

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
(Amendment)

401 KAR 8:075. Consumer confidence reports and public notification of drinking water violations.

RELATES TO: KRS 224.10-100, 224.10-110, 40 C.F.R. 141.151-141.156, 141.201-141.211~~[141.151-141.155]~~, 42 U.S.C. 300f-300j-26

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110, ~~[40 C.F.R. 141.151-141.155, 141.201-141.211, Appendix A, Appendix B, Appendix C]~~, 42 U.S.C. 300f-300j-26, 40 C.F.R. 141, 142, 143

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110(2) and (3) require the secretary of the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes the requirements for consumer confidence reports and notification of the public if a public water system violates a drinking water regulation.~~[provision of this administrative regulation. This administrative regulation establishes requirements more stringent than the federal regulation for submitting consumer confidence reports and certifications to the cabinet in enforceable timeframes. The federal regulation requires a consumer confidence report to be certified within three (3) months after it is mailed to the cabinet. This administrative regulation requires that the report and certification be delivered to the cabinet by July 1 of each year.]~~

Section 1. Consumer Confidence Reports.

(1) A community water system shall submit an annual consumer confidence reports~~[report]~~ to its customers and to the cabinet, as the primary agency, in accordance with 40 C.F.R. 141.151 through 141.156, Appendix A (Subpart O), Consumer Confidence Reports.~~[141 Subpart O, 141.151, 141.152, 141.153, 141.155, including Appendix A, and 141.154, except as established in subsection (2) of this section.]~~

(2) A copy of the annual report required by 40 C.F.R. 141.155 shall be delivered to ~~the cabinet and~~ the system's customers by July 1 each year.

(3) Each community water system, serving 10,000 or more persons, must deliver a copy of the biannual, or twice per year, report required by 40 C.F.R. 141.155 to the system's customers by December 31 each year. ~~[The certification required by 40 C.F.R. 141.155 shall be delivered to the cabinet by July 1 each year.]~~

(4) No later than ten (10) days after the date the system is required to distribute an annual or biannual report to its customers, each community water system must provide a copy of the report and a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted, to the cabinet as required by 40 C.F.R. 141.155(c).

Section 2. Public Notification of Drinking Water Violations. Each owner or operator of a public water system shall give notice, in accordance with 40 C.F.R. 141.201 through 141.211, Appendices A through C (Subpart Q), Public Notification of Drinking Water Violations, for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1 of 40 C.F.R. 141.201. ~~[The owner or operator of a public water system shall give public notice as established in 40 C.F.R. Subpart Q, 141.201 through 141.211, Appendix A, Appendix B, and Appendix C.]~~

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

401 KAR 8:075 Consumer confidence reports and public notification of drinking water violations is approved for filing.

JOHN S. LYONS, Secretary

APPROVED BY AGENCY: August 25, 2026

FILED WITH LRC: September 3, 2026 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 2026, at 10:00 a.m. (Eastern Time); 9:00 a.m. (Central Time). The Zoom invitation will be emailed to each requester the week prior to the scheduled hearing. Individuals interested in attending the virtual hearing shall notify this agency in writing by November 16, 2026, five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends virtually will be given the opportunity to comment on the proposed administrative regulation. The virtual public hearing will be recorded, and the recording provided upon a written request to the contact person. Written comments shall be accepted through November 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. The public hearing is accessible to any person with disabilities. Reasonable accommodation, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) working days prior to the hearing.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Jones **Phone:** (502) 782-1288 **Email:** Lisa.C.Jones@ky.gov

Subject Headings: Environment and Conservation, Drinking Water, Water Supply

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 224.10-110(2) and (3) require the secretary of the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes the requirements for certain public water systems within the Commonwealth to produce and submit consumer confidence reports and notification to the public. pursuant to 40 C.F.R. Part 141, Subparts O and Q, respectively.

(b) The necessity of this administrative regulation:

The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program. All states with primary authority to implement the federal Safe Drinking Water Act must have compatible state regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use. This administrative regulation conforms to the content of the authorizing statutes by establishing consumer confidence report requirements and public notice requirements so that customers receive information on the quality and nature of the water that the system is delivering to its customers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by establishing the requirements for Consumer Confidence Reports and required public notices issued by drinking water systems and conforms with federal regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment to this administrative regulation corrects references to the Code of Federal Regulations (C.F.R.) to align Kentucky's regulation with federal requirements.

(b) The necessity of the amendment to this administrative regulation:

The amendment to this administrative regulation is necessary to establish consumer confidence report requirements and public notice requirements so that customers receive information on the quality and nature of the water that the system is delivering to its customers, and is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 224.10- 100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use. The proposed amendment incorporates and conforms to federal regulations for consumer confidence reports and notification of the public if a public water system violates a provision of this administrative regulation pursuant to 40 C.F.R. 141, 142, 143 and 42 U.S.C. 300f-300j-26.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment to this administrative regulation will assist in the effective administration of the statutes by establishing the requirements for consumer confidence reports issued by drinking water systems, align Kentucky's administrative regulation with C.F.R., and required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this administrative regulation or amendment does not implement Kentucky legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation applies to 374 public water systems which are often owned by city governments or organized under county governments. Other districts may, in some cases, have a public water system.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

All community public water systems must distribute a Consumer Confidence Report at least annually, those serving more than 10,000 consumers must distribute the report biannually, those serving more than 50,000 consumers must make the report available online, and all systems must provide a copy of the report and certify to the state within ten (10) days of distributing the report. The report must include information about lead service line inventories, lead and copper monitoring data, updated health information and definitions, and a description of corrosion control treatment, all within new readability and understandability requirements, and provide translation assistance if a significant percentage are limited English proficiency consumers. Additionally, wholesaler systems must provide monitoring data to purchasing systems annually by April 1.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

Complying with this amendment will cost each public water system an average of \$64 to implement, and approximately \$362 annually thereafter.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Public water systems will benefit from clear and consistent state and federal regulations. The proposed amendment is not more stringent than the federal requirements.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

The estimated cost to the agency is \$6,798 annually, for the initial three-year implementation of this amendment, including costs for regulatory changes, primacy package updates, and training and resource development.

