

**Aqua Pennsylvania Detailed Comments to  
[ 25 PA. CODE CH. 109 ]  
Safe Drinking Water; Revised Total Coliform Rule  
[ 45 Pa.B. 5943 ]**

**One-page Summary for EQB Board:**

Aqua Pennsylvania, Inc. (Aqua) appreciates the opportunity to provide comments about the above referenced proposed rulemaking. Aqua staff provided technical expertise to the American Water Works Association (AWWA) and the National Association of Water Companies (NAWC), two organizations that were signature parties to the Federal Advisory Committee (FACA) and the resultant Agreement-in-Principle (AIP) which lays the foundation for the federal Revised Total Coliform Rule (RTCR). We believe the federal RTCR is a significant step forward in the protection of public health. We are pleased to see that the Pennsylvania Department of Environmental Protection (DEP) is essentially adopting the well-discussed and reasonable rule framework set forth in the FACA AIP.

**However, Aqua notes that the federal rule framework left many opportunities for states to define elements within the RTCR. The DEP proposal does not clearly spell out how DEP intends to define many of these elements, most notably, the content of assessment and corrective action forms.** It is assumed many will be yet defined through state guidance, rather than through the established rulemaking process. This is very concerning to us. In recent years, the DEP's Bureau of Safe Drinking Water - Central Office (BSDW-CO) has appeared to drift further away from the practice of collaborating with the water industry professionals within the state in developing regulations and related guidance. Furthermore, although guidance documents "are not an adjudication or a regulation", too often, DEP has enforced policies and guidance that were developed without public participation as though they were equal.

A result of this disengagement can be seen in the proliferation of administrative violations and public notices in Pennsylvania. While we believe Pennsylvanians' can be proud of the drinking water quality across the state, one would not believe that based on the overuse of public notifications eroding the trust of our citizens. While we appreciate DEP's recent stakeholder meetings on the minimum disinfectant residual issue and welcome DEP's recent initiative to improve public participation and transparency through a new on-line engagement system, this can only be realized if the BSDW-CO allows proposed policies, guidance documents, and "clarification" of compliance regulations (such as the so called "Use it or Lose it" policy) to be properly vetted with the public and the water industry professionals in the state.

Thus, while Aqua is pleased to see much of the federal rule framework embodied in this proposal, there is still concern with the realization that this rule can effectively become adversely modified through the subsequent guidance document(s) and internal DEP implementation policy development. Therefore, in keeping with the stated commitment of DEP Secretary John Quigley to transparency and integrity, we strongly urge DEP to engage in a collegial and transparent process for the development of all policies and guidance documents related to the RTCR, and subsequent drinking water regulations, "clarifications" of regulations, policies and guidance.