



Pennsylvania Department of Environmental Protection

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Rachel Carson State Office Building

P.O. Box 8467

Harrisburg, PA 17105-8467

June 24, 2009

**Small Systems Technical Assistance Center Advisory Board**

717-787-0122

Dana Aunkst, Director  
Bureau of Water Standards and Facility Regulation  
PO Box 8467  
Harrisburg, PA 17105-8467

Dear Mr. Aunkst:

The Small Systems Technical Assistance Center Advisory Board (TAC Board) met on May 21, 2009 to review the Department of Environmental Protection (DEP) revisions to Chapter 109, the Safe Drinking Water Act regulations. The revisions that we reviewed were made in response to the public comment period and are now ready to go to the Environmental Quality Board for approval as final. We understand these revisions are needed to maintain primacy for the implementation of the Drinking Water Program in Pennsylvania. We support the revisions to the regulations, but have the following comments for your consideration.

The vote was unanimous on the following:

1. All references to HAA5 and TTHM should be consistent. Some references are in the singular format, some plural. Using the plural form and adding an "s" to HAA5 is recommended.
2. Requiring Tier 1 Public Notification for the violation of a treatment technique requirement is more stringent than the federal requirement. There is a difference between "potential" and "actual" threat to public health. Treatment technique violations should be kept in Bin 2 as Tier 2, with the Department still having the ability to elevate the violation to Tier 1 when an actual threat has been determined to exist. [109.408(a)(7)]
3. The Department should reconsider the sanitary survey language that limits the frequency of these surveys to three years and keep the original language that allowed for a five year frequency option based on identified circumstances. [109.701(d)(2)]
4. It is suggested that wholesale systems should specifically be mentioned in Section 109.1201(b)(1) for clarity to insure that all wholesale systems know that they are included in this requirement. Another option would be to revise the definition of "combined distribution system."
5. It will be difficult to implement the continuous disinfection monitoring prior to the first customer requirements in 109.1302(a)(4). There is already an issue with regional office interpretations of this proposed monitoring requirement. It's not realistic to require monitoring

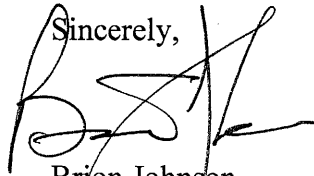
equipment in a person's home. This issue needs to be addressed in a guidance document and the current misinterpretation of this requirement by some regional office staff needs to be addressed as soon as possible.

6. Insert the word "that" in 109.1303(c)(2). It should read, "Multiple distribution systems where no interconnection exists that are supplied by separate sources...."
7. Change "fecally contaminated" to "fecal contaminated" in 109.1304(a).

We could not come to agreement on changing the word "people" to "connections" in 109.1305(a)(1). Five people were opposed and seven people were for this change. Those people wanting to use the word "people" feel this should stay to be consistent with the federal regulations and the fact that public health statistics are all based on population served and the number of people impacted. Those suggesting the word "connections" feel this is more reflective of how drinking water systems track and count their customers.

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

Sincerely,



Brion Johnson  
Chairman  
TAC Board