

Executive Summary

Revised Total Coliform Rule Revisions to Title 25, Pa. Code Chapter 109. Safe Drinking Water

Purpose of Final Rulemaking:

The purpose of this final-form rulemaking is to amend the Department's Safe Drinking Water regulations to incorporate necessary federal requirements needed to obtain primary enforcement authority (primacy) for the Revised Total Coliform Rule (RTCR).

The proposed rulemaking was included in a two-part proposal which was submitted to the Environmental Quality Board (Board) for consideration at its meeting on April 21, 2015. One part contained regulations necessary to assume primacy with respect to the Federal RTCR and the other part of the proposal included amendments to various other portions of Chapter 109. In response to a motion made at that meeting, the Board voted to approve the portion of the proposed rulemaking regarding the RTCR but to split the other proposed amendments into a separate rulemaking to provide an opportunity for further consideration by the Small Water Systems Technical Assistance Center Advisory Board (TAC) and other interested parties. This final-form rulemaking reflects the RTCR portion of the proposal approved by the Board at its April 21, 2015, meeting.

Summary of Amendments:

Obtain primacy: The Pennsylvania Safe Drinking Water Act (SDWA) obligates the Department to maintain primacy for the Safe Drinking Water program. As such, the Department must amend Chapter 109 to incorporate the federal RTCR, which the U.S. Environmental Protection Agency (EPA) promulgated on February 13, 2013.

This rule establishes a maximum contaminant level for *E. coli* and uses *E. coli* and total coliforms to initiate a "find and fix" approach to address fecal contamination that could enter into a public water system's distribution system. It requires public water systems (PWS) to perform assessments to identify sanitary defects and subsequently take action to correct them.

The following PA RTCR regulations will be more stringent than Federal regulations:

- To be consistent with existing public notification requirements, Department of Environmental Protection (DEP) is requiring one-hour notification for several circumstances where the federal rule requires notification within 24 hours.
- If DEP determines an assessment to be incomplete the PWS must consult with the Department within 14 days.

Advisory Committee Review:

The draft final amendments were submitted to the TAC for review and discussion on March 16, 2016. Comments were received from the TAC on March 25, 2016.

Adoption Deadline:

The Department recommends that the Board incorporate the final amendments into the Pennsylvania Safe Drinking Water Regulations (25 Pa. Code Chapter 109) in order to obtain primacy. Pennsylvania must adopt regulations implementing the provisions of these regulations by February 13, 2017. Failure of the Board to adopt these regulations may result in Pennsylvania losing primacy for the drinking water program.

Public Comment Period and Public Hearings:

The RTCR was published on October 3, 2015, with a 60-day comment period. Public hearings for the RTCR were held on November 3, 2015 and November 5, 2015. Thirteen public commentators and the Independent Regulatory Review Commission provided comments on the proposed rulemaking.