

Minutes of the December 17, 2015 Meeting
Small Water Systems Technical Assistance Center (TAC)
Advisory Board

A regular meeting of the TAC Board was called to order by Serena DiMagno, Chairperson at approximately 9:00 AM in Room 105 of the Rachel Carson State Office Building. Chairperson Serena A. DiMagno was in attendance and assumed responsibility for the meeting immediately after the opening remarks and housekeeping. The purpose of the meeting was to gather stakeholder input on pre-draft technical guidance for the Revised Total Coliform Rule (RTCR). This was the seventh meeting of the Board in 2015.

The following Board members were present:

Del Becker, Rural Utilities Service/Rural Development (RUS)
Serena DiMagno, Water Works Operators Association of Pennsylvania (WWOAP)
Christine Hoover, Office of Consumer Advocate (OCA)
E. Lee Koch, Pennsylvania Municipal Authorities Association (PMAA)
Penny McCoy, Pennsylvania Rural Water Association (PRWA) *via WebEx*
Mary Roland, State Board for Certification of Sewage Treatment Plant &
Waterworks Operators (SBCSTPWWO) *via WebEx*
Mike Sienkiewicz, Pennsylvania Manufactured Housing Association (PMHA)

The following Alternate members were present:

Chip Bilger, Water Works Operators Association of Pennsylvania *via WebEx*
Robert H. Boos, Pennsylvania Infrastructure Investment Authority (PIIA)
Jennifer Case, Pennsylvania Municipal Authorities Association *via WebEx*
Lisa Daniels, Pennsylvania Department of Environmental Protection (DEP)
Mary Gaiski, Pennsylvania Manufactured Housing Association
Mike Kelly, Pennsylvania Department of Community & Economic Development
Mike McFadden, American Water Works Association (AWWA)
James Steele, Pennsylvania Home Builders Association (PBA)
**Wes Stefanick, Pennsylvania Association of Realtors via WebEx*
Curt Steffy, State Board for Certification of Sewage Treatment Plant and Waterworks Operators *via WebEx*
James Wheeler, Pennsylvania State Association of Township Supervisors (PSATS)

**Acting Alternate member – not yet approved*

The following Organizations were not represented:

County Commissioners Association of Pennsylvania
RCAP
Pennsylvania Association of Conservation Districts, Inc.
League of Women Voters, Pennsylvania
Pennsylvania Public Utility Commission
Center for Rural Pennsylvania

The following DEP staff were present:

Jeff Allgyer, Bureau of Safe Drinking Water
Joy Groch, Bureau of Safe Drinking Water
Sabrina Haydt, Bureau of Safe Drinking Water
Dawn Hissner, Bureau of Safe Drinking Water
Joanne Nardone, Bureau of Safe Drinking Water
Kristina Peacock-Jones, Bureau of Safe Drinking Water
Cecelia Slough, Bureau of Safe Drinking Water

Non-Members present at the meeting:

Charles Hertz, Aqua America *via WebEx*
Frank Medora, Aqua Pennsylvania *via WebEx*
Dennis O'Connor, Philadelphia Water Department
Mary Neutz, Suez Water
Chris Swailes, Suez Water
Douglas Crawshaw, The York Water Company

General Advisory Board business:

Two items of general business were introduced prior to new business:

- The new member and alternate for RUS (Del Becker & Susanne Gantz, respectively) and the new alternate (Mike Kelly) for DCED were introduced and welcomed.
- The draft minutes from the June 16, 2015 and June 30, 2015 TAC board meetings were presented for discussion.
 - Mike Sienkiewicz (PMHA) made a motion to approve the June 16, 2015 minutes as presented; James Steele (PBA) seconded the motion. None opposed, one abstained (DCED), the motion passed.
 - E. Lee Koch (PMAA) made a motion to approve the June 30, 2015 minutes; Mike Sienkiewicz seconded the motion. One revision was requested to the question on the top of page 5 to clarify the question that was asked – “what is the response to DEP’s concerns *regarding keeping the entry point residual at 0.2 ppm?*” The motion was amended to approve the minutes under condition that the requested change will be made. None opposed, one abstained (DCED), the motion passed.

Review Procedures to Appoint/Replace Members

DEP presented a list of the member organizations that are a part of the TAC Board and explained the process for approving new members. Member organizations identified in the Act or bylaws need to notify the Board in writing when replacing a member or alternate. Member organizations identified by DEP need to submit a written request to DEP to replace a member or alternate; this request must then be approved by the DEP Secretary.

In the past six months DEP has received requests to add additional organizations to the Board. The DEP Secretary must first approve the new organization wishing to be a member, before the Board approves the new organization. Once the Board agrees, the bylaws will need to be amended and then DEP will need to reach out to the approved organizations to find members.

- Question from TAC: Is there criteria for adding new members to the Board?
 - Answer: The bylaws do not contain specific criteria. There is only one sentence in the Act that leaves the decision with the Board as to who could be accepted.

Currently the DEP is considering adding the PA Department of Health and the National Association of Water Companies, as well as an organization that represents noncommunity water systems (NCWS) because that designation is the large majority of the type of public water systems in PA. It is difficult to find one organization

that represents all NCWS because they comprise such a diverse group of entities (restaurants, campgrounds, parks, etc.).

Discussion of the Revised Total Coliform Rule (RTCR) Pre-Draft Guidance Document

DEP provided an overview of where the RTCR is in the regulatory process. The public comment period ended 12/1/15; the next step is to review the public comments and revise the proposed regulation. DEP plans to present the draft-final RTCR to the TAC board at the March 16, 2016 meeting to gather comments. The anticipated publication date for a final rule is October 2016.

