



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Safe Drinking Water

Proposed Rulemaking: Safe Drinking Water General Update and Fees

Environmental Quality Board Meeting

May 17, 2017

Tom Wolf, Governor

Patrick McDonnell, Acting Secretary

Purpose

- Provide for increased protection of public health, ensure a continuous supply of safe drinking water, and enable communities to plan and build future capacity for economic growth.
- Ensure that the Department has adequate funding to enforce applicable drinking water laws, meet state and federal minimum program elements, and retain primacy.

Applicability

One or more of these amendments will apply to all 8,521 public water systems (PWS):

- Community water systems (CWS) = 1,952
- Nontransient noncommunity water systems (NTNCWS) = 1,088
- Transient noncommunity water systems (TNCWS) = 5,309
- Bottled, vended, retail and bulk water hauling systems (BVRB) = 172

Significant Provisions

The amendments include three parts:

1. Incorporate remaining general update provisions that were separated from the proposed Revised Total Coliform Rule as directed by the EQB on April 21, 2015.
2. Amend existing permit fees and add new annual fees to supplement Commonwealth costs and fill the funding gap (\$7.5 million).
3. Add new amendments.

Part I: General Update

Part I: General Update Provisions

- Revise the treatment technique requirements for microbial pathogens.
- Revise the permit requirements to clarify the components that must be included in an application for a new source.
- Add new requirements for alarms, shutdown capabilities, and system resiliency (i.e., auxiliary power or alternate provisions).

Part I: General Update

Revise treatment technique and turbidity performance requirements for pathogens:

- Clarify requirement for continuous monitoring of combined filter effluent (CFE):
 - Monitor/record no less frequently than once every 15 minutes.
 - Failure in monitoring/recording equipment shall be fixed within 5 working days.
- Establish specific performance requirements for CFE:
 - 0.30 NTU for conventional or direct filtration technologies
 - 1.0 NTU for slow sand and diatomaceous earth (DE) filtration
 - 0.15 NTU for membranes

Part I: General Update

Revise treatment technique and turbidity performance requirements for pathogens:

- Lower individual filter effluent (IFE) “trigger levels” to be consistent with CFE performance levels.
- IFE levels which trigger initial corrective actions:
 - 0.30 NTU for conventional or direct
 - 0.15 NTU for membranes
 - 1.0 NTU for slow sand or DE
- Require continuous IFE monitoring/reporting for all filtration types.

Part I: General Update

Require auxiliary power or an alternate provision:

- Pennsylvania’s drinking water sources are susceptible to both natural and man-made disasters:
 - Tropical storms, flooding, high winds, ice and snow
 - Transportation corridor spills impacting downstream users
- Therefore, water systems must have effective options to provide consistent system service during such emergencies:
 - Adequate auxiliary power
 - Alternate provisions: finished water storage or interconnections

Part I: General Update

Revise permit requirements and design standards, and add new requirements for alarm and shutdown capabilities:

- All surface water and GUDI filtration plants will need to be equipped with alarms.
- If not staffed continuously, will also need shutdown capability.
- Alarms and shutdowns shall:
 - Be set at a level that results in compliance with applicable drinking water standards.
 - Include at a minimum: IFE & CFE turbidity limits, minimum disinfectant residual levels, and clearwell levels.
 - Be capable of notifying the available operator on duty.
 - Be tested at least quarterly.