(b) On a continuing basis:

The estimated cost to the agency for continuing implementation of this amendment is approximately \$32,051 per year.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

Funding for Kentucky's drinking water program is a combination of state general funds and federal funds to administer the Safe Drinking Water Act. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding will not be necessary to implement this amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish or increase any fees directly or indirectly.

(10) TIERING: Is tiering applied?

Yes, tiering is applied. This administrative regulation differs in requirements depending on the size and type of public water system.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use. The Safe Drinking Water Act (42 U.S.C. §300f through §300j-26), and 40 C.F.R. 141, 142, and 143.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Division of Water.

(a) Estimate the following for the first year:

Expenditures:The current cost of the program to the Division is approximately \$38,427 per year. In its first year, the amendment will be an additional cost of approximately \$6,798. Total cost of the program in its first year is estimated at \$45,225.

Revenues:The amendment to this administrative regulation will not generate revenue.

Cost Savings:The amendment to this administrative regulation is not expected to affect cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The cost of the amendment to the Division will remain steady for the first three years of implementation with costs expected to increase in subsequent years of implementation to approximately \$32,051.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

This administrative regulation applies to public water systems which may be owned by city governments or organized under county governments. Other districts may also have a public water system.

(a) Estimate the following for the first year:

Expenditures:The current total cost of the program across all 374 regulated entities is approximately \$585,750 per year, or \$1,566 per public water system. In its first year, the amendment will be an additional cost of about \$64 per public water system.

Revenues:The amendment to this administrative regulation will not generate revenue.

Cost Savings:The amendment to this administrative regulation is not expected to affect cost savings. EPA did not attempt to quantify how the CCR Rule Revisions will change the ability of community water systems to meet health-based standards or what reductions in morbidity or mortality will result.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditure for each public water system is expected to increase to \$362 per year after the first three years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

There are no additional entities.

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The amendment to this administrative regulation is estimated to cost the agency approximately \$6,798, annually, to implement in the first three years, and \$32,051 annually in subsequent years. The cost to each public water system for the first year is approximately \$64, and \$362 in subsequent years.

(b) Methodology and resources used to determine the fiscal impact:

The EPA estimated a total cost nationwide of \$9,433,014 for initial implementation, and \$17,912,802 annually, for 49,424 public water systems. From that information, the cabinet calculated the estimated cost across the 374 public water systems in Kentucky. Industry estimates were based on the number of community water systems utilizing third-party technical assistance providers for CCR generation and web hosting services in 2024, and the number of remaining systems who completed CCR development and distribution on their own. Estimates for independent web hosting and the cost of postage for post cards were applied. Estimated DOW staff hours were based on previous experience with time needed for processing, reviewing, providing compliance assistance, and training for the CCR rule. Costs for third-party assistance were averaged, but actual costs are scaled based on system population and whether the system is a producer or purchaser. All estimated costs may vary widely year to year based on individual water system approach and the tendency for small systems to utilize different methods than medium to large systems, such as web hosting. Source: Analysis of the Economic Impacts of the Final Consumer Confidence Reports Rule Revisions 816-R-24-001. Office of Water, U.S. Environmental Protection Agency, May 2024. p. 46, table 36. (EPA-HQ-OW-2022-0260-0131).

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

: Yes, the amendment to this administrative regulation not have a major economic impact of \$500,000 or more as the annual costs to the public water systems will be cumulative. The cost to the cabinet and Kentucky public water systems, in aggregate, for initial implementation (total for the first three years) is about \$20,394 and \$71,434, respectively. The total aggregate implementation cost for the agency and regulated entities is estimated at \$91,827. Ongoing annual costs after the first three years, is approximately \$32,051 for the cabinet and \$135,388 for the public water systems in Kentucky, in aggregate for all systems.

(b) The methodology and resources used to reach this conclusion:

The EPA estimated 570 hours of agency work for initial implementation, and 485 hours annually thereafter, for promulgating agencies. The EPA estimated a total cost nationwide of \$9,433,014 for initial implementation, and \$17,912,802 annually, for

49,424 public water systems. From that information, the cabinet calculated the estimated cost across the 374 public water systems in Kentucky, and the cost for the hours of agency work. Source: Analysis of the Economic Impacts of the Final Consumer Confidence Reports Rule Revisions 816-R-24-001. Office of Water, U.S. Environmental Protection Agency, May 2024. (EPA-HQ-OW-2022-0260-0131).

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

42 U.S.C. Chapter 6A, Subchapter XII; the Safe Drinking Water Act, 40 C.F.R. 141, 142, 143, 42 U.S.C. 300f-300j-26

(2) State compliance standards.

KRS 224.10-100(28) and 224.10-110.

(3) Minimum or uniform standards contained in the federal mandate.

All public water systems must distribute a Consumer Confidence Report at least annually, those serving more than 10,000 consumers must distribute the report biannually, those serving more than 50,000 consumers must make the report available online, and all systems must provide a copy of the report and certify to the state within ten (10) days of distributing the report. The report must include information about lead service line inventories, lead and copper monitoring data, updated health information, and a description of corrosion control treatment, all within new readability and understandability requirements, and provide translation assistance if a significant percentage are Limited English Proficiency (LEP) consumers. Additionally, wholesaler systems must provide monitoring data to purchasing systems annually by April 1.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

No. The amendment to this administrative regulation adopts the federal requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

The amendment to this administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements, from the federal standard.