DEP is seeking comments on the pre-draft Technical Guidance Document (TGD) for the RTCR, specifically on seasonal water system start-up procedure and sanitary defects.

Comments regarding Seasonal Systems

- Question: What type of outreach is being done to explain these new requirements to seasonal water systems?
 - DEP Response: Training has been conducted specific to these systems in all six regions across PA. In addition, staff have attended meetings of the Small Business Compliance Advisory Committee (SBCAC), which is the advisory committee that focuses on small businesses to explain the new requirements. SBCAC has put an article in their newsletter.

Lee Koch commented that they have several parks on their water system and the steps that are suggested in the TGD make sense.

- Question: Do seasonal systems need to receive notice from DEP to open each year after sending in the certification form?
 - DEP response: No, they need to send in their certification form prior to opening, but can then open immediately.

DEP sent the TGD to the PA Camping and RV Association but has not yet received a response.

Suggestion from TAC: PA Restaurant association may be interested in this because of small seasonal systems that may be a part of that organization.

Comments regarding Sanitary Defects

- Question: If we have a water line break in the system will we need to conduct an assessment?
 - DEP Response: No, the break itself would not trigger an assessment. The rule specifies what triggers an assessment and all triggers are based on positive total coliform (TC) samples within the distribution system.
- Question from TAC: How is imminent failure of a barrier already in place defined? If it hasn't occurred yet how do you know it will ultimately be a failure?
 - DEP Response: Examples of an imminent failure could be, a small line break that, if went unfixed, could become a large break that will cause a huge issue. Or, a chlorine residual at the entry point that has been steadily dropping, and if left unchecked, could become a zero residual.

Additional Comments on the TGD

- Comment from Chuck Hertz: Section 7 of the TGD, reporting requirements. Can DEP include all reporting requirements, both lab reporting and water system reporting? It would be nice to have one place to look, instead of two different documents.
 - DEP Response: It is something we will consider. Most accredited labs are commercial entities and may not be interested in the details targeted specifically to water systems.

- DEP Question: How well do you think the lab reporting portion of the program works? Labs are required to notify their customers first, within 1 hr.; if they cannot get ahold of the system then they are supposed to notify DEP within 2 hrs., followed by reporting in writing within 24 hrs. DEP has heard from some water systems that they never receive notice from their labs. And, we have been tracking the list of accredited laboratories and are concerned at the decreasing number of accredited labs within the state – are water systems feeling the effects of this decline?
 - Comment from the water systems: It is undesirable for PWS to get a violation for something that the lab did incorrectly.
 - TAC Response: We hear sporadically from water systems that they are not getting notification from the lab.

Disinfection Requirements Rule Status Update

The second rulemaking is under way. The EQB approved the proposed rule at the Nov 17, 2015 meeting with the comment that stakeholder input should continue. The earliest that it will be published is late January 2016.

A 60-day public comment period with two public hearings is proposed, but DEP may provide additional opportunities for public comment. The Independent Regulatory Review Commission (IRRC) public comment period extends an additional 30 days after the public comment period ends.

DEP plans to come back to TAC in June with the draft-final rule and draft Comment and Response document for TAC's input.

Draft documents of the proposed rule are still posted to the November EQB website for those individuals that may not have had a chance to look at them. The documents posted to the EQB website are very similar to what will be published as the proposed rule.

Discussion of 2016 Meetings

The list of 2016 meeting dates was emailed to the group. This is the maximum amount of meetings that the DEP is expecting for 2016 - if not all of them are needed, some will be cancelled, but it is easier to schedule up-front and cancel later. All meetings will be held in room 105 at Rachel Carson State Office Building (RCSOB) starting at 9am.

- Thursday, January 28, 2016
- Tuesday, February 23, 2016
- Wednesday, March 16, 2016
- Thursday, April 28, 2016
- Wednesday, June 1, 2016
- Wednesday, July 13, 2016
- Tuesday, August 30, 2016
- Tuesday, October 11, 2016

Some of these meetings will be focusing on the part 3 of the General Update regulation that was split out from the original RTCR earlier in 2015.

Lisa Daniels from DEP proposed setting up all of the meetings as Webinars as an option.

- Those individuals that have called in for this meeting are in support of continuing the Webinar option. Therefore, DEP will continue to hold meetings in person in conjunction with webinar for those that cannot make the trip to Harrisburg.

Concern from one of the TAC members is that the webinars may become an avenue for individuals to not show up to the meeting. (Response from one Webinar attendee is that they would still attend in person meetings but the webinar allows for them to attend meetings when they can't get to Harrisburg.)

Public Comments

From DEP: For those individuals in the room and on the webinar continue to submit comments for the next month on the TGD to jallgyer@pa.gov

Doug Crawshaw from York questioned what the schedule will be for the additional stakeholder input on the proposed Disinfection Requirements Rule requested by EQB.

- DEP Response: Those details are still being worked out but it depends on when the proposed rule is getting published. The additional stakeholder meetings will be held during the public comment period so the rule needs to be published prior to us making those arrangements.

Questions regarding RTCR:

- Will water systems need to speak with EPA when issues occur after April 1st since DEP will not have a rule in place yet?
 - DEP Response: No, DEP will still take the lead with enforcement and discussions with the water system. EPA may be sending Notices of Violations or Administrative Orders to water systems during the interim period, but DEP will continue to be the primary interface.
- Will the 5 follow up samples for small systems be going away on April 1st?
 - DEP Response: That is part of the transitional period and conversations are still taking place with EPA and our attorneys regarding these issues.

E. Lee Koch made a motion to adjourn; it was seconded by Mike Sienkiewicz. The motion passed and the meeting adjourned at 10:15 am.