legislative/regulatory action.	
40 CFR 142.12(b)(2)(ii)	Primacy Agency's application for extension includes sufficient information to demonstrate the Primacy Agency is implementing the EPA requirements pursuant to 40 CFR 142.12(b)(3) within the scope of its authority and capabilities.	

<sup>1</sup> While the Primacy Agency may request an extension of up to two years to submit the final request for program revision, the EPA Region has the discretion to approve the extension period based on a lesser timeframe to allow re-evaluation of a Primacy Agency's progress in meeting the required activities to address program/statutory deficiencies which prevented the Primacy Agency from obtaining primacy before May 25, 2026. When the EPA Region grants an approval for a shorter extension period (i.e., less than the full two years), the EPA Region and the Primacy Agency can re-evaluate the Primacy Agency's ability to obtain full primacy of the revised CCR Rule and add any additional remedies that must be taken by the Primacy Agency as a condition of the EPA Region granting a full two-year extension period.

## Example Extension Agreement Letter

An Extension Agreement should discuss the implementation, database, and enforcement activities for the new revised rule and negotiate who - the Primacy Agency or EPA - is responsible for each activity. This example letter can be used to request a deadline extension to submit a primacy revision package. To complete the Extension Agreement Letter below, fill in the **{bracketed, bold, and underlined text}**.

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**{Date}**

**{Regional Administrator}**

Regional Administrator  
U.S. EPA Region **{Region}**

**{Street Address}**

**{City, State, Zip}**

RE: Request/approval for an Extension Agreement

Dear **{Regional Administrator}**:

The **{name of the Primacy Agency in State/Tribal Nation/Territory/Commonwealth}** of **{Name of State/Tribal Nation/Territory}** is requesting an extension to the date that final primacy revisions are due to the EPA for the revised Consumer Confidence Report (CCR) Rule until **{insert date - no later than May 24, 2028}**, as allowed by 40 CFR 142.12(b)(2), and would appreciate your approval. Staff of the **{Primacy Agency}** have conferred with your staff and have agreed to the requirements listed below for this extension. This extension is being requested because the **{State/Tribal Nation/Territory/Commonwealth}** of **{State/Tribe/Territory}**:

- Is planning to group two or more program revisions into a single legislative or regulatory action.
- Currently lacks the legislative or regulatory authority to enforce the new or revised requirements.
- Currently lacks adequate program capability to implement the new or revised requirements.

**{Primacy Agency}** will be working with the EPA to implement the revisions to the CCR Rule (40 CFR 141 subpart O) within the scope of **{Primacy Agency's}** current authority and capability, as outlined in the six areas identified in 40 CFR 142.12(b)(3)(i-vi):

i) Informing community water systems (CWSs) of the new EPA (and upcoming primacy agency) requirements and the fact that the EPA will be overseeing implementation of the requirements until the EPA approves the primacy agency revision.

<b>Primacy Agency</b>	<b>EPA</b>
<input type="checkbox"/>	<input type="checkbox"/> Provide copies of regulation and guidance to other state agencies, CWSs, technical assistance providers, associations, or other interested parties.
<input type="checkbox"/>	<input type="checkbox"/> Educate and coordinate with state staff, CWSs, the public, and other water associations about the requirements of this regulation.
<input type="checkbox"/>	<input type="checkbox"/> Notify affected systems of their requirements under the CCR Rule.
<input type="checkbox"/>	<input type="checkbox"/> Other:

ii) Collecting, storing, and other compliance data required by the EPA regulations.

<b>Primacy Agency</b>	<b>EPA</b>
<input type="checkbox"/>	<input type="checkbox"/> Devise a tracking system for CWS reporting pursuant to the CCR Rule.
<input type="checkbox"/>	<input type="checkbox"/> Keep CWSs informed of reporting requirements during development and implementation
<input type="checkbox"/>	<input type="checkbox"/> Report CCR Rule violation and enforcement information to SDWIS as required.
<input type="checkbox"/>	<input type="checkbox"/> Other:

iii) Assisting the EPA in the development of the technical aspects of the enforcement actions and conducting informal follow-up on violations (telephones calls, letters, etc.).

