



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Safe Drinking Water

# **Final Rulemaking: Safe Drinking Water General Update and Fees (25 Pa. Code Chapter 109)**

**Environmental Quality Board Meeting  
April 17, 2018**

Tom Wolf, Governor

Patrick McDonnell, Secretary

# History of Rulemaking

- The proposed rulemaking was presented to the EQB on May 17, 2017, and was published in the *Pennsylvania Bulletin* on August 26, 2017 with a 30-day public comment period.
- Comments were received from 40 commentators, including IRRC.
- The draft final-form rulemaking was presented to TAC on December 7, 2017. TAC provided recommendations on December 22, 2017.

# Purpose of Rulemaking

- 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 apply to all 8,521 public water systems (PWS) in Pennsylvania:

- 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 provisions to establish the basis for issuing general permits and to address concerns related to gaps in the monitoring, reporting, and tracking of back-up water sources.

# 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).

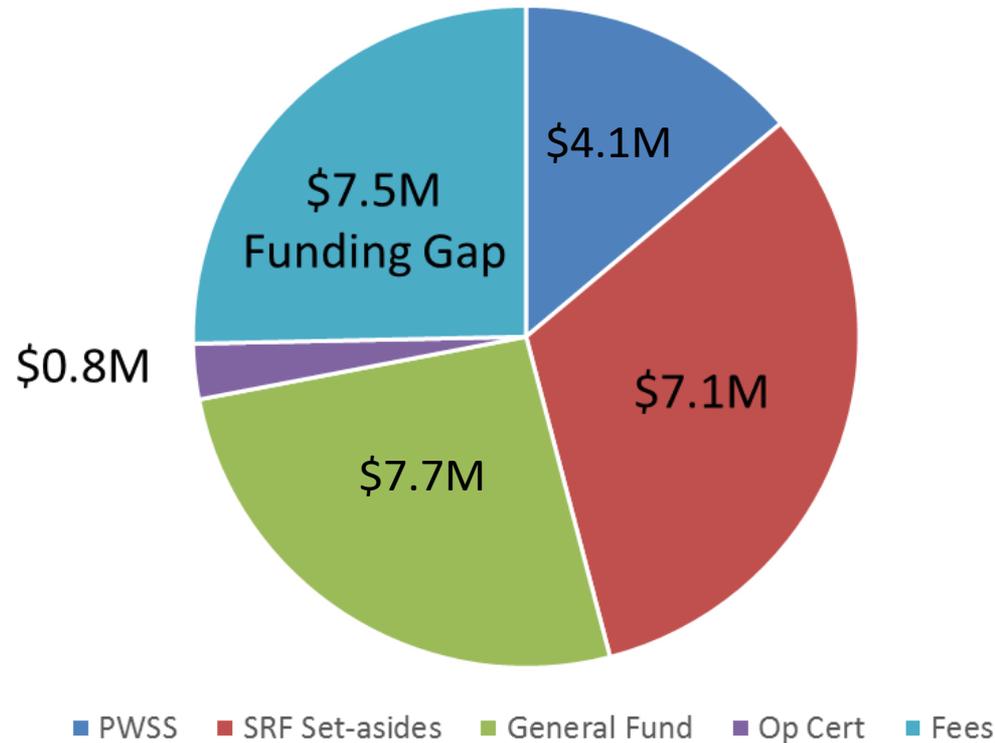
# Part II: Fees

## Part II: New Annual Fees/Amended Permit Fees

- Fees are necessary to generate adequate funding to carry out minimum program elements.
- 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.

# SDW Program Costs and Funding

SDW Program Costs and Funding



## 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 when used.

# Estimated Costs

- New annual fees and amended permit fees.
- Source water protection and permitting requirements:
  - Adds \$1,000 to cost of completing permit application for new source of supply
- Revisions to turbidity requirements:
  - Costs to install continuous monitoring/recording devices are \$3,000 - \$4,000 for ~ 52 filter plants; annual maintenance costs are \$500

# Estimated Costs

- Automated alarms/shutdown capabilities:
  - Installation costs are \$9,000 – \$12,000 for ~ 36 filter plants
- System resiliency and auxiliary power:
  - Costs for ~ 485 small systems to rent portable generator (\$70-\$320/day) or install their own equipment (\$3,000 - \$4,000)
  - Costs for ~ 65 medium and large systems to install back-up power supply (\$50,000 - \$200,000 per plant)

# Estimated Costs

- System resiliency and auxiliary power (cont.):
  - Cost savings of avoiding interruption in continuous supply of safe and potable water:
    - Economic impact to water system - value of lost water sales, and additional operating costs incurred during event
    - Regional economic consequences from event due to loss in business activity
  - Estimated costs for two-day outage at CWS (pop = 2,500)
    - Economic impact to water system = ~ \$28,000
    - Regional economic impact = ~ \$1 million



# Significant Issues

## Public comments:

- Reasonableness and methodology for assessing fees
  - Fees shall bear a reasonable relationship to the actual cost of Department services; fees based on population
- NSF certification requirements for safety/efficacy of chemicals, materials and equipment
- Turbidity requirements
- Requirements for “back-up” sources

# Summary of Revisions

- Proposed turbidity standards were deleted and will be considered in a future rulemaking.
- Proposed monitoring/reporting requirements for “back-up” sources were amended to allow the use of the “reserve” designation, and to no longer require the annual use of all sources. Instead, all sources must be monitored when used.

# Summary of Revisions

- Effective dates for several provisions were deferred for one to three years to allow additional time to achieve compliance.
- Proposed system resiliency requirements were amended to allow additional options and time to comply.

# Implementation Strategy

- Finalize forms and technical guidance
- Conduct mailing to all PWSs
- Develop and deliver classroom and web-based training beginning Fall 2018
- Provide technical assistance and outreach:
  - Operator Outreach Assistance Programs
- Provide financial assistance through PENNVEST

# Recommendation

DEP recommends EQB adoption of this final rulemaking.



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