

DATE: December 18, 2025

TO: Hearing Attendees and Commenters –
Oregon Administrative Rules chapter 333, division 61 –
“Consumer confidence report rule additions and improvements for
public drinking water requirements”

FROM: Brittany Hall, Hearing Officer and Administrative Rules Coordinator

cc: Brad Daniels, Drinking Water Services Rules Coordinator

SUBJECT: Presiding Hearing Officer’s Report on Rulemaking Hearing and Public
Comment Period

Hearing Officer Report

Date of Hearing: November 19, 2025, via Microsoft Teams

Purpose of Hearing: The purpose of this hearing was to receive testimony regarding the Oregon Health Authority (OHA), Public Health Division, Drinking Water Services’ proposed permanent amendments to Oregon Administrative Rules in chapter 333, division 61 to adopt revisions to the federal Consumer Confidence Reports Rule and to clarify or improve miscellaneous other rule text so that public drinking water requirements in Oregon align with federal regulations and are easier to implement.

Hearing Officer: Brittany Hall

Testimony Received: No testimony was received at the hearing on November 19, 2025.

Other Comments: Two individuals or organizations submitted written comments to OHA within the period allotted for public comment, which closed at 5:00 PM on

November 30, 2025. Written comments are attached to this report as **EXHIBIT 1**. Written comments are briefly summarized below, in no particular order.

Pertaining to OAR 333-061-0032(5)(a)(E) “Water systems serving more than 3,300 people must have an auto-dial alarm or auto-shutoff for low chlorine when chlorine is used as a disinfectant” – OHA heard in written comments that “as written, the statement in this section requires water treatment plants that have 24/7 coverage to also have an autodial or auto-shutoff for low chlorine.” Written comments suggest that the statement should instead say “Water systems serving more than 3,300 people, **without an operator onsite**, must have an autodial alarm or....” It was noted in written comments that this reflects the same verbiage used in subparagraph (5)(b)(A)(v).

Agency response: OHA strives for consistency and clarity in its rule language and agrees with the suggested addition to the proposed rule. The new wording will add “without an operator onsite during treatment operation” to address concerns regarding the wording in proposed rule: 333-061-0036 (5)(a)(E).

Pertaining to OAR 333-061-0040(1)(t) “No later than ten days after water suppliers must distribute consumer confidence reports to customers according to...” - OHA heard in written comments a request for “clarification on whether the ten days refers to calendar days or business days.”

Agency response: OHA appreciates the feedback received and opportunity to clarify the proposed rule text. OHA will revise the text to require reporting within 10 calendar days after the end of a monitoring period.

Pertaining to OAR 333-061-0076(4)(b)(A) “No physical separation between treated and untreated water” – OHA heard in written comments the suggestion for OHA to define “physical separation.” Written comments also noted that the terms “treated water”, “untreated water” and “source water” are not defined. Written comments requested that OHA “provide clarification that this does not apply to the standard treatment process but rather connections between nonconsecutive treatment processes.”

Agency response: OHA intends to prohibit any bypass around required treatment. There must be a physical separation between raw untreated water and treated water to prevent non-potable water from being served to customers. Since valves can leak without obvious signs, OHA does not consider that to be adequate, thus the agency is requiring a physical separation. The wording in the proposed rules aligns with wording in OHA's water system survey forms. OHA will develop documentation to guide staff for consistent application of this rule.

Pertaining to OAR 333-061-0076(4)(c)(A) "20 psi not maintained through the distribution system at all times..." – OHA heard in written comments the request for "clarification on how systems will be asked to provide documentation to the Authority at the time of survey showing that 20 psi is maintained throughout the distribution at all times." Written comments questioned if this "would be based on loss of pressure events that resulted in the boil water notice?"

Agency response: Prior to publishing proposed rules for public comment, OHA had changed OAR 333-061-0076(4)(c)(A) to read "20 psi not maintained at all service connections at all times." The agency recognizes water line breaks occur and expects established best management practices to be followed. OHA representatives will ask how operators maintain and verify this pressure during a water system survey. If there is a customer complaint or dispute over pressure, OHA may ask for additional documentation.