<b>Primacy Agency</b>	<b>EPA</b>
<input type="checkbox"/>	<input type="checkbox"/> Issue informal warning letters for violations of the CCR Rule.
<input type="checkbox"/>	<input type="checkbox"/> Provide immediate technical assistance to CWSs with violations to try to bring them into compliance.
<input type="checkbox"/>	<input type="checkbox"/> Refer all violations to the EPA for enforcement if they have not been resolved within 60 days of the incident that triggered the violation. Provide information as requested to conduct and complete any enforcement action referred to EPA.
<input type="checkbox"/>	<input type="checkbox"/> Other:

iv) Providing technical assistance to CWSs.

<b>Primacy Agency</b>	<b>EPA</b>
<input type="checkbox"/>	<input type="checkbox"/> Conduct training within the state, Tribe, or territory for CWSs on CCR Rule requirements.
<input type="checkbox"/>	<input type="checkbox"/> Provide technical assistance through written and/or verbal correspondence with CWSs.
<input type="checkbox"/>	<input type="checkbox"/> Provide technical assistance to CWSs in meeting the requirements to provide translation assistance to consumers with limited English proficiency.
<input type="checkbox"/>	<input type="checkbox"/> Provide on-site technical assistance to CWSs as requested and needed to ensure compliance with this regulation.
<input type="checkbox"/>	<input type="checkbox"/> Coordinate with other technical assistance providers and organizations to provide accurate information and aid in a timely manner.
<input type="checkbox"/>	<input type="checkbox"/> Other:

v) Providing the EPA with all information prescribed by the State Reporting Requirements in 40 CFR 142.15.

<b>Primacy Agency</b>	<b>EPA</b>
<input type="checkbox"/>	<input type="checkbox"/> Report any violations incurred by CWSs for this regulation each quarter.
<input type="checkbox"/>	<input type="checkbox"/> Report any enforcement actions taken against CWSs for this regulation each quarter.
<input type="checkbox"/>	<input type="checkbox"/> Other:

vi) For Primacy Agencies whose request for an extension is based on a current lack of program capability adequate to implement the new or revised requirements, taking the following steps to remedy the capability deficiency.

<b>Primacy Agency</b>	<b>EPA</b>
<input type="checkbox"/>	<input type="checkbox"/> Acquire additional resources to implement these regulations <u>{Attach list of specific steps being taken attached, as needed}</u> .
<input type="checkbox"/>	<input type="checkbox"/> Provide quarterly updates describing the status of acquiring additional resources.
<input type="checkbox"/>	<input type="checkbox"/> Other:

I affirm that the **{Primacy Agency}** will implement provisions of the revised CCR Rule as outlined above.

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**Agency Director or Secretary**

**Date**

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**Name of Primacy Agency**

I have consulted with my staff and approve your extension for the aforementioned regulation. I affirm that the EPA Region **{Region}** will implement provisions of the CCR Rule as outlined above.

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**Regional Administrator**

**Date**

**EPA Region {Region}**

This Extension Agreement will take effect upon the date of the last signature and will remain in effect through the allowable extension time period and until **either** the **{Primacy Agency}** obtains interim primacy or the EPA has made a final decision on the State's request for primacy for the revised CCR Rule pursuant to 40 CFR § 142.12(d)(3).

# Primacy Application

The Primacy Revision Application should consist of the following sections:

- Primacy Revision Checklist
- Text of the Primacy Agency's Regulations
- Primacy Revision Crosswalk
- Primacy Agency Reporting and Recordkeeping Checklist
- Special Primacy Requirements
- Attorney General's Statement of Enforceability

## Primacy Revision Checklist

This section is a checklist of general primacy requirements ([40 CFR 142.12\(c\)\(1\)](#)), as shown in Table 3. In completing this checklist, the Primacy Agency must identify the program elements that it has revised in response to new federal requirements. **If an element has been revised, the Primacy Agency should indicate a “Yes” answer in the “Revision to Primacy Agency Program” column and should submit appropriate documentation.** If an element has not been revised, the Primacy Agency should indicate a “No” answer in the “Revision to Primacy Agency Program” column. For each element, the Primacy Agency needs to also include the appropriate Primacy Agency regulatory citation and its date of adoption in the “Primacy Agency Regulatory Citation” column. During the application review process, the EPA will insert findings and comments in the final column.

