

Minutes of the April 30, 2015 Meeting
Small Water Systems Technical Assistance Center (TAC)
Advisory Board

A regular meeting of the TAC Board was called to order by Tom Fridirici, Department liaison to the Board at approximately 9:00 AM in room 105 of the Rachel Carson State Office Building, Harrisburg, PA. 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 discuss proposed rulemaking related to the Revised Total Coliform Rule (RTCR) specific to the EQB decision to split the RTCR portion and general update portions into two separate regulation packages. This was the second meeting of the Board in 2015.

The following Board members were present:

Penny McCoy, Pennsylvania Rural Water Association
Lee Koch, Pennsylvania Municipal Authorities Association
Serena DiMagno, Water Works Operators Association of Pennsylvania
Mary Roland, State Board for Certification of Sewage Treatment Plant and Waterworks Operators
Tom Essig, RCAP Solutions, Inc.

The following Alternate members were present:

Lisa Daniels, Pennsylvania Department of Environmental Protection
Jennifer Case, Pennsylvania Municipal Authorities Association
Mike McFadden, American Water Works Association
Chip Bilger, Water Works Operators Association of Pennsylvania
Mary Gaiski, Pennsylvania Manufactured Housing Association
James Steele, Pennsylvania Home Builders Association
Sean Donnelly, Pennsylvania Public Utilities Commission
Robert H. Boos, Pennsylvania Infrastructure Investment Authority
Curt Steffy, State Board for Certification of Sewage Treatment Plant and Waterworks Operators
Christine Caldara Piatos, Center for Rural Pennsylvania
Sukhwindar Singh, RCAP Solutions, Inc.
Ashley Everette, Office of Consumer Advocate

The following organizations were not represented:

Pennsylvania State Association of Township Supervisors
County Commissioners Association of Pennsylvania
Pennsylvania Association of Realtors
League of Women Voters, Pennsylvania
Pennsylvania Association of Conservation Districts, Inc.
Pennsylvania Department of Community and Economic Affairs
Rural Utilities Service/Rural Development

The following DEP staff were present:

Tom Fridirici, Bureau of Safe Drinking Water
Dawn Hissner, Bureau of Safe Drinking Water
Jeff Allgyer, Bureau of Safe Drinking Water
Sabrina Haydt, Bureau of Safe Drinking Water
Joanne Nardone, Bureau of Safe Drinking Water
Kevin Anderson, Bureau of Safe Drinking Water
Deb Rotz, Bureau of Safe Drinking Water
Jason Minnich, Bureau of Safe Drinking Water
Joy Groch, Bureau of Safe Drinking Water
Wendy Lloyd, Bureau of Safe Drinking Water
Bill McNamara, Bureau of Safe Drinking Water

Non-Members present at the meeting:

Scott Sharp, Pennsylvania American Water Company
Justin Brame, Pennsylvania American Water Company
Sharon Fillmann, Chester Water Authority
Anita Martin, Chester Water Authority
Donna Wingle, Lehigh County Authority
Douglas Crawshaw, The York Water Company
Chris Swailes, United Water
Mary Neutz, United Water
Tom Bradbury, North Wales Water Authority
Heidi Palmer, North Penn Water Authority
Frank Medora, Aqua Pennsylvania
Steve Tagert, Aqua America
Charles Hertz, Aqua America
Matt Walborn, Western Berks Water Authority
Alison Aminto, Philadelphia Water Department

Dennis O'Conner, Philadelphia Water Department

General Advisory Board business:

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

- Minutes from the December 18, 2014 TAC board meeting were circulated, motion to ratify by Lee Koch, 2nd by Jim Steele, motion carried by unanimous voice vote, with one clarification re: definition of CROMERR (Lee Koch). Minutes will be posted on the public access web site.
- Meeting dates for three additional TAC Board meetings, May 18th, May 26th and June 16th were discussed and finalized as acceptable to the Board. It is important to remember that the May 18th and June 16th meetings are scheduled to be held in the DEP SCRO, 909 Elmerton Avenue, Harrisburg.
- At the suggestion of the Department, a motion was made by Lee Koch to approach the Pennsylvania Association of Conservation Districts regarding their lack of attendance at TAC Board meetings. The Department will initiate the paperwork to ask for different primary and alternate members from the Association. Mary Giaski seconded and the motion carried.

Summary of the Environmental Quality Board (EQB) meeting held April 21, 2015:

Lisa Daniels provided a brief summary of the EQB discussion relative to the proposed RTCR package. The EQB ratified a motion to split the proposed regulation into separate packages. Those portions of the proposed regulations specific to the RTCR would move forward and the portions more directly related to Chapter 109 general updates would be split out for additional stakeholder input. The effect of that EQB decision on the process for finalization and ultimately, implementation of the RTCR is the subject of the April 30th TAC Board meeting. Mary Roland asked for the proposed regulation to be physically divided for ease of review and asked that the Department email that information to TAC Board members as well as post it on the public access site. Lisa explained that the actual language hasn't changed since it was posted on the EQB website for the April 21st meeting. TAC Board members should use that version. We cannot create new versions of the rule at this point; we need to wait for changes to be published in the PA Bulletin. Look for a new "Disinfectant Residual Rule" when the May 18th meeting agenda, etc. are posted to the TAC Board website.

