



Do NC Water Utilities Habla Español?

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Leah Barnes, Volunteer

Rachel Velez, Clean Water for North Carolina

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EXECUTIVE SUMMARY

Since 1984, Clean Water for North Carolina (CWFNC) has worked towards clean, safe, accessible water for all North Carolinians, protected by empowered, educated communities and a publicly accountable government and economy.

As part of our Water Justice Campaign and dedication to Environmental Justice, CWFNC joined with our Duke University Stanback intern in 2019 to conduct a mobile home park (MHP) drinking water canvas to better understand these community members' perceptions and attitudes towards their water quality and service. (A copy of this report can be found on our website, <https://tinyurl.com/reportmhp>)

Through conducting this outreach, it quickly became apparent that many of the mobile home communities we visited in North Carolina were predominantly Spanish speaking and not receiving important information from their water utility regarding their drinking water in any language other than English.

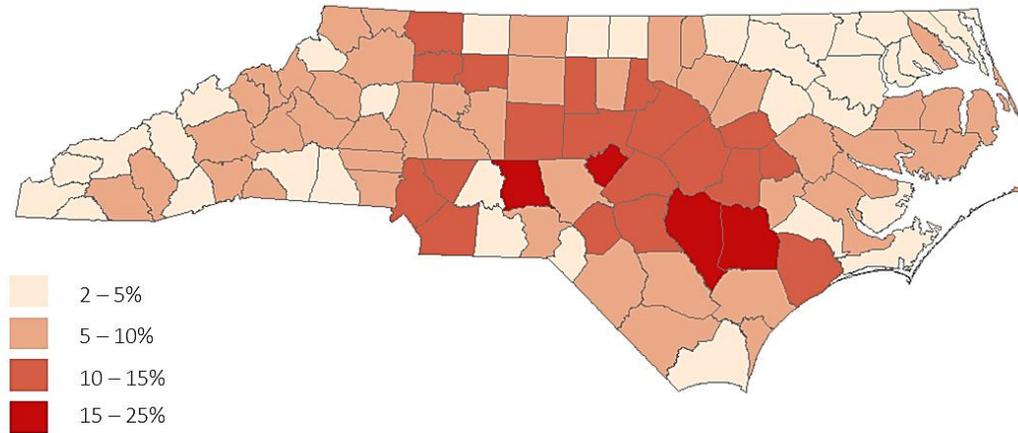
We worked to provide these communities translated information packets on their rights as water customers, as well as important points of contact to voice their concerns, questions, or comments regarding their drinking water quality, service and rates.

North Carolina is home to over 1 million Hispanic/LatinX inhabitants. While it would be incorrect to assume this entire population only speaks Spanish, our findings during our drinking water canvas alerted us that other Hispanic communities, not just those living in MHPs, may not be receiving critical health and service information related to their household drinking water in any language other than English.

Noting that almost 10% of the state population is Hispanic, we wanted to expand the scope of our mobile home park listening canvas and speak with other types of public community water systems that serve large Hispanic communities.

9% of NC residents are Hispanic or Latino

Individuals of Hispanic or Latino origin as a percentage of total population, per county, 2016



Source: U.S. Census Bureau

Fig. 1: Hispanic Population of North Carolina. Source: US Census Bureau, 2016

We designed a questionnaire to find out if community water systems in cities and towns with higher populations of Hispanic residents than the state average provide translated annual Consumer Confidence Reports. While the majority of utilities that we spoke with do provide translated materials to their Hispanic customers, our state's largest private for-profit utility, Aqua North Carolina, failed to do so, as well as smaller Mobile Home communities.

Community members should not be left out from receiving vital health information regarding their drinking water because they do not speak English. To strengthen how North Carolina ensures non-English speaking communities are receiving critical information about their drinking water, this report will be shared and discussed with the North Carolina Department of Environmental Quality's Public Water Supply section. CWFNC hopes to work with the agency to take the necessary steps to ensure all community members receive equitable access to information about their drinking water.

INTRODUCTION

PUBLIC WATER SYSTEMS

The U.S. Environmental Protection Agency (EPA) defines a public water system (PWS) as one that provides drinking water to at least 25 people for 60 days out of the year or provides drinking water through at least 15 connections (hookups). Further, a community water system (CWS) is one that provides water to the same population year-round. Public community water systems include publically owned and operated municipal city and town utilities, as well as privately investor-owned utilities.

While public community water systems and private investor-owned water utilities have different governing structures, both fall under the jurisdiction of the Federal Safe Drinking Water Act.

