

December 22, 2017

Ms. Lisa Daniels, Director
Bureau of Safe Drinking Water
P.O. Box 8467
Harrisburg, PA 17105-8467

Re: Comments on the Final-Form General Update and Fees Revisions to Chapter 109

Dear Ms. Daniels:

The Small Systems Technical Assistance Center (TAC) Advisory Board met on December 7, 2017 to review and discuss the Department's draft Final-Form revisions to the safe drinking water regulations, specific to the General Update and Fees. The following comments were approved by the TAC Board:

1. TAC would like to express appreciation to DEP for taking their comments regarding the turbidity provisions into consideration. The motion passed by a unanimous vote.
2. Section 109.416 – CCR requirements: Subparagraph (4)(ii) should be revised to include an additional sentence, “When e-reporting is available, electronic submission shall suffice in lieu of mailing a paper copy.” This is environmentally prudent and resource conservative. The motion passed by a unanimous vote.
3. Section 109.602(f) & (g): Language similar to what is included in the Disinfection Requirements Rule for an alternative compliance schedule should be added to the alarm and shut-down provisions (i.e. “The department may approve in writing an alternate compliance schedule if the water supplier submits a written request with supporting documentation before the effective compliance date.”). The motion passed by a unanimous vote.
4. Section 109.602(i)(2): Subparagraph (iii) should be revised to replace the term “clearwell water levels” with “water levels to maintain adequate CT for Giardia inactivation” because not all water systems use the clearwell as a disinfection segment for CT. The motion passed by a unanimous vote.
5. Section 109.606: The changes to this Section should be deferred (except for subparagraph (e)(3)(v)) until further information is available from NSF or another certification organization because the requirement that all equipment be certified as compliant with NSF standard 61 is not possible. The motion passed by a vote of 9 to 4.

5(a). If DEP is unable to defer the changes to § 109.606, then the phrase “which may come into contact with or affect the quality of the water” in Subsections (c) & (d) should be revised so that they state, “which directly comes into contact with or directly affects the quality of the water...”. The motion passed by a vote of 11 to 2.

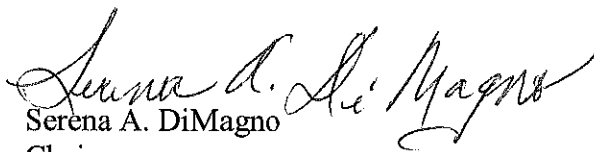
5(b). TAC agrees with the Independent Regulatory Review Commission's comment regarding this Section. “Philadelphia Water Department (PWD) comments that the term *equipment* and the expanded certification requirements in this provision are unclear. PWD states that potentially

requiring every pump or piece of equipment in a treatment facility to be certified will be very costly, and it is uncertain what public health risk this proposed change is designed to address. NAWC comments similarly that the current wording in the regulation is overly broad. The Board should define *equipment*, clarify its intent regarding certification, and explain the reasonableness of the expanded certification, including addressing economic impacts.” The motion passed by a vote of 12 to 1.

6. Section 109.612(b): The phrase “or the components of a POE device” should be added to this language so that it states, “POE devices or the components of a POE device used by a public water supplier shall be tested and certified by the NSF or other certification organization acceptable to the Department...”. The motion passed by a vote of 11 to 1 with 1 abstention.
7. Section 109.1402(c)(3): The \$10,000 cap should be eliminated and the option to submit the annual fee over 4 quarters should be allowed for all water systems. The motion passed by a vote of 11 to 1 with 1 abstention.
8. Section 109.1402: Fees should be reevaluated to bear a reasonable relationship to the cost of the service. The motion passed by a vote of 8 to 4.
9. Subchapter N: Subchapter N should be eliminated and DEP should request adequate funding from the legislature. The motion passed by a vote of 7 to 5.
10. Section 109.1402(c): Paragraph (1) should be revised so that the payment schedule begins on January 1 of the calendar year following the publication date of the final regulation (the language should be revised to what was presented to TAC on 11/14/2016 for the proposed rule). This is an annual fee that should be based on the calendar year beginning January 1 because of budget cycles set by water systems. Most water systems have already finalized their 2018 budgets. The motion passed by vote of 11 to 1.

Thank you for the opportunity to comment.

Sincerely,


Serena A. DiMagno
Chairperson