Pertaining to OAR 333-061-0076(4)(c)(B) "Pumps drawing from mainline with no cutoff switch if upstream pressure drops below 20 psi" – OHA heard in written comments a request for "clarification on whether SCADA alarms will be acceptable or if the Authority requires this to be an auto switch."

Agency response: The intent of this rule is to prevent pumping when pressure is below 20 psi. OHA agrees the language was unintentionally narrow and will revise the language to include multiple solutions. This would include use of SCADA systems to control the pumps. Alarms may be acceptable as long as the operators are responsive. OHA will provide guidance to staff conducting water system

surveys. The new wording will be, “pumps drawing from mainline not equipped to maintain at least 20 psi on the suction side.”

Pertaining to OAR 333-061-0076(4)(g) “Compliance schedule deadlines not met” – OHA heard in written comments a request for “clarification on whether this is referring to water quality monitoring compliance schedules or another type of compliance schedule.”

Agency response: Compliance schedules are specific to a clear set of actions needed to achieve compliance and the associated due dates. They are not related to monitoring schedules. This term is used in other areas of our rules, including regarding the assessment of civil penalties, so OHA does not feel further clarification in the OARs is necessary.

Pertaining to OAR 333-061-0076(4)(i) “Other situations presenting an immediate public health risk, as determined by the Authority” – OHA heard in written comments a request that further clarification or parameters be added to this statement. It was noted that “as written, it lacks definition and is open for interpretation.”

Agency response: The intent of this significant deficiency is to provide a way to address an immediate public health risk that the agency has not explicitly identified and can't easily tie to the existing rules. This deficiency would likely be very rarely, if ever, used and would require manager approval prior to application. The agency plans to include guidance regarding the use of this significant deficiency to reflect the need to consult with OHA staff and receive manager approval prior to citing the deficiency during any survey.

Pertaining to the System Survey Deficiencies Form – *Operator Certification* “No certified operator at required level” – OHA heard in written comments a suggestion that “the text regarding operator certification in the System Survey List and the OAR rules should read the same – ‘No operator in direct responsible charge at the required certification level.’”

Agency response: OHA appreciates the feedback regarding water system survey forms. The updated forms that will be used starting in 2026 to refer to the DRC at required certification level.

OHA heard in written comments support for the following proposed changes, which are aligned with the revised federal Consumer Confidence Report (CCR) rule, but it is requested that an effective date for these provisions be either added to the OARs or otherwise specified when the OARs are published. Written comments note that if these are published without a specified effective date, it will be interpreted that these requirements need to be followed by water providers once the OARs are published in 2026, which is earlier than what is required by the revised federal CCR rule (January 2027). If the intention is for the OAR changes to be effective at the same time as the federal revised CCR rule, clarification of the effective date in OAR will be useful to water providers when implementing these rules.

- Electronic delivery options (OAR 333-061-0043(1)(e))
- Good faith effort to deliver report to renters and others (OAR 333-061-0043(1)(f))
- Required definitions (OAR 333-061-0043(2)(d))
- Explanation text for unregulated contaminants (OAR 333-061-0043(3)(l))
- Lead exceedance requirements (OAR 333-061-0043(3)(p))
- Report summary requirements (OAR 333-061-0043(6))

Agency response: OHA appreciates the thorough review of the proposed rule amendments related to consumer confidence reports and is dedicated to ensuring the rules protect public health with minimal burden upon public water suppliers. OHA determined compliance with the amendments related to consumer confidence reports will be simple and result in no or minimal additional costs to water suppliers such that the provisions can be implemented when the amended rules are filed with the Oregon Secretary of State. OHA determined two provisions (the delivery of bi-annual reports and creation of language access plans) are expected to add potential costs and implementation burdens, and will be implemented in January 2027 as specified in the federal CCR rule revisions.

Written comments noted that there are a few requirements in the revised federal CCR rule that were not included in the proposed OARs. Written comments also requested clarification on the effective date of these requirements.

