



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

December 30, 2016

Lisa D. Daniels, Director  
Bureau of Safe Drinking Water  
Pennsylvania Department of Environmental Protection  
400 Market Street  
Harrisburg, Pennsylvania 17101

Dear Ms. Daniels,

The U.S. Environmental Protection Agency (EPA) has evaluated the performance of the Pennsylvania Department of Environmental Protection (PADEP) in meeting the requirements set forth in 40 CFR Part 142, Subpart B – Primary Enforcement Responsibility (i.e., drinking water program primacy). This evaluation included a review of Pennsylvania's performance related to meeting national Government Performance Results Act (GPRA) measures and various drinking water regulatory program requirements. Based on this evaluation, EPA found that while Pennsylvania's drinking water program continues to effectively target its limited resources in addressing priority public health matters, there are a few programmatic requirements that EPA would like to highlight as they are not being met in a complete and timely manner. EPA would like to remind PADEP that the minimum program requirements must be met in order for states to maintain primacy for the Safe Drinking Water Program.

EPA would like to address PADEP's current level of staffing and sanitarian workload. Based on a 2012 survey conducted by the Association of State Drinking Water Administrators (ASDWA), the national average of public water systems (PWS) per sanitarian inspector is 67. In 2015, PADEP realized an average of 149 PWS/sanitarian inspector. This number is more than double the ASDWA national average. EPA cautions PADEP that this kind of excessive workload is not sustainable and program performance will continue to suffer.

Pennsylvania's drinking water program failed to meet the federal requirement for onsite review of water system operations and maintenance capability, also known as a sanitary survey. In addition to the general requirements for sanitary surveys contained in 40 CFR §142.10(b)(2), a state must implement a sanitary survey program that meets the requirements of 40 CFR §142.10(b)(3)(i)-(v). These requirements include conducting sanitary survey inspections no less than once every three years for community water systems and no less than once every five years for non-community water systems. For the last six years, the number of sanitary survey inspections completed by PADEP has significantly declined. PADEP completed 1,847 full inspections in fiscal year 15-16 as compared to 3,177 in fiscal year 09-10. Recent numbers continue to fall short of the GPRA measure and the national average. Not completing sanitary survey inspections in a timely manner can have serious public health implications as major violations could be going unidentified. EPA has also noticed that the number of unaddressed violations in Pennsylvania continues to increase. Over the last five years, the number of

unaddressed violations has nearly doubled from 4,298 to 7,922. This increased risk to public health is of concern to EPA.

In November 2016, EPA conducted a file review of Pennsylvania's Lead and Copper Rule. EPA is currently reviewing the information collected during the file review and a report on our findings is forthcoming. However, it can be noted at this time that a large amount of pertinent information was missing from the files that were reviewed. EPA's report intends to highlight insufficient program personnel in its findings and recommendations. 40 CFR §142.14(d)(8) and (9) outline the reporting requirements of the Lead and Copper Rule.

EPA is encouraged by Pennsylvania's activities to address program challenges and is hopeful that the drinking water program will receive the necessary resources to improve program implementation performance and reduce personnel shortfalls. EPA requests a written action plan from PADEP within 60 days from the date of this letter addressing the aforementioned shortfalls and a plan to provide the resources necessary to meet the minimum program requirements.

If you have any questions, please contact me or have your staff contact Kelly Moran, EPA's Pennsylvania State Program Manager at (215) 814-2331.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa" followed by "for" and a flourish.

Jon M. Capacasa, Director  
Water Protection Division