FEDERAL SAFE DRINKING WATER ACT

The Federal Safe Drinking Water Act (SDWA) passed in 1974 to protect the United States' drinking water supplies and their sources from naturally occurring and man-made contaminants. These contaminants take the form of animal and human debris, water pollution, chemical waste, and more. The SDWA applies to any public water system, of which there are over 17,000 in the US, and requires the EPA to set minimum standards or regulations.

All public community water systems throughout the United States fall under the jurisdiction of the federal SDWA, with state agencies ensuring compliance through overseeing testing, monitoring, issuing violations, and ensuring customers are receiving their annual Consumer Confidence reports.

CONSUMER CONFIDENCE REPORTS (WATER QUALITY REPORTS)

In 1996, the SDWA was amended to reflect more specific roles of the EPA in protecting the nation's supply of safe drinking water. One crucial aspect of the amendment was the requirement of water systems to distribute a Consumer Confidence Report (CCR), also known as an Annual Water Quality Report (WQR). These contain important quantitative and qualitative information about the condition of the consumer's water supply.

In North Carolina, reports are sent out on July first every year. The reports must first outline what the source is (e.g. aquifer, lake, or river) as well as any contaminants in the water, the level and type of risk the contaminants impose on the consumer, and possible health effects of consuming the water. The report must also contain information about how the water system is working to decontaminate the water, educational materials for the consumer outlining common contaminants such as lead and arsenic, and contact information for the water system if the consumer has any questions. CCRs are crucial to the consumer for a variety of reasons. The CCR can alert the consumer to health risks, help the consumer decide whether or not they will consume the water, and provide access to professionals who can answer any questions consumers may have. Because low-income and communities of color may be more likely to have contaminated water, it's even more critical that the reports are accessible in every consumer's primary language.

If you have not received a copy of your Annual Water Quality report, contact your water utility and ask how you can receive a copy. Utilities distribute these reports in different ways, based on the size of their customer base.

Consumer Confidence Report (CCR) Certification Form

Water System Name: _____

Water System No.: ____ - ____ - ____ Report Year: _____ Population Served: _____

The Community Water System (CWS) named above hereby confirms that all provisions under 40 CFR parts 141 and 142 requiring the development of, distribution of, and notification of a consumer confidence report have been executed. Further, the CWS certifies the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the primary agency by their NC certified laboratory. In addition, if this report is being used to meet Tier 3 Public Notification requirements, as denoted by the checked box below, the CWS certifies that public notification has been provided to its consumers in accordance with the requirements of 40 CFR 141.204(d).

Certified by: Name: _____ Title: _____

Signature: _____ Phone #: _____

Delivery Achieved Date: _____ Date Reported to State: _____

The CCR includes the mandated Public Notice for a monitoring violation (check box, if yes)

Check **all** methods used for distribution (see instructions on back for delivery requirements and methods):

- Paper copy to all US Mail Hand Delivery
- Notification of Availability of Paper Copy (other than in the CCR itself)
Notification Method _____ (i.e. US Mail, door hanger)
- Notification of CCR URL URL: _____
Notification Method _____ (i.e. on bill, bill stuffer, separate mailing, email)
- Direct email delivery of CCR (attached? ___ or embedded? ___)
Notification Method _____ (i.e. on bill, bill stuffer, separate mailing)
- Newspaper (attach copy) What Paper? _____ Date Published: _____
Notification Method _____ (i.e. US Mail, on bill, bill stuffer, door hanger, a postcard dedicated to the CCR, or email)
- “Good faith” efforts** (in addition to the above required methods) were used to reach non-bill paying consumers such as industry employees, apartment tenants, etc. Extra efforts included the following methods:
 - posting the CCR on the Internet at URL: _____
 - mailing the CCR to postal patrons within the service area
 - advertising the availability of the CCR in news media (attach copy of announcement)
 - publication of the CCR in local newspaper (attach copy)
 - posting the CCR in public places such as: (attach list if needed) _____
 - delivery of multiple copies to single bill addresses serving several persons such as: apartments, businesses, and large private employers
 - delivery to community organizations such as: (attach list if needed)

Note: Use of social media (e.g., Twitter or Facebook) or automated phone calls DO NOT meet existing CCR distribution methods under the Rule.

04/2018

Fig. 2: Example template of a utility's report to Public Water Supply section on their CCR issuance

CONSUMER CONFIDENCE REPORTS FOR NON-ENGLISH CUSTOMERS

The EPA requires public water utilities to translate their annual Consumer Confidence reports, provide a translated statement on the importance of the report, or provide contact information for someone who can translate the report, if they “have a large proportion of non-English speaking residents”. What constitutes a “large proportion” is not defined. Instead, the EPA relies on state environmental agencies to make this determination.

“Systems that have a large proportion of non-English speaking residents must include information in the appropriate language(s) expressing the importance of the CCR or the CCR must contain a phone number or address where residents may contact your system to obtain a translated copy of the CCR or assistance in the appropriate language. The state or EPA will make the determination of which systems need to include this information.”