- Source water assessment information: “the revised CCR rule added a requirement that the year the assessment was completed or updated must be included,” but it is noted that this is missing from the proposed OARs. Written comments include a request for the following edit to be made to OAR 333-061-0043(2)(c): “If a source water assessment has been completed, the report must notify consumers of the availability of this information, the year it was completed or most recently updated, and the means to obtain it.”
- Change required data table to data section: “For the data table, the revised CCR rule changed the required data table to a data section,” but it is noted that this is missing from the proposed OARs. Written comments include a request for the following edit to be made to OAR 333-061-0043(3)(b): “The data relating to these contaminants must be presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be displayed in one table or in several adjacent tables.” Written comments also request that “instances of ‘table’ be changed to ‘section’ when referring to the CCR data table in order to be consistent with CCR revisions.”
- Water system contact information: Written comments note that the revised CCR rule added an EPA recommendation to include social media information as part of water system contact information, but this recommendation is not included in the proposed OARs.

Agency response: OHA added the rule text in question related to source water assessments, the presentation of contaminant information and using social media information for water system contact information. OHA also added information related to display of contaminant data in formats other than tables but did not universally change the term “table” to “section” because both terms are used in other contexts throughout OAR 333-061-0043 and the change could be potentially confusing.

Written comments note that in two sections of the proposed OARs, there is discrepancy between text in the revised federal CCR rule and the proposed OARs.

- Clarification request for when a 6-month update is required for biannual-delivery systems: Written comments note that “interpretation of the revised CCR rules is that for systems who are required to deliver twice per year, including a 6-month update with the second delivery is only required when the system had a violation, exceedance, or received new UCMR data between January and June. If a system does not have a violation, exceedance or new UCMR data between those dates, then the second delivery of the report does not need to include a 6-month update.” However, “interpretation of the proposed OARs (OAR 333-061-0043(1)(b)(B)) is that the 6-month update is required for all second-delivery reports, regardless of if they meet the inclusion criteria from the revised CCR rule.” Written comments request clarification on “what criteria need to be used to determine compliance with the rule’s ‘if applicable’ requirement, as well as clarification in the rule’s ‘the report must also include a six-month update....’ requirement, since as-written it is interpreted as all second-delivery reports must include this update.”

Agency response: OHA added additional rule text to clarify that a “six-month update” is only required in a second annual consumer confidence when the applicable violations or situations have occurred.

- Clarification request for when report certification is due and effective date for this requirement: Written comments note “a discrepancy of the report certification deadlines between the revised CCR rule and the proposed OARs”:
 - Revised CCR rule 40CFR 141.155(c): “No later than 10 days after the date the system is required to distribute the report”
 - Proposed OAR 333-061-0040(1)(t): “No later than ten days after water suppliers distribute consumer confidence reports”

Agency response: OHA added additional rule text to clarify that both the consumer confidence report and certification of delivery must be submitted to OHA no later than 10 calendar days after water suppliers must distribute the reports to customers. Delivery deadlines are clearly set in rule as July 1 (and in some cases December 31) every year, which will be the beginning of the 10-day window for submitting the required information to OHA.

Coordination requested between CCR and LCRR/I compliance: Written comments acknowledge “the regulatory complexity of CCR lead requirements since three federal rules (CCR, LCRR, and LCRI) all include different lead requirements and text for CCRs, and they all have a variety of effective dates.” Written comments recommend “stronger OHA coordination between CCR and LCRR/I compliance so that federal regulations, OARs, and all OHA guidance documents are consistent with each other.” Written comments provide the following locations in the proposed OARs that are inconsistent with the revised CCR rule and/or OHA’s checklist or factsheet:

- Required lead statement (OAR 333-061-0043(4)(d)): the proposed OARs include the LCRI version while the checklist and factsheet list the LCRR version of the text.
- Lead health effects language (Table 43): the text for this language is different in all three OHA documents (proposed OARs; CCR checklist; LCRR and CCR factsheet) and none of these OHA documents match either the LCRR or LCRI version of the text.
- Lead health effects language usage for lead action level exceedances (not in proposed OARs): Written comments note that in May 2025, OHA released an updated version of the checklist that clearly required systems to include the lead health effects language when the system is in exceedance of the action level, but this requirement is not included in the proposed OARs.
- Missing lead requirements from revised CCR rule (not in proposed OARs): Written comments note that the revised CCR rule includes the following lead-related requirements, which are required by both the revised CCR rule and LCRI, but are not included in the proposed OARs. Clarification is also requested on the effective date for these requirements.

