

# Chester Water Authority

## RE: Summary of Testimony to the Proposed Revised Total Coliform Rule (RTCR)

Public Hearing, November 5, 2015

### General Comments

1. Chester Water Authority (CWA) is supportive of the Pennsylvania Department of Environmental Protection's (DEP) efforts to increase public health protection by adopting revisions to the Total Coliform Rule (TCR).
2. There are Public Notification (PN) and Consumer Confidence Report (CCR) reporting requirements that must be addressed for subsequent and/or concurrent changes to support the revisions to the TCR. CWA is uncertain if DEP has reviewed and drafted revisions to these requirements.
3. CWA notes that the term "check" is used extensively throughout Chapter 109.301, Chapter 109.409 (and other sections) to refer to "repeat" monitoring and suggest that "check" sample be changed to "repeat" sample to be consistent with EPA's terminology.
4. DEP noted in the Proposed Rulemaking that, "Section 109.701(a)(5)(i)(D) is proposed to be added to clarify that repeat coliform monitoring locations must be included in sample siting plans. This amendment reflects 40 CFR 141.853(a)(1). The TAC noted that identifying specific addresses for check samples is unworkable for some water systems. However, this proposed amendment reflects 40 CFR 141.853(a)(1)." CWA believes that DEP failed to provide the regulatory language in 40 CFR 141.853(a)(1) for transparency and comparison and that DEP also failed to acknowledge that the Federal rule allows flexibility for PWSs to select repeat monitoring locations. Per **40 CFR § 141.853 (a)(5)(i)** General Monitoring requirements for all public water systems Sample Siting Plans states, "*Systems may propose repeat monitoring locations to the State that the system believes to be representative of a pathway for contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan.*" CWA, therefore, would appreciate the Board's re-consideration of the proposed amendment by DEP based on the full citation from 40 CFR.

### Specific Comments

#### 1. § 109.202. State MCLs, MRDLs and treatment technique requirements (Section (c)(4)(i),(ii),(iii))

**CWA Response:** CWA disagrees with DEP directing a system to conduct an assessment if other situations outside § 109.701(a)(3)(iii) arise for any particular water quality situation. Assessments are designed to be applied for specific response to Total Coliform and *E. coli*. While CWA agrees that DEP may have other water quality concerns where other "investigations" may be warranted, these should not be incorporated here or referred to as "assessments" to prevent confusion.

#### 2. § 109.301. General monitoring requirements – *Monitoring requirements for coliforms* (Section 3)

**CWA Response:** CWA believes the PN requirement as stated is incorrect and is not required for every single *E. coli* positive sample. If a system foregoes *E. coli* testing on a positive total coliform sample, this does not always result in a violation of the MCL. If, for example, this is the original-routine sample, then the system must collect a set of repeat samples prior to making an MCL determination. CWA agrees that the sample must be counted as *E. coli* positive used to determine MCL compliance and that DEP must be notified of the positive sample result within 1 hour.

#### 3. § 109.301. General monitoring requirements – *Monitoring requirements for coliforms, Frequency* (Section 3(i)(D))

**CWA Response:** CWA agrees with DEP in allowing PWSs to collect more than the required number of samples for compliance with the TCR as explained in the sample siting plan. However, CWA recommends that PWSs be allowed to collect more samples than required in unusual circumstances, such as following positive total coliform samples, when the PWS believes there is reason to collect more samples to ensure public health protection. This flexibility should be noted in the sample siting plan.

#### 4. 109.301. General monitoring requirements – *Monitoring requirements for coliforms, Compliance determinations* Section (Section 3(iv))

**CWA Response:** CWA supports the MCL compliance determinations based on *E. coli* and sub-clauses I-IV of this section. CWA notes that sub-clauses I-IV support CWAs comment "2" above when not every *E. coli* positive result generates an MCL violation requiring PN.

#### 5. § 109.303. Sampling requirements (Section a(2))

**CWA Response:** CWA agrees with representative TCR sampling locations and collection at regular intervals. However, CWA advocates that sampling plans be flexible such that the plan allows and supports operational/business efficiencies, customer service demands, special projects and other unusual circumstances.

#### 6. § 109.409. Tier 2 public notice – *Categories, Timing and Delivery of notice* (Section a(3))

**CWA Response:** CWA disagrees with requirement for Tier 2 PNs for failure to report an *E. coli*-positive routine sample. Since the routine *E. coli* positive sample requires repeat sampling, a failure to report the routine positive sample does not pose risk to public health itself. CWA suggests clarification as this should be a Tier 2 reporting violation to be consistent with the Federal RTCR reporting requirements.

#### 7. § 109.701. Reporting and recordkeeping - *Siting plan* (Section a(5))

**CWA Response:** CWA agrees that PWSs should have written or electronic sample siting plans, yet plans need to be flexible to accommodate for business/operational efficiency, customer service, sampling personnel availability and unusual events or situations etc. However, CWA strongly discourages incorporation of clauses (D) and (G) as they are more stringent than requirements of the Federal RTCR, have no benefit to public health protection, are overly time-consuming and burdensome to PWSs and do not allow for the flexibility needed to assess positive total coliform or *E. coli* results on a case-by-case or situational basis. Please refer to General Comment #4 above.

#### 8. § 109.705. System Evaluations and Assessments (Section b(3),(4))

**CWA Response:** The Level 1 assessment should be conducted and approved by persons appropriate within or to the PWS (e.g. an engineer or water quality person). The Level 2 assessment does not have to be fully "conducted" by someone meeting the qualifications (certified operator or administrator) as other personnel may assist in the assessment, however, the assessment should be reviewed and approved by this qualified person. CWA recommends that the language be clarified to reflect these comments.