– US EPA Consumer Confidence Report Rule

CONSUMER CONFIDENCE REPORTS AND MULTILINGUAL RULE COMPLIANCE IN NC

To understand North Carolina’s interpretation of the poorly defined federal rule, CWFNC contacted a NC DEQ official in the Public Water Supply section and asked if there was a certain threshold (i.e. number of Spanish speaking households) that would trigger the multilingual requirement for Consumer Confidence Reports. The official responded that there is no specific percentage that triggers the need for a translated Water Quality Report in North Carolina, and further, NC DEQ does not have access to language data at the town, city, or county level.

DEQ merely relies on a utility to decide whether or not they serve a “large proportion” of Spanish speaking households and whether or not they need to comply with the multilingual rule under the Safe Drinking Water Act. The official stated that they provide a Consumer Confidence Report template guide for utilities on their website, which includes the following statement at the top for Spanish speaking customers: *“This report contains important information about your drinking water. Have someone translate it for you, or speak with someone who understands it.”*

“2019” Annual Drinking Water Quality Report
“System Name”

Water System Number: “99-99-999”

**The report must include the telephone number of the owner, operator, or designee of the water system as a source of additional information concerning the report. If there are meetings for opportunities for public participation in decisions that may affect the quality of the water, the time and place of these meetings must be included.

**Suggested Introduction:

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

We are pleased to present to you this year's Annual Drinking Water Quality Report. This report is a snapshot of last year's water quality. Included are details about your source(s) of water, what it contains, and how it compares to standards set by regulatory agencies. Our constant goal is to provide you with a safe and dependable supply of drinking water. We want you to understand the efforts we make to continually improve the water treatment process and protect our water resources. We are committed to ensuring the quality of your water and to providing you with this information because informed customers are our best allies. **If you have any questions about this report or concerning your water, please contact [name of water system contact] at [(999) 999-9999]. We want our valued customers to be informed about their water utility. If you want to learn more, please attend any of our regularly scheduled meetings. They are held at [location/dates/time].**

Fig 3: Excerpt of Annual Water Quality Report guideline template for utilities provided by NC Public Water Supply section with brief statement for Spanish speaking customers. The statement for Spanish speaking customers translates to the following: “This report contains important information about your drinking water. Have someone translate it for you, or speak with someone who understands it.”

DATA COLLECTION

As stated, North Carolina adopted the federal Consumer Confidence Report rule and its guidance for providing materials to Spanish speaking customers verbatim and does not apply any stricter regulations, definitions, or defined population triggers for utilities serving large populations of non-English speaking residents.

With lax regulations in place at both the federal and state level, we wanted to understand if utilities serving large populations of Spanish speaking customers were providing a fully translated Consumer Confidence Report, a report with only the brief statement in Spanish about translating it themselves, or a report with no guidance at all for non-English speaking customers.

Using the most recent US Census Bureau data, we identified counties with Hispanic populations greater than the 10% state average, and then identified 15 public water utilities within these counties by searching on Public Water Supply section's online Drinking Water Watch tool.

However, due to the COVID-19 pandemic and the possibility that many employees of utilities may be working remotely, we had difficulty getting in contact with the majority of selected water utilities. The chart below outlines the utilities we did receive responses from, as well as language data for the city, town, or county they provide water to:

Water Utility	City/Town Hispanic Population	County	County-wide Hispanic Population
Town of Siler City	43%	Chatham	12.3%
Mobile Home Park in Sanford (anonymous)	26%	Lee	19.5%
City of Asheboro	24%	Randolph	12%
City of Smithfield	20.7%	Johnston	14%
Johnston County East/West (county-wide utility serving a portion of Smithfield)	20.7%	Johnston	14%

Fig 4: List of water utilities we received responses from and demographic data for their service area

Questions asked of these water utilities focused on their understanding of the language demographics of the customers they serve, their understanding of the multilingual requirement under the federal Consumer Confidence Rule, how they provide the annual Consumer Confidence Report to their non-English speaking customers, and if they experience any obstacles in providing translated materials to these community members.

MUNICIPAL AND COUNTY WATER SYSTEMS

In conducting our phone outreach to utilities, we were pleased to discover the majority of water systems were aware that they serve a large population of Spanish speaking customers, and therefore provide translated materials, not just Consumer Confidence Reports, to these households.

A representative from the Town of Smithfield told us they've noted that they serve a "significant" population of non-English speaking customers. They publish their Water Quality Reports annually on their website and provide information on their bills in both English and Spanish. The representative also said they employ two full-time bilingual Customer Service Agents who can assist their customers, and they provide a phone service that can give customers information in Spanish if they dial an 800 number. The utility representative further said that they "do not have any obstacles at this time providing this level of service as well as meeting the requirements of the NCPWS CCR Certification".