- Including range of tap sample results (included in OHA's checklist and factsheet)
- Providing information about and access to tap sampling data
- Service line inventory statement and link (included in OHA's checklist and factsheet)
- Inclusion of LSL replacement plan if system has LSL, GRR, or unknown lines in their inventory (part of LCRI and not included in revised CCR rule)
- Explanation of corrosion control efforts
- Including information about child care and school testing (part of LCRI and not included in revised CCR rule)

Agency response: OHA is dedicated to implementing the rule amendments in a clear and consistent manner and work to provide guidance documents and templates that reflect all current regulatory requirements, and take into account anticipated revisions to the requirements.



November 10, 2025

Samina Panwar
Manager, Drinking Water Services
Oregon Health Authority
800 NE Oregon Street
Portland, OR 97232

Re: City of Hillsboro comments on 2025 proposed rule amendments

Dear Ms. Panwar,

The City of Hillsboro Water Department (Hillsboro Water) has found that the Oregon Health Authority's Drinking Water Services (Authority) has been a valuable partner in our mission to serve our customers safe, reliable, and affordable drinking water. We greatly appreciate the willingness of the Authority's staff to provide their expertise in drinking water regulations on an ongoing basis. As the managing agency of three public water systems affected by this proposed rulemaking (PWS ID #s 01513, 00985, and 00379), Hillsboro Water would like to add the following comments for consideration prior to the adoption of the proposed changes to OAR 333-061-0032, OAR 333-061-0040, OAR 333-061-0043, and OAR 331-061-0076. Hillsboro Water appreciates the opportunity to provide public comment on these important policy issues that support our mission to protect public health.

1. Pertaining to 333-061-0032 (5)(a)(E) – “Water systems serving more than 3,300 people must have an auto-dial alarm or auto-shutoff for low chlorine when chlorine is used as a disinfectant.”

As written, the statement in this section requires water treatment plants that have 24/7 coverage to also have an autodial or auto-shutoff for low chlorine. Hillsboro Water suggests that the statement above includes “Water systems serving more than 3,300 people, **without an operator onsite**, must have an auto-dial alarm or...” This proposed change reflects the same verbiage used in section (5) (b) (A) (v) which refers to autodial or auto shut off for turbidity exceedance.

2. Pertaining to 333-061-0040 (1)(t) – “No later than ten days after water suppliers must distribute consumer confidence reports to customers according to...”

Hillsboro Water seeks clarification on whether the ten days refers to calendar days or business days.

3. Pertaining to 331-061-0076 (4)(b)(A) – “No physical separation between treated and untreated water”

Hillsboro Water suggests that the Authority define “physical separation.” Examples could include air gap, closed valve, blind flange, etc. Furthermore, the terms “treated water”, “untreated water” and “source water” are not defined. The Authority should provide clarification that this does not apply to the standard treatment process but rather connections between nonconsecutive treatment processes.

4. Pertaining to 331-061-0076 (4)(c)(A) – “20 psi not maintained throughout the distribution system at all times...”

Hillsboro Water requests clarification on how systems will be asked to provide documentation to the Authority at the time of survey showing that 20 psi is maintained throughout the distribution at all times. Would this be based on loss of pressure events that resulted in a boil water notice?

5. Pertaining to 331-061-0076 (4)(c)(B) – “Pumps drawing from mainline with no cutoff switch if upstream pressure drops below 20 psi”

Hillsboro Water seeks clarification on whether SCADA alarms will be acceptable or if the Authority requires this to be an auto switch.

6. Pertaining to 331-061-0076 (4)(g) – “Compliance schedule deadlines not met”

Hillsboro Water seeks clarification on whether this is referring to water quality monitoring compliance schedules or another type of compliance schedule. More specifics would be helpful here.

