

## Public Notification (PN) Regulations Update

### Status of PN Revisions:

The following table lists the tentative regulatory schedule. The final rulemaking package contains a 12-month compliance period so that water suppliers can plan and budget for implementing the new Tier 1 PN direct delivery requirements. All other requirements become effective when the rule is published.

| PN Revisions Regulatory Schedule  |  |
|---|--|
| Activity  | Date   |
| Draft final rulemaking package approved by EQB                                    | December 16, 2008                                  |
| Publish final rulemaking in <i>PA Bulletin</i>                                    | May 9, 2009  |
| Compliance period for new Tier 1 PN direct delivery requirements under 109.408(d) | 12 months after effective date of final rulemaking |

Here's the link to this public notification web page:

<http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1251&q=510149>

Click on the "More Information about PN" link and look at the last item to find the link to connect to the 5/9/09 *PA Bulletin*.

### New PN Revision Requirements:

Normally new regulatory requirements become effective the date they are published in the *PA Bulletin*.

However, DEP received many comments requesting a compliance period for the direct delivery requirements for Tier 1 PNs so we revised the regulations to include a 12-month compliance period for those requirements. This means that the new direct delivery requirements will go into effect 12 months after the PN rule is published.

All other requirements become effective on the date the rule is published in the *PA Bulletin*.

### **Rule requirements effective May 9, 2009:**

- Issuing a “Problem Corrected” PN for all Tier 1 PNs as soon as possible, but no later than 24 hours after the corrective actions have been taken and the notice is approved by DEP.
- New One-Hour Reporting Circumstances:
  - An overfeed of a drinking water treatment chemical that exceeds a published maximum use value, such as National Sanitation Foundation’s maximum use value, as applicable. (*“Policy on Issuing and Removing Water Supply Warnings”*, 383-2129-005)
  - A situation that causes a loss of positive water pressure in any portion of the distribution system where there is evidence of contamination or a water supplier suspects a high risk of contamination. (*“Policy on Loss of Positive Pressure Situations in the Distribution System”*, 383-2129-004)
  - A lack of resources that adversely affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories. (*“Policy on Issuing and Removing Water Supply Warnings”*, 383-2129-005)
- Water suppliers will now be required to update their O & M Plan with procedures for repairing and replacing water mains that conform to DEP and water industry standards. (Chapter 109.702(a)(3) Refer to DEP’s *“Policy on Loss of Positive Pressure Situations in the Distribution System”* guidance document (383-2129-004) for DEP and water industry standards.
- Update O & M Plan PN elements:
  - EPA contaminant fact sheets, when available.
  - Explanation of appropriate methods of delivery of PN.

We rewrote the entire Emergency Response Plan (ERP) section (109.707) to reflect the ERP template sections.

- Update ERP:
  - Include an organization table that provides a prioritized list of names and contact numbers of persons in charge of the water system during an emergency.
  - Include a list of appropriate contact persons and phone numbers for each probable emergency situation for the following groups of people:
    - Emergency management agencies within a water system's jurisdiction.
    - Key public officials within a water supplier's service area.
    - Government agencies including; but not limited to the Department, Public Utility Commission, Department of Health, Department of Public Welfare and Pennsylvania Department of Agriculture.
    - Facilities within a water supplier's service area, including but not limited to hospitals, schools, day-care facilities, nursing homes, social service agencies, industrial and commercial users.
    - Media.
    - Equipment and Chemical suppliers.
  - Include a list containing the following:
    - Types of communication equipment
    - Type of communication for public notification.
  - Include a list containing the following:
    - Location of pertinent operational information
    - Source information
    - Treatment information
    - Finished water storage.
  - Include a list containing the following:
    - Mutual aid agreements.
    - Emergency water supply equipment that includes procedures for providing reserve capacity or an approved alternative water supply.
    - Power supply equipment.
    - Repair equipment.
    - Vehicles and construction equipment.
    - Spare equipment.

- Include a list containing the following:
  - Probable emergency situations including, but not limited to, those specified under 109.701(a)(3)(iii)
  - Corrective actions for each probable emergency situation.
- Water suppliers are required to update their ERP at least annually and as necessary to reflect changes to communication procedures and contact information.
- Water suppliers are required to record the date of update on the plan.

**New Tier 1 PN direct delivery requirements effective May 10, 2010:**

- Provide Tier 1 PN to each service connection using one or more of the following direct delivery methods: hand delivery, electronic mail, automatic telephone dialing systems or another form of direct delivery approved in writing by DEP.
- Provide Tier 1 PN to transient and nontransient service connections (if applicable) by using appropriate broadcast media.
- If automatic telephone dialing systems, TV scrollers, bullhorn announcements or radio station news flashes are used to deliver an abbreviated message, the abbreviated notice must include, at a minimum, the following elements:
  - A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels.
  - Whether alternative water supplies should be used.
  - What actions consumers should take, including when they should seek medical help, if known.
  - A telephone number or website address, or both, when consumers can obtain the entire message.
- If a public water supplier delivers an abbreviated notice, the public water supplier shall also provide the entire Tier 1 PN in one of the following ways:
  - Posted on a website
  - Recorded on a dedicated phone line.
  - Another method approved in writing by DEP.

## **DRAFT PN Technical Guidance Documents:**

DEP created two technical guidance documents to provide more information about identifying and responding to Tier 1 situations.

The proposed guidance documents are:

- *“Policy on Issuing and Removing Water Supply Warnings”* (383-2129-005)
- *“Policy on Loss of Positive Pressure Situations in the Distribution System”* (383-2129-004)

These draft technical guidance documents were posted on DEP’s public participation website under the draft technical guidance link with a 30-day comment period that ended 3/23/09. These guidance documents will be posted on the PN website as soon as they are finalized.

DEP is also currently revising its *“Public Notification Handbook for Community Water Systems.”* This handbook will include the PN rule revisions and will be posted on the PN website as soon as it is finalized.