

Water Works Operators' Association of Pennsylvania  
Comments to the Environmental Quality Board

Proposed Rulemaking  
[25 Pa. CODE, Ch. 109]  
Safe Drinking Water, Revised Total Coliform Rule  
[45 Pa. B. 5943]  
PA Bulletin, October 3, 2015

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Summary Comments

1. The Water Works Operators' Association of Pennsylvania (WWOAP) supports the Pennsylvania Department of Environmental Protection's (DEP) efforts to increase public health protection by adopting revisions to the Total Coliform Rule (TCR). WWOAP participated as a member of the DEP's Advisory Committee: the Technical Assistance Center for Small Drinking Water Systems (TAC) at all meetings during the development of the RTCR regulatory package.
2. WWOAP remains concerned that DEP after substantial input from water industry professionals representing, large, medium, and small water systems and a diversity of system ownership including authorities, investor-owned, municipal and private systems did not adopt the TAC recommendations in the proposed RTCR rulemaking.
3. WWOAP finds the language in 109.202 (c) (4) (iii) allowing DEP to require a Level 1 or Level 2 assessment "...if circumstances exist which may adversely affect drinking water quality..." to be beyond the intent of the RTCR. The Federal RTCR meant for assessments to be used as a tool to specifically address Total Coliform and E.coli. The proposed regulatory language unnecessarily broadens the scope and intent of assessments. While DEP may have other water quality concerns that warrant investigation, these should not be designated as assessments as defined under the RTCR but remain separate to preclude confusion between water suppliers, regulators, and the public.
4. WWOAP finds the language in 109.409 requiring a Tier 2 Public Notice for failure to report a positive E.coli *routine* sample within one hour is contrary to the intent of the Federal RTCR. One major objective of the Revisions to the Total Coliform Rule was to eliminate alarming the public unnecessarily. The Federal RTCR recognized this objective by requiring a Tier 3 Public Notification. WWOAP urges the EQB to support the change to a Tier 3 Public Notification instead of a Tier 2 Public Notification to be consistent with the intent of the Federal RTCR.
5. WWOAP finds the language in 109.701 (a) (5) (D) and (G) requiring the identification of specific monitoring sites and a description of the accessibility of the sample sites is unworkable and unduly burdensome to water systems as well as not protective of public health. DEP stated in the Proposed Rulemaking that, "Section 109.701(a)(5)(i)(D) is proposed to be added to clarify that repeat coliform monitoring locations must be included in sample siting plans. This amendment reflects 40 CFR 141.853(a)(1). TAC noted that identifying specific addresses for check samples is unworkable for some water systems. However, this proposed amendment reflects 40 CFR 141.853(a)(1)." WWOAP maintains that, in fact, this requirement will be unworkable for the majority of water systems. WWOAP further believes that DEP failed to provide the regulatory language in 40 CFR 141.853(a)(1) in its entirety for transparency and comparison and that DEP also failed to acknowledge that the Federal rule allows flexibility for water systems to select repeat monitoring locations. Per **40 CFR § 141.853 (a)(5)(i)** General Monitoring requirements for all public water systems Sample Siting Plans states, "*Systems may propose repeat monitoring locations to the State that the system believes to be representative of a pathway for contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan.*" WWOAP, therefore, would recommend the EQB's re-consideration of the proposed amendment by DEP based on the full citation and intent from 40 CFR.
6. WWOAP finds that the term "check" is used extensively throughout the proposed regulation to refer to "repeat" monitoring. The term "check" should be replaced consistently with the term "repeat" to conform to the Federal RTCR terminology, Use of the terms "check" and "repeat" interchangeably is confusing for both water systems and regulators.
7. WWOAP is concerned that DEP may not have reviewed and drafted revisions to the Public Notification (PN) and Consumer Confidence Report (CCR) requirements due to the changes created by the RTCR revisions. This review is needed to preclude compliance uncertainty for both the regulated community and the regulators.