7. Pertaining to 331-061-0076 (4)(i) – “Other situations presenting an immediate public health risk, as determined by the Authority”

Hillsboro Water suggests the Authority add further clarification or parameters to this statement. As written, it lacks definition and is open for interpretation.

8. Pertaining to the System Survey Deficiencies Form – *Operator Certification* “No certified operator at required level”

Hillsboro Water suggests that the text regarding operator certification in the System Survey List and the OAR rules should read the same - *“No operator in direct responsible charge at the required certification level”*.

Thank you for the opportunity to provide public comment. Hillsboro Water appreciates the commitment and level of effort the Authority contributes to public health issues and regulations.

Sincerely,



Jessica Dorsey
Water Resources Division Manager
City of Hillsboro Water Department



Quisha Light, Interim Director

1120 SW Fifth Avenue, Room 405
Portland, Oregon 97204-1926
Information: 503-823-7770
Portland.gov/water



November 21, 2025

Oregon Health Authority, Public Health Division
Brad Daniels, Drinking Water Services Rules Coordinator
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon St. Suite 930
Portland, OR 97232

Submitted via email to: publichealth.rules@odhs.oregon.gov

RE: Comments on proposed rulemaking for OAR 333-061 related to Consumer Confidence Report rule revisions

Dear Brad Daniels and Brittany Hall,

The Portland Water Bureau in Portland, Oregon appreciates the opportunity to review and provide comments on the proposed changes in the Oregon Administrative Rules (OARs) to align with the federal revisions to the Consumer Confidence Report (CCR) rule.

The Portland Water Bureau (PWB) is the largest drinking water utility in Oregon, serving nearly one million Oregonians every day. In Portland, the CCR is highly valued by staff as one of the best communication tools we have with our community regarding the quality of our water. In order to best align OARs with federal regulations in a way that is clear for water providers to implement, PWB offers the following comments for OHA's consideration.

Changes that PWB supports with a request for an effective date

Overall, Portland is supportive of OHA's changes to align state regulations with the new CCR requirements that become effective in January 2027. In particular, Portland supports the following proposed OAR changes which are both aligned with the revised CCR rule and have an effective date specified in the OARs:

- Timing of biannual delivery [OAR 333-061-0043(1)(b)]
- Data delivery to purchasing water systems [OAR 333-061-0043(1)(d)(C)]
- Language access plan [OAR 333-061-0043(1)(k)]

Portland is also supportive of the following OAR changes since they are aligned with the revised CCR rule, but requests that an effective date is either added to the OARs or is otherwise specified when the proposed OARs are published:

- Electronic delivery options [OAR 333-061-0043(1)(e)]
- Good faith effort to deliver report to renters and others [OAR 333-061-0043(1)(f)]
- Required definitions [OAR 333-061-0043(2)(d)]
- Explanation text for unregulated contaminants [OAR 333-061-0043(3)(l)]
- Lead exceedance requirements [OAR 333-061-0043(3)(p)]
- Report summary requirements [OAR 333-061-0043(6)]

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If these are published without an effective date, PWB's interpretation is that these requirements need to be followed by water providers once published in the OARs in 2026, which is earlier than what is required by the revised CCR rule (January 2027). If OHA intends for these OAR edits to be effective at the same time as the federal revised CCR rule, clarifying the effective date for the regulations listed above, as well as the regulations mentioned in the following sections of this letter, will be useful for water providers when implementing these rules.

Request inclusion in the OARs

PWB noted that a few requirements in the revised CCR rule were not included in the proposed OAR edits. Portland provides the following comments for OHA's consideration and also requests clarification on the effective date for these requirements.

Source water assessment information

For source water assessment information, the revised CCR rule added a requirement that the year the assessment was completed or updated must be included [[40 CFR 141.153\(b\)\(2\)](#)]; PWB notes this is missing from proposed OARs.

PWB recommends adding text in red to OAR 333-061-0043(2)(c): If a source water assessment has been completed, the report must notify consumers of the availability of this information, **the year it was completed or most recently updated**, and the means to obtain it.

