

Pennsylvania Department of Environmental Protection

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**Rachel Carson State Office Building**

**P.O. Box 8467**

**Harrisburg, PA 17105-8467**

September 25, 2008

**Small Systems Technical Assistance Center Advisory Board**

717-787-5017

Mr. Dana Aunkst, Director  
Bureau of Water Standards and Facility Regulation  
P.O. Box 8467  
Harrisburg, PA 17105-8467

Dear Mr. Aunkst:

The Small Systems Technical Assistance Center Advisory Board (TAC Board) met on August 21, 2008 to review the Department of Environmental Protection (DEP) revisions to Chapter 109, the Safe Drinking Water Act regulations related to revisions to the Lead and Copper Rule. We understand these revisions are required by the US Environmental Protection Agency (EPA), but have the following comments and concerns:

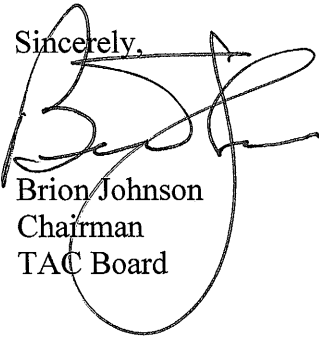
- The requirement to have a minimum of five sample sites does not make sense. If less than five locations are available, it does not make sense to take samples more than once from the same tap. Taking a minimum of five samples for statistical validity is not a correct assumption.
- The number of sample sites required by small systems is not equitable. The number of sample sites needs to be based on a ratio of customers.
- It does not appear as though EPA considered that states may not have local or county health agencies. The requirement for the dissemination of educational materials through the local county health departments may not be able to be implemented in the fashion described. Where a local health agency does not exist; the agency that the water system should work with is that system's regulatory agency, not the State Health Department. In the case of Pennsylvania, that agency is DEP.
- In most cases, a list of organizations and people provided by a local health agency will contain names and contact information for people that are not customers of the system. The water systems should only have to contact those individuals on the list that are in the system's service area.
- The references to "customers" are not consistent. Suggest using "service connection" instead.
- The brackets around the required statement on Page 14 of Annex A are confusing. An additional clarifying note for when the regulations are published is needed.

- Suggested language for the content of the consumer tap notice is needed. This language should be included in guidance. The language should not be prescriptive and the system should have the flexibility to adjust or re-format this language.

In conclusion, these new requirements from EPA are going to result in systems having to take money away from critical improvements and essential operating costs to comply with onerous requirements with little benefit. These kinds of requirements hurt all systems, especially small systems. A cost-benefit analysis needs to be done on these education requirements and more cost-effective solutions need to be found. In addition, the Department needs to consider the impact on Pennsylvania's water systems against the benefits of promulgating these regulations in order to maintain primacy.

If you have any questions concerning these comments, please don't hesitate to contact me at (717)-783-6798.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brion Johnson', is written over the word 'Sincerely,'. The signature is stylized and somewhat cursive.

Brion Johnson  
Chairman  
TAC Board