

Executive Summary

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

Purpose of Proposed Rulemaking:

The purpose of the proposed 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 planning requirements of both the Operation and Maintenance Plan and the Emergency Response Plan sections that relate to public notification. In addition, we will revise the delivery requirements for community water systems, as appropriate to the type and size of the water system. Finally, these revisions will provide a few more examples of those situations that need to be reported to the Department within 1 hour of discovery.

Summary of Amendments:

Operation and Maintenance Plan:

The Department wants suppliers to store contaminant fact sheets as a resource to respond to questions from the consumers and media about health effects and available treatment options.

Emergency Response Plan:

The Department has specified the information that must be included in an 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 sensitive sub-populations.

The Department has included a requirement for procedures for providing an approved alternative water source during an emergency situation.

Delivery methods for Tier 1 public notices:

Currently the public notification regulation allows water suppliers to chose one or more of the following types of delivery for a Tier 1 notice: broadcast media, posting in conspicuous locations throughout the area served, hand delivery to persons served, or another delivery method approved by DEP.

The revisions will specify the type of delivery method that must be used based on the system's population size and the type of consumers who are being contacted.

- To contact bill paying customers, we are 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 suppliers to use broadcast media such as radio or TV.

“Problem Corrected” Notice:

The revisions now require water suppliers to issue a “problem corrected” notice that a Tier 1 violation or situation has been corrected.

Content of abbreviated public notices:

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.

- It is impossible to record the entire Tier 1 public notice on an automatic telephone dialer or expect broadcast media to read the entire message. Furthermore, consumers would become quite annoyed at the length of the message.
- Consequently, the Department is specifying the immediate and essential elements that need to be included and requiring suppliers to provide a telephone number or a website where consumers can hear or read the entire notice if they wish.

One-Hour Reporting:

The Department is including a few more examples of situations that require one hour reporting to the Department. These situations include:

- An overfeed of a drinking water treatment chemical.
- A situation that causes negative pressure in the distribution system.
- A lack of resources that affect 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 on November 21, 2006.

Adoption Deadline:

The Department recommends that the Board incorporate the proposed amendments into the Pa. Safe Drinking Water Regulations (25 Pa. Code Chapter 109) in order to strengthen the public notice requirements for imminent threat violations and situations. These regulations should be adopted during 2007.

Recommendations for Public Comment Period and Public Meetings/Hearings:

The Department recommends a 60-day public comment period. It is not anticipated that public meetings or hearings will be required.