Change required data table to data section

For the data table, the revised CCR rule changed the required data table to a data section [[40 CFR 141.153\(d\)\(2\)](#)]; PWB notes this is missing from the proposed OARs.

Portland enthusiastically supports this change in the revised CCR rule. PWB supports EPA's determination of the need for utility flexibility and the technologies they can use to better engage consumers in water quality data. To some readers, seeing so many numbers in one table can be a barrier – either it is too challenging to understand or it just feels overwhelming. This flexibility will allow drinking water systems to apply best practices for data visualization and potentially align data displays with methods that people may already be comfortable with, such as data displays from bloodwork or other medical test results.

PWB recommends adding text in red to OAR 333-061-0043(3)(b): The data relating to these contaminants must be **presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be** displayed in one table or in several adjacent tables.

Additionally, PWB recommends that throughout that section of the OARs, change instances of "table" to "section" when referring to the CCR data table in order to be consistent with CCR revisions.

Water system contact information

For water system contact information, the revised CCR rule added an EPA recommendation to include social media information [[40 CFR 141.153\(h\)\(2\)](#)]; PWB notes this is missing from the proposed OARs. Will this recommendation be added to OHA's CCR guidance documents?

Request clarification to better align with revised CCR rule

For two sections in the proposed OARs, Portland is requesting clarification since there are discrepancies between the text in the revised CCR rule and the proposed OARs.

Clarification request for when a 6-month update is required for biannual-delivery systems

Portland's interpretation of the revised CCR rules [[40 CFR 141.155\(j\)\(3\)](#)] is that for systems who are required to deliver twice per year, including a 6-month update with the second delivery is only required when the system had a violation, exceedance, or received new UCMR data between January and June. If a system does not have a violation, exceedance or new UCMR data between those dates, then the second delivery of the report does not need to include a 6-month update.

However, Portland's interpretation of the proposed OARs [OAR 333-061-0043(1)(b)(B)] is that the 6-month update is required for all second-delivery reports, regardless of if they meet the inclusion criteria from the revised CCR rule.

The proposed OAR text for reference: *The second report must be delivered by December 31 and include, if applicable, information regarding violations and action level exceedances that occurred between January 1 and June 30 of the current calendar year, or where monitoring results were received according to the federal Unregulated Contaminant Monitoring Rule. The report must also include a six-month update with the following: (i) A brief description of the nature of the six-month update...*

PWB prefers the revised CCR rule requirement that 6-month updates only need to be included certain criteria are met. In the OARs, Portland requests clarification from OHA on what criteria need to be used to determine compliance with the rule's "if applicable" requirement, as well as clarification in the rule's "the report must also include a six-month update..." requirement, since as-written it is interpreted as all second-delivery reports must include this update.

Clarification request for when report certification is due

Portland noted a discrepancy of the report certification deadlines between the revised CCR rule and the proposed OARs (bold added by PWB to highlight differences).

- Revised CCR rule: "No later than 10 days after the date the **system is required to distribute the report**" [[40 CFR 141.155\(c\)](#)]
- Proposed OARs: "No later than ten days after **water suppliers distribute** consumer confidence reports" [OAR 333-061-0040(1)(t)]

Portland supports the revised CCR rule requirement of certifying the delivery of the CCR within 10 days of the end of the delivery deadline. For example, if the deadline to deliver the CCR is July 1, PWB supports a certification deadline of July 10. This timeline matches reporting deadlines in other rules.

However, PWB does not support the proposed OARs that require certifying the delivery of the CCR within 10 days of CCR distribution. In Portland, there are many distribution efforts that take place over the entire month of June. This would make it challenging for PWB to define the date of delivery for our CCR and meet compliance with this requirement. Portland's delivery date options include: date that the CCR mailers are delivered to USPS for mailing; day that USPS begins delivering mailers into mailboxes; day that USPS completes delivering mailers into mailboxes (usually about a week between start and end); or dates of press release, social media, or other good faith efforts. Because the date of delivery is not just one date, PWB supports using the delivery deadline as the date the certification requirement should be based on.

