

Executive Summary

Public Notification Revisions to Title 25, Pa. Code Chapter 109. Safe Drinking Water

Purpose of Proposed Rulemaking:

The purpose of the final form rulemaking package is to amend the Department's Safe Drinking Water regulations to strengthen the public notice requirements for imminent threat violations and situations (also known as Tier 1). The amendments will enhance the existing planning requirements specified in 25 Pa Code, Chapter 109 for both the Operation and Maintenance Plan and the Emergency Response Plan sections that relate to public notification. In addition, the Department will revise the delivery requirements of Tier 1 public notices for community water systems. Finally, these revisions provide additional examples of situations that community water suppliers must report to the Department within 1 hour of discovery.

Summary of Amendments:

Operation and Maintenance Plan:

The Department has amended the proposed rulemaking to require water suppliers to include procedures for repairing and replacing water mains that conform to Department and water industry standards in their Operation and Maintenance plan.

Emergency Response Plan:

The Department has expanded the list of people suppliers need to communicate and coordinate with during an emergency to include: local emergency management agencies, government agencies, and facilities within a water supplier's service area including hospitals, schools, day-care facilities, nursing homes, social service agencies, industrial and commercial users.

Delivery methods for Tier 1 public notices:

The Department has amended the proposed rulemaking by specifying the type of delivery method that must be used by community water systems based on the system's types of consumers who are being contacted. To contact each service connection, the Department is now requiring that water suppliers provide direct delivery of the Tier 1 public notice either by hand delivery, e-mail, or automatic telephone dialing systems. To reach those people who are transient and nontransient users, the revisions will also require community water suppliers to use broadcast media such as radio or TV.

"Problem Corrected" Notice:

The final rulemaking now requires water suppliers to issue a "problem corrected" notice to the public that a Tier 1 violation or situation has been corrected.

Content of abbreviated public notices:

In the final rulemaking, the Department is now defining the minimum content elements that must be included in any Tier 1 notice that is delivered by automatic telephone dialing systems, TV scrollers, bullhorn announcements, or radio station news flashes. The Department is also requiring suppliers to provide a telephone number or a website where consumers can hear or read the entire public notice if they wish.

One-Hour Reporting:

In the final rulemaking, the Department is including additional examples of situations that require one hour reporting to the Department. These situations include:

- An overfeed of a drinking water treatment chemical that exceeds a published maximum use value, such as NSF's maximum use value, as applicable.
- A situation that causes a loss of positive pressure in any portion of the distribution system where there is evidence of contamination or a water supplier suspects a high risk of contamination.
- A situation where a lack of resources adversely affects operations, such as staff shortages, notification by the power utility of planned lengthy power outages, or imminent depletion of treatment chemical inventories.

Advisory Committee Review:

The draft proposed amendments were submitted for review to the Small Water Systems Technical Assistance Center Advisory Board (TAC) for review and discussion on May 18, 2006, July 12, 2006, and November 16, 2006. Comments were received from the TAC Board on November 21, 2006 and were incorporated into the proposed rulemaking. The final form rulemaking was presented to the TAC Board for review and discussion on June 24, 2008. Comments were received from the TAC Board on July 16, 2008, July 29, 2008, and August 21, 2008 and all of these comments were incorporated into the final rulemaking.

Publication in the Pennsylvania Bulletin, Recommendations for Public Comment Period and Public Meetings/Hearings:

The proposed rulemaking was published in the Pennsylvania Bulletin on September 22, 2007 and it contained a 60-day public comment period. The Department received 76 comments from 26 commentators. Many of the comments related to requesting a compliance period for the direct delivery requirements of a Tier 1 public notice, clarifying when the one-hour reporting requirement begins, and further defining the type of loss of positive pressure situation within the distribution system that requires one-hour notification. No public meetings or hearings were held.