Primacy Agencies must have primacy or interim primacy for all existing regulations before they can receive primacy for this regulation. Primacy Agencies may bundle the primacy revision applications for multiple rules. If Primacy Agencies choose to bundle requirements, the Attorney General's Statement should reference all of the rules included.

**TABLE 3: PRIMACY REVISION CHECKLIST**

Required Program Elements		Revision to Primacy Agency Program under the CCR Rule	Primacy Agency Regulatory Citation	EPA Findings/Comments
40 CFR 142.10	Primary Enforcement – Definition of Public Water System <sup>1</sup>			
40 CFR 142.10(a)	Regulations No Less Stringent			
40 CFR 142.10(b)(1)	Maintain Inventory			
40 CFR 142.10(b)(2)	Sanitary Survey Program			
40 CFR 142.10(b)(3)	Laboratory Certification Program			
40 CFR 142.10(b)(4)	Laboratory Capability			
40 CFR 142.10(b)(5)	Plan Review Program			
40 CFR 142.10(b)(6)(i)	Authority to apply regulations			
40 CFR 142.10(b)(6)(ii)	Authority to sue in courts of competent jurisdiction			

Required Program Elements		Revision to Primacy Agency Program under the CCR Rule	Primacy Agency Regulatory Citation	EPA Findings/Comments
40 CFR 142.10(b)(6)(iii)	Right of Entry			
40 CFR 142.10(b)(6)(iv)	Authority to require records			
40 CFR 142.10(b)(6)(v)	Authority to require public notification			
40 CFR 142.10(b)(6)(vi)	Authority to assess civil and criminal penalties			
40 CFR 142.10(b)(6)(vii)	Authority to require CWSs to provide CCRs			
40 CFR 142.10(c)	Maintenance of Records			
40 CFR 142.10(d)	Variance/Exemption Conditions (if applicable) <sup>2</sup>			
40 CFR 142.10(e)	Emergency Plans			
40 CFR 142.10(f)	Administrative Penalty Authority <sup>1</sup>			
40 CFR 142.10(g)	Electronic Reporting Regulations <sup>3</sup>			
40 CFR 142.10(h)	Tribal Criminal Enforcement Jurisdiction			

1. New requirement from the 1996 Amendments. Regulations published in the April 28, 1998 *Federal Register*.

2. New regulations published in the August 14, 1998 *Federal Register*.

3. New regulations published in the October 13, 2005 *Federal Register*.

## Text of the Primacy Agency's Regulation

Each primacy application should include the appropriate text of the Primacy Agency's regulations.

## Primacy Revision Crosswalk

The Primacy Revision Crosswalk should be completed by Primacy Agencies in order to identify statutory or regulatory provisions that correspond to each federal requirement.

## Primacy Agency Recordkeeping

The revised CCR Rule made changes to recordkeeping requirements associated with CCRs within [40 CFR 142.14\(h\)](#).

[40 CFR 142.14\(h\)](#): *Each State<sup>5</sup> that has primary enforcement responsibility must maintain the following records under subpart O of this part:*

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<sup>5</sup> "State" means one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an eligible Indian tribe (40 CFR 142.2).

- (1) *A copy of the consumer confidence reports for a period of one year and the certifications obtained pursuant to [40 CFR 141.155\(c\)](#) for a period of 5 years.*
- (2) *A copy of the plans submitted pursuant to [40 CFR 141.155\(i\)](#) for a period of 5 years.*

This recordkeeping requirement ensures that Primacy Agencies maintain copies of the translation plans, CCRs, and delivery certifications.

## Primacy Agency Reporting

When the EPA promulgated the CCR Rule revisions, the EPA also revised the requirement in 40 CFR 142.15(b) for States, Tribes, and territories with primacy to include in their annual reports submitted to EPA compliance monitoring data and related monitoring data necessary for determining compliance for all National Primary Drinking Water Regulations (NPDWRs) in [40 CFR part 141 \(40 CFR 142.15\(b\)\(3\)\)](#). This requirement applies “no earlier than May 24, 2027.” As explained in the preamble to the final revision of 142.15(b), “‘compliance monitoring data’ comprises all sample results that PWSs are already required to collect and report to primacy agencies for purposes of determining compliance with NPDWRs, including MCL, MRDL, and treatment technique (TT) requirements. Related monitoring data are information about each sample result that must be reported to the primacy agency for compliance determination, including data to ensure that the correct number of samples were taken at the right time, in the correct locations, and were analyzed using an approved analytical method.”