RTCR update:

Jeff Allgyer, of DEP's Bureau of Safe Drinking Water presented a PowerPoint outline of the RTCR parts of the divided regulatory package. Jeff reviewed the Department's changes to the rule in response to the TAC Boards comments from previous meetings, for example: DEP-directed assessments as well as repetition of routine sample locations. The requirement for monthly monitoring for all systems was discussed. Jeff spent considerable time outlining the Department's concern regarding repeat sample locations and emphasized the importance of providing comments during the public comment phase of

the rulemaking process. Key point – how will a PWS use an alternative repeat monitoring location to define a pathway for contamination associated with the original positive coliform sample? Jeff reviewed the public notice and one hour reporting requirements associated with the RTCR and summarized the expected benefits of the proposed revisions to the Total Coliform rule.

The Board had a number of comments specifically related to repeat sampling locations:

- Is the training currently being presented still applicable even if the proposed regulation package is split, especially the 5 up/5 down requirement? *Yes, our training asks for a list of possible sampling locations, a range, and allows for an SOP to guide the choice of the actual sampling site.*
- Is a DEP approved plan format required? *No, we just need a plan, any form that makes sense and includes all of the required elements.*
- In some systems the upstream and downstream locations change depending on operations specifics. Can a certified operator make sample location decisions based on an SOP?

A number of Board members mentioned that the distribution system was like a living organism and our requirements for a sampling plan cannot be too structured. The Department reminded the members that the requirement to collect check samples within five service connections up/down stream is an existing rule.

General update:

Dawn Hissner of DEP's Bureau of Safe Drinking Water presented a PowerPoint outline of the non-RTCR specific parts of the proposed regulation. The Department revised requirements for automatic shut-down capability, revised entry point disinfection requirements and deleted source sampling requirements in response to significant land use changes, based on TAC Board comments. The department moved auxiliary power provisions to the preamble in order to gather public comments on the cost and on the definition of "continuously supplied to the users". The original pre-draft language proposing a minimum entry point disinfection residual of 0.5 mg/L free and 1.00 mg/L was deleted. Emphasis has been placed on requiring PWS with filtration to calculate and report log inactivation values. The current distribution disinfectant residual is widely recognized as inadequate and ineffective. Insuring an adequate residual in the distribution system is a key component of the assessment process and lack of adequate residual is considered a sanitary defect.

TAC Board members asked for citations and references for data relating to distribution system disinfection residuals required in other states as presented in the power point slides.

- Are the residual numbers found in regulation or policy?
- Are the numbers instantaneous absolute or percent of monthly readings?
- Are those residuals effective (E. Coli and Legionella)?
- What are the consequences for disinfection by-products?
- Why didn't EPA set a residual when they wrote the RTCR?

- What are the effects of exposing customers to more chlorine?
- What impact has the residual had on DBP formation?

Board members had some questions regarding emergency generation of power (which has been moved to the preamble with a request for specific public comments).

- Associated costs are more complex than just the purchase of auxiliary power equipment.
- Some costs are annual = unfunded mandate.

There was concern voiced that the Preamble shows costs as researched by the EPA; we should provide costs specific to Pennsylvania. The Board was concerned that the RTRC has been hijacked by fear of Legionella and that Legionella is a premise plumbing problem, not a PWS problem. The Department reminded the Board that Legionella has been found in the distribution system—that's how it gets into the affected building. Legionella control is a shared responsibility; PWS cannot assume that they have no responsibility downstream of the meter.

After the lunch break:

The Board agreed that the Power Point presentation needs to be split into two separate pieces, one RTRC and one all other general update parts. Members asked for a list or accounting of the number of Level 1 and Level 2 assessments that would have been generated based on existing PADWIS data. The Board agreed upon additional meetings to be held May 18th, May 26th and June 16th.

Chairwoman DiMugno asked for comments from the public:

Chuck Hertz, Aqua PA – A huge issue is Public Notification: If the Department insists on 100% compliance in the distribution system the number of PNs will eventually lead the customers to ignore PN. Chuck asked that one entire meeting be dedicated to discussion of the disinfection residual issues; an additional meeting should be dedicated to the other “general update” parts or the proposed regulations.

Sharon Fillmann, Chester Water Authority – mentioned that the proposed regulation of 0.30 mg/L is two significant figures (vs. 0.3 mg/L) and that two significant figures is probably not achievable in the field and should not be used for compliance. She suggested that the proposed “D” system residual will compel unethical behavior in that it's impossible to maintain a constant residual in the distribution system 100 percent of the time. Sharon suggested allowing significant additional time to discuss the residual issue as well as the “general update” portion to the proposed regulation. She suggested completely splitting the RTRC portion of the package out, move it forward thereby avoiding the two separate compliance schedules after April 2016.

Lisa Daniels, DEP BSDW – the need for increased residual in the distribution system:

- RTCR refers to lack of effective residual as a sanitary defect to be evaluated as part of the assessment process restored by way of corrective action.
- The current 0.02 mg/L isn't protective and is probably not even a valid number.
- Lack of adequate residual is specifically listed as a significant deficiency.
- 109.710 requires a residual "acceptable to the Department".
- Regulations obligate the Department to define an effective residual.
- PWS need an effective residual to control microbial growth in the distribution system.

Chip Bilger suggested instead of trying to regulate chlorine residual universally require increased residual as part of a corrective action. Or, raise the residual to X but then require an increase to Y as part of the assessment process.

Mary Rolland – made a motion: everything from the general update of 109 to be tabled except for chlorine residual and issues needed to maintain primacy; everything else comes out of the proposed package. Motion seconded by Lee Koch; motion carried.

After one final call for comments Chairwoman DiMugno called for a motion to adjourn – made by Lee Koch; second by Sean Donnelly, motion carried. Meeting adjourned at 2:15.