PWB also requests clarification on the effective date for this requirement.

Request coordination between CCR and LCRR/I compliance

PWB acknowledges the regulatory complexity of CCR lead requirements since three federal

rules (CCR, LCRR, and LCRI) all include different lead requirements and text for CCRs, and they all have a variety of effective dates. PWB appreciates OHA's efforts earlier this year in clarifying these requirements for water providers in [OHA's CCR checklist](#) and [OHA's LCRR & CCR factsheet](#).

However, PWB also recommends stronger OHA coordination between CCR and LCRR/I compliance so that federal regulations, OARs, and all OHA guidance documents are consistent with each other.

The following is a list of locations in the proposed OARs that are inconsistent with the revised CCR rule and/or OHA's checklist or factsheet:

- **Required lead statement [OAR 333-061-0043(4)(d)]:** the proposed OARs include the LCRI version of this text while both the checklist and factsheet list the LCRR version of the text.
 - PWB supports the proposed OAR change to the LCRI version and requests that the guidance documents are updated to match.
 - PWB also notes that the OHA factsheet states that this statement cannot be changed, which is not consistent with OARs and revised CCR rule. Both allow for an alternative statement if approved by OHA.
- **Lead health effects language [Table 43]:** both the LCRR and LCRI have updated versions of this text; neither version is included in the proposed OARs. Additionally, in May 2025, OHA released updated versions of the checklist and factsheet that both included updated versions of this text; neither version is included in the proposed OARs.
 - PWB notes that the text for this language is different in all three OHA documents (proposed OARs; CCR checklist; LCRR & CCR factsheet), and none of these OHA documents match either the LCRR or LCRI version of this text.
- **Lead health effects language usage for lead action level exceedances [not in proposed OARs]:** in May 2025, OHA released an updated version of the checklist that clearly required systems to include the lead health effects language when the system is in exceedance of the action level. This requirement is not included in the proposed OARs.
 - PWB notes that there are two potential places in the OARs where this clarification could occur: either add exceedance to 333-061-0043(1)(b)(ii) and 333-061-0043(3)(k), or add a health effects language requirement in 333-061-0043(3)(p).
- **Missing lead requirements from revised CCR rule [not in proposed OARs]:** the revised CCR rule includes the following lead-related requirements, which (unless otherwise noted) are required by both the revised CCR rule and LCRI, that are not included in the proposed OARs:
 - Including range of tap sample results [[40 CFR 141.153\(d\)\(4\)\(vi\)](#)]
 - PWB notes that this requirement is already included in OHA's checklist and factsheet, but not included in proposed OARs
 - Providing information about and access to tap sampling data [[40 CFR 141.153\(h\)\(8\)\(i\)](#)]
 - Service line inventory statement and link [[40 CFR 141.153\(h\)\(8\)\(ii\)](#)]
 - PWB notes that this requirement is already included in OHA's checklist and factsheet, but not included in proposed OARs

- Inclusion of LSL replacement plan if system has LSL, GRR, or unknown lines in their inventory [[40 CFR 141.153\(h\)\(8\)\(iii\)](#)]
 - PWB notes that this requirement is only part of LCRI and is not included in the revised CCR rule
- Explanation of corrosion control efforts [[40 CFR 141.153\(h\)\(8\)\(iv\)](#)]
- Including information about child care and school testing [[40 CFR 141.153\(h\)\(8\)\(v\)](#)]
 - PWB notes that this requirement is only part of LCRI and is not included in the revised CCR rule

PWB also requests clarification on the effective date for these requirements.

Lastly, PWB suggests the following housekeeping edit to OAR 333-061-0043(3)(n): “Compliance with OAR 333-061: In addition to subsection (3)(jk) of this rule...”

Thank you again for the opportunity to review and comment on these rule revisions. Portland appreciates OHA’s dedication to improving how drinking water utilities communicate with their consumers and aligning the OARs with a complex federal regulatory framework.

If you have questions, you can reach me at Yone.Akagi@portlandoregon.gov or 503-823-1251.

Sincerely,



Yone Akagi, PE
Water Quality Manager