Part II: Fees

Part II: New Annual Fees and Amended Permit Fees

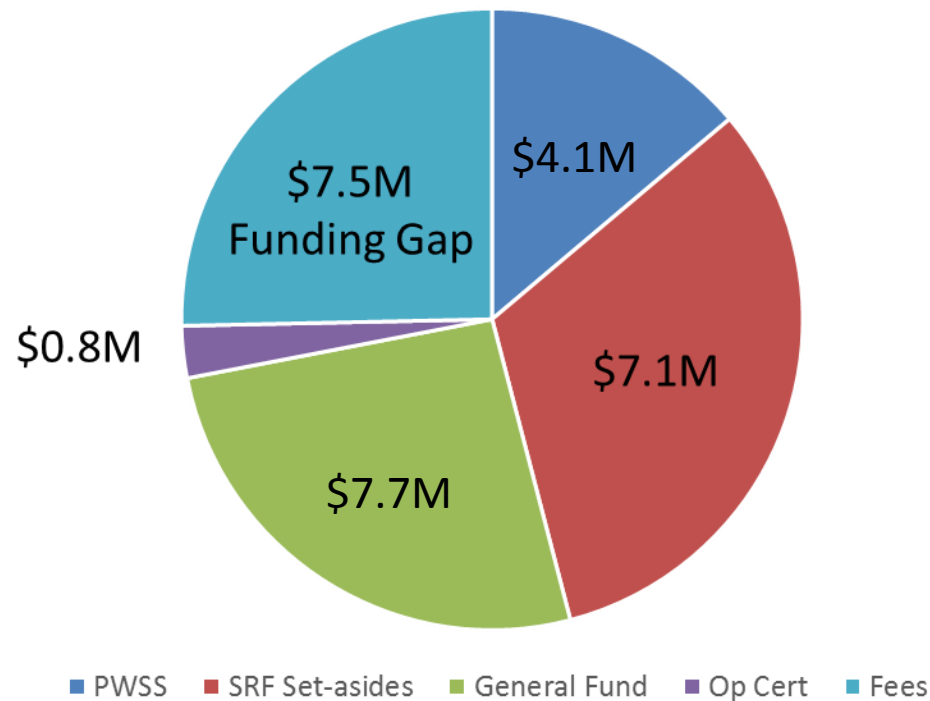
- Fees are necessary to generate adequate funding to carry out minimum program elements.
- Performance is directly tied to the mandated workload and available resources.
- Overall, staffing levels are down by 25% since 2009. Thus, the Department's workload has steadily increased to more than double the national average.

Part II: Fees

- Failure to meet minimum program elements may result in an increased risk to public health.
- Program performance is currently under review by EPA. As per EPA, the Department's workload is excessive and not sustainable; program performance will continue to suffer.
- Also, the Department's failure to complete sanitary surveys can have serious public health implications as major violations could be going unidentified.

SDW Program Costs and Funding

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Part II: Fees

- Annual fees range from \$250 - \$40,000 for CWSs, \$50 - \$1,000 for NCWSs, and \$1,000 - \$2,500 for BVRBs.
- Per person costs range from \$0.35 to \$10 per year.
- At least 26 states charge annual fees to augment the cost of their Drinking Water Program. Annual fees for these 26 states range from \$25 to \$160,000 per water system.

Part III: New Amendments

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- Establish the regulatory basis for issuing general permits for high volume, low risk modifications to streamline the permitting process.
- Clarify that NCWSs must obtain Department approval of facilities prior to construction and operation.

Part III: New Amendments

- Address concerns related to gaps in the monitoring, reporting and tracking of back-up water sources:
 - Verifiable controls are not in place to ensure all sources are monitored and that they meet safe drinking water standards.
 - Some of these sources have not been used in more than 5 years, which means the water suppliers and the Department do not know the water quality of these sources, or whether existing treatment is sufficient.
 - These amendments will ensure that all sources are monitored at least annually.

Stakeholder Input

- The proposed rulemaking was presented to the Technical Assistance Center for Small Drinking Water Systems (TAC) on November 14, 2016 and January 5, 2017.
- The proposed rulemaking was also presented to stakeholders through a webinar on December 8, 2016.
- Comments were received from TAC on January 23, 2017. Some of TAC's comments were incorporated into this proposed rulemaking. Other comments were incorporated into the preamble as a means to solicit further public comment.

Recommendation

DEP recommends the adoption of this proposed rulemaking with a 30-day public comment period.

Regulatory Schedule

- Anticipated date of publication of proposed rulemaking; opening 30-day public comment period: July 2017
- Anticipated date of EQB consideration of final-form rulemaking: December 2017
- Anticipated date of delivery of the final-form regulation to IRRC and House and Senate ERE Committees: late December 2017
- Anticipated date of IRRC public meeting to consider the final-form regulation: February 2018
- Anticipated publication date of final-form regulation; effective date of the final-form regulation: April 2018



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