Annually submit compliance monitoring data and related monitoring data necessary for determining compliance for all National Primary Drinking Water Regulations (NPDWRs) in [40 CFR part 141 \(40 CFR 142.15\(b\)\(3\)\)](#).

## Special Primacy Requirements

Special primacy conditions pertain to specific regulations where implementation of the Rule involves activities beyond general primacy provisions. Primacy Agencies must include these Rule-distinct provisions in an application for approval or revision of their program. The Special Primacy Requirements section of the crosswalk is where the Primacy Agency has the opportunity to describe how it will satisfy these provisions.

## Attorney General’s Statement of Enforceability

The complete and final primacy revision application must include an Attorney General’s Statement certifying that the Primacy Agency regulations were duly adopted and are enforceable (unless the EPA has waived this requirement by letter to the Primacy Agency) ([40 CFR 142.12\(c\)\(2\)](#)). The Attorney General’s Statement should also certify that the Primacy Agency does not have any audit privilege or immunity laws or, if it has such laws, that these laws do not prevent the Primacy Agency from meeting the requirements of the SDWA. If a Primacy Agency has submitted this certification with a previous revision application, then the Primacy Agency should indicate the date of submittal, and the Attorney General need only certify that the status of the audit laws has not changed since the prior submittal.

## Example of Attorney General's Statement

I hereby certify, pursuant to my authority as **{1}** and in accordance with the Safe Drinking Water Act as amended, and **{2}**, that in my opinion the laws of the **{3}** to carry out the program set forth in the "Program Description" submitted by the **{4}** have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this Statement is approved and signed and will be fully effective by the time the program is approved.

I. For States/Commonwealth/Territory/Tribal Nations with No Audit Privilege and/or Immunity Laws

Furthermore, I certify that **{3}** has not enacted any environmental audit privilege and/or immunity laws.

II. For States/Commonwealth/Territory/Tribal Nations with Audit Privilege and/or Immunity Laws that do Not Apply to the Primacy Agency Administering the Safe Drinking Water Act

Furthermore, I certify that the environmental **{audit privilege and/or immunity laws}** of the **{3}** do not affect the ability of **{3}** to meet enforcement and information gathering requirements under the Safe Drinking Water Act because the **{audit privilege and/or immunity laws}** do not apply to the program set forth in the "Program Description." The Safe Drinking Water Act program set forth in the "Program Description" is administered by **{4}**; the **{audit privilege and/or immunity laws}** do not affect programs implemented by **{4}**, thus the program set forth in the "Program Description" is unaffected by the provisions of **{3} {audit privilege and/or immunity laws}**.

III. For Primacy Agencies with Audit Privilege and/or Immunity Laws that Worked with the EPA to Satisfy Requirements for Federally Authorized, Delegated or Approved Environmental Programs

Furthermore, I certify that the environmental **{audit privilege and/or immunity laws}** of the **{(3)}** do not affect the ability of **{3}** to meet enforcement and information gathering requirements under the Safe Drinking Water Act because of **{3}** has enacted statutory revisions and/or issued a clarifying Attorney General's Statement to satisfy requirements for federally authorized, delegated or approved environmental programs.

### Seal of Office

	<hr/> <b>Signature</b> <hr/>
	<hr/> <b>Name and Title</b> <hr/>
	<hr/> <b>Date</b>

(1) Attorney General or attorney for the Primacy Agency if it has independent legal counsel.

(2) 40 CFR 142.11(a)(6)(i) for initial primacy applications or 40 CFR 142.12(c)(1)(iii) for primacy program revision applications.

(3) Name of state, Tribal Nation, territory, or commonwealth.

(4) Name of Primacy Agency.

#### Guidance for the Special Primacy Requirements of the Revised CCR Rule

In addition to meeting basic primacy requirements, Primacy Agencies must satisfy special primacy provisions pertaining to specific regulations where implementation of the revised CCR Rule involves activities beyond the general primacy provisions. Primacy Agencies must include these Rule-distinct provisions in the application for approval or revision of their programs. This section contains guidance on how primacy agencies may choose to meet the special primacy requirements of the revised CCR Rule.

