



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 8467

Harrisburg, PA 17105-8467

July 16, 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 June 24, 2008 to review the Department of Environmental Protection (DEP) final revisions to Chapter 109, the Safe Drinking Water Act regulations. We understand DEP is making these revisions to enhance the provisions for public notification. We support the revisions to the regulations and expect DEP to move forward with submitting these regulatory revisions to the Environmental Quality Board for promulgation as final. However, we ask that DEP take the following comments and concerns into account in finalizing this regulatory language:

1. Page 5, Section 407(d)(4) – Mandating that water suppliers deliver the complete public notice through a dedicated phone line is unrealistic and impractical. This will cause a “log jam” on the phone lines of the system. It should be left up to the water supplier using a combination of the methods listed to determine which methods are best to insure all mandated ten elements of the public notice are delivered. We suggest that language be re-inserted allowing for the use of a website, especially since EPA has approved this method of delivery and use of a website will not impact primacy.
2. Page 6, Section 409(a)(4) – Add the word “chronic” before the word “health”.
3. Page 7, Section 411(b)(4) – Keep the wording, “or website address or both,”. Do not delete this language.
4. Page 9, Section 701(a)(3) – Adding the word “potential” adds confusion and is just too nebulous. In reality, every circumstance a water supplier deals with can be viewed as having a “potential” for a violation. It is our understanding that language was negotiated between DEP and a number of water suppliers to address this issue that eliminated the wording “potential”, allowing for the definition of a timeframe for DEP notification to be further defined in guidance. We recommend that the current version of this section be revised to reflect the previous language that was negotiated.

5. Page 9, Section 701(a)(3)(iii) – Go back to the original language. Replace “A probable emergency situation” with “circumstances exist”. The word “probable” is too nebulous. A given situation may not be an emergency. In addition, eliminate the word “may”.
6. Page 12, Section 707(a)(2)(iii) – add the wording “within the supplier’s service area” to the end of this sentence.
7. Page 12, Section 707(a)(2)(iv) – Add examples of what is meant by a “social service agency” such as the Agency of the Blind in program guidance.
8. There are a couple references to NSF, DEP and water industry standards and values, specifically on page 9, Section 701(a)(3)(iii)(F) and page 10, Section 702 (a)(3). Further clarification as to where to find these standards is needed. It is recognized that this information should be included in guidance. We would like the opportunity to review and comment on the draft guidelines relative to this issue.

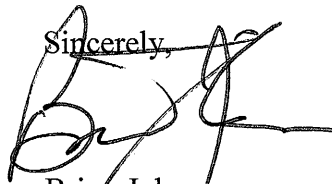
Finally, some of our members expressed concern that the language in Section 407(a)(9) on page 1 gave too much discretion to the Department.. There was a suggestion to revise this wording as follows:

“Other violations and situations not covered in (a)(1) through (8) that have a significant or serious effect on human health to require a public notice under this subchapter.”

This language is less stringent than the federal requirements and would cause problems with the state’s ability to maintain primacy. For this reason, the vote was 3 to 11 against making this change to the regulations. However, members did want this to be part of the formal submittal of our comments.

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

Mr. Dana Aunkst

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July 16, 2008

bcc: TAC Board Members
Lisa Daniels
Marylou Barton
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