We also spoke to a representative from the county-wide Johnston County water system. They said that they were aware that Johnson County housed a "number" of Spanish-speaking residents, and that they obtain information about which of their customers speak Spanish through a USDA rural development survey included in their application for service. Johnston Co. East/West provides English and Spanish information online, and the utility's staff understands that the county is required to provide documents in both languages based on the large proportion of Spanish-speaking customers in their service area. The representative said their only obstacle was contracting out to have some of the longer documents translated.

The town of Siler City in Chatham County has a significant population (46%) of Hispanic community members, many of whom are employed at the numerous poultry operations in the area. The administrative assistant that we spoke with at the utility's office acknowledged this, and stated that they have two fluent Spanish speaking staff members to provide non-English speakers assistance with bills, notifications, quality or service complaints. The Town of Siler City water utility provides translated CCR copies, and Spanish speaking staff can help customers understand their Consumer Confidence Reports if needed.

The City Manager of Asheboro, in Randolph County, also provided responses highlighting the city's understanding of the multilingual requirement and their efforts to provide important drinking water information to their Hispanic customers. Consumer Confidence Reports are sent out annually to customers in both English and Spanish,

with both versions also available online. It was also noted by the City Manager that the Asheboro water utility is fully supported by the City Council in taking the extra step to provide these translated materials.

While we were unable to reach the majority of small mobile home park water utilities we identified, one mobile home park utility located— a city with 26% percent Hispanic population – did provide responses to our questionnaire. This mobile home community acknowledged that the majority of its inhabitants were both Hispanic and non-English speaking, but admitted that they only provide printed copies of an English Consumer Confidence Report on the community bulletin board and in the administrative office. The person in charge of sending out this annual report for the mobile home water utility did not think they needed to provide a Spanish copy because they have someone on staff who speaks fluent Spanish, and believe if someone had a question about their water quality report, they could ask this staff member.

AQUA NORTH CAROLINA

Aqua America Inc. is the second-largest publicly traded water utility in the United States, providing water and wastewater treatment to nearly three million people in eight states. Here in North Carolina, Aqua NC operates as a subsidiary of Aqua America Inc., and, through acquisitions of small utility systems, it now provides water and wastewater treatment to more than 270,000 customers in 52 N.C. counties.

For this project, we identified that Aqua provides water to a number of North Carolina cities and towns with high populations of Hispanic inhabitants, including Asheboro (24%), Pineville (11%), and Selma (27.4%). Unfortunately, after four calls to their corporate office in Cary, we were never able to get in touch with a representative who would be able to answer our questionnaire.

Through looking on their website and searching through over a dozen of their 2020 Consumer Confidence Reports for the cities and towns they provide water to, it is clear that Aqua NC only provides the following Spanish statement at the top of their annual reports: “This report contains important information about your drinking water. Have someone translate it for you, or speak with someone who understands it.” An investigation of their website did not provide any other indication that they provide translated materials to non-English speakers. While the vast majority of the small, locally owned and governed water utilities we spoke with did make a significant effort to follow the multilingual requirement and provide translated materials to their customers, Aqua NC – a multi-million dollar corporation – chooses only to follow the bare minimum regulation under the Consumer Confidence Rule.

RECOMMENDATIONS

NC DEQ should consider adopting stronger protections for Spanish speaking populations served by public water systems. The current language in the Safe Drinking Water Act is extremely vague; “a large population non-English speaking” community can be interpreted differently by various utilities, and the fact that it is up to individual utilities to decide whether or not they will be translated means certain water systems will protect Spanish speaking residents and some will not. Many non-English speaking water customers may not be receiving critical health information regarding their drinking water.

DEQ must access county, city, and town demographic data, and should be the agency in charge of deciding whether or not a water utility needs to provide translated CCRs. Leaving this determination up to the utility themselves is not sufficient to ensure compliance with the multilingual requirement. DEQ should also immediately upload a fully translated CCR template to their website for utilities to refer to and adopt for their own reports, or consider mailing out CCR compliance packets to utilities identified as serving large populations of Hispanic inhabitants.

While COVID-19 narrowed the scope of this project and our findings due to our inability to get in touch with the majority of identified utilities, the responses that we did receive highlighted a spectrum of how public community water systems provide critical information to their non-English speaking customers. CWFNC looks forward to sharing our findings with the North Carolina Department of Environmental Quality and discussing how the state agency can work with water utilities, customers, and other interested parties to ensure all North Carolinians are receiving critical health information and safe, accessible drinking water.