### Special Primacy Requirement for Adopting 40 CFR 141, Subpart O

*[40 CFR 142.16\(f\)\(1\)](#): Each state that has primary enforcement responsibility must adopt the requirements of [40 CFR part 141, subpart O](#) no later than May 25, 2026. States must submit revised programs to the EPA for approval using the procedures in [40 CFR 142.12\(b\)](#) through [\(d\)](#).*

This Special Primacy Requirement specifies that Primacy Agencies must follow the revised primacy application procedures outlined in [40 CFR 142.12\(b\)](#) through [40 CFR 142.12\(d\)](#) when submitting a revised primacy program application. These procedures address the timeframe in which applications must be submitted, the content of the application, and EPA's review and approval procedures. This process is described in the primacy program revisions section of this document.

### Special Primacy Requirement for Technical Assistance

*[40 CFR 142.16\(f\)\(3\)](#): Each State must, as a condition of primacy, provide water systems with technical assistance in meeting the requirements in [40 CFR 141.153\(h\)\(3\)](#) to provide translation assistance to consumers with limited English proficiency. Examples of technical assistance include providing water systems with contact information for inclusion in the system's report where consumers can contact the state for translation assistance upon request or providing resources for water systems to translate their reports, including EPA-provided translations of required content for CCRs (e.g., health effects language, definitions) and translated templates of reports through a website.*

This Special Primacy Requirement highlights the requirement Primacy Agencies to provide technical assistance to water systems in meeting the requirements to provide translation assistance in communities with a large proportion of consumers with limited English proficiency.

### Special Primacy Requirement for Application Approval

*[40 CFR 142.16\(f\)\(5\)](#): Each application for approval of a revised program must include:*

- (i) *A description of how the State intends to provide water systems with technical assistance in meeting the requirements in [40 CFR 141.153\(h\)\(3\)](#) to provide translation assistance in communities with a large proportion of consumers with limited English proficiency; and*
- (ii) *A description of the state's procedures for waiving the mailing requirement for small systems consistent with [40 CFR 141.155\(g\)](#).*

This Special Primacy Requirement addresses the requirements for approval of a Primacy Agency's application of a revised program. Primacy Agencies are required to explain in their application how they intend to provide technical assistance and procedures for waiving the mailing requirement for small systems.

## Guidance for Primacy Agency Flexibility

Each State that has primary enforcement responsibility for public water systems must adopt the revised requirements of [40 CFR part 141, subpart O](#) no later than May 25, 2026. (40 CFR 142.16(f)(1)). However, a state, Tribe, or territory that has primary enforcement responsibility may adopt by rule, after notice and comment, alternative requirements for the form and content of CCRs. The alternative requirements must provide the same type and amount of information as required by [§§ 141.153](#) and [141.154](#), and must be designed to achieve an equivalent level of public information and education as would be achieved by the federal CCR Rule at 40 C.F.R. part 141, Subpart O ([40 CFR 141.151\(e\)](#)). In addition, the CCR Rule allows states seeking primacy approval to make certain specified changes in the following areas are allowed .

### Governor's Mailing Waiver:

Under [40 CFR 141.155\(g\)](#), the Governor of a State or their designee, or the Tribal Leader where the Tribe has met eligibility requirements<sup>i</sup> can waive the mailing requirement for CWSs serving fewer than 10,000 persons. The CCR Rule does not limit the ways a State may exercise this flexibility (on a state-wide or case-by-case basis; with or without establishing additional criteria for obtaining or renewing a mailing waiver). However, the CCR rule requires that any water system with a mailing waiver must comply with certain requirements described in 141.155(g)(1) and (2) that the State may not waive. For example, a state can choose whether the waiver should be system-specific or apply to all systems in a given category. The Primacy Agency's application for approval of a revised program must include a description of the Primacy Agency's procedures for waiving the mailing requirements. (40 C.F.R. 142.16(f)(5)(ii)).

### Additional CCR Delivery:

Under [40 CFR 141.155\(d\)](#), systems must deliver the report to any other agency or clearinghouse identified by the Primacy Agency. Examples of other agencies may include state, Tribe, territory, or local public health departments, public utility commissions, and consumer advocates.

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