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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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2017 SEP 26 A 10:38

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, Pennsylvania 17105-8477

Dear Members of the Board:

On August 26, 2017, the Pennsylvania Environmental Quality Board published in the *Pennsylvania Bulletin* proposed regulations to amend 25 PA Code, Chapter 109. Safe Drinking Water; General Update and Fees. This rule package establishes new requirements, amends others and allows the Department of Environmental Protection (Department) to maintain or obtain primary enforcement authority for the drinking water program under the Federal Safe Drinking Water Act.

We have reviewed these proposed regulations and offer comments found in the Enclosure. We also find that these revisions are no less stringent than the Federal regulations for which the Department has previously received primacy approval.

While EPA offers this determination regarding the stringency of the proposed regulations, this determination does not constitute an approval of a primacy program revision for the Revised Total Coliform Rule. Final approval can only occur after opportunity for public review and/or hearing of the findings of our regional review of the formal program revision.

If you have any questions, please contact me at 215-814-3398 or Kelly Moran of my staff at 215-814-2331.

Sincerely,

A handwritten signature in cursive script that reads "Karen Crumlish".

Karen Crumlish, Chief  
Drinking Water Branch

Enclosure  
cc: Lisa Daniels (PADEP)



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**EPA Region III Comments on the August 26, 2017  
Pennsylvania Environmental Quality Board Proposed Regulations  
to amend 25 PA Code, Chapter 109  
Safe Drinking Water; General Update and Fees**

**Strengthened Turbidity Requirements**

EPA has reviewed proposed revisions to §109.202 which strengthens turbidity requirements, making them more stringent than federal standards. The proposed revisions are protective of public health.

**Disinfection Profile and Benchmark**

EPA has reviewed proposed revisions to §109.204 regarding changes to disinfection practices and has no objection.

**Continuous Monitoring of Combined Filter Effluent**

EPA has reviewed proposed revisions to §109.301(1)(i)(C) which strengthens monitoring and recording requirements for combined filter effluent. The proposed revisions are protective of public health.

**Management of Back-Up Water Sources and Entry Points**

EPA has reviewed the revisions to §109.301 (11) (i) and (ii), §109.303 (a), and §109.303 (i) related to addressing gaps in monitoring, reporting, and tracking of back-up sources. EPA commends the Department for taking proactive actions to better manage these sources which the EPA's Office of Inspector General cited as concerns in its 2010 report "EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities". EPA suggests that the Department: (1) add a definition of the term "back-up sources" in §109.1 (Definitions); and (2) annotate "all entry points" as including those served by back-up sources in §109.301 (ii) (monitoring requirements) and §109.717 (a) (comprehensive monitoring plan). EPA also recommends that the Department incorporate language to clarify how the proposed revisions apply to interconnections.

**Monitoring requirements for disinfection byproducts**

EPA has reviewed the revisions to §109.301 (12) related to monitoring requirements for disinfection byproducts (DBPs) and disinfection byproduct precursors. EPA commends the Department for clarifying the DBPs and DBP precursors monitoring requirements for consecutive systems receiving finished water. EPA suggests changing "disinfection byproducts" to "disinfection byproducts."

**Clarifications of Monitoring Requirements of Blended or Alternated Sources**

EPA has reviewed the revisions to §109.303 (a)(4) which clarifies monitoring requirements to ensure representative sampling. In particular, for those sources not blended at a consistent ratio or alternated prior to the entry point, the revisions require additional samples be taken. EPA commends the Department for ensuring that samples collected are representative of all sources being used.

**Consumer Confidence Report (CCR)**

EPA has reviewed the revisions to §109.416 related to CCR requirements. This minor revision does not affect primary enforcement authority previously granted to the Department. EPA



encourages the Department to continue to pursue electronic reporting of CCRs by community water suppliers as an efficient and environmental friendly alternative.

#### **Source Water Protection**

EPA has reviewed §109.503 related to public water system construction permits, and commends the Department for adding the requirement to submit a source water assessment and predrilling plan as part of the new source permit application. EPA has also reviewed §109.713, source water protection program, and commends the Department on the clarification gained through the proposed definitions of “source water protection program,” “source water protection area,” and “source water assessment” and the amendments associated with these definitions. EPA commends the Department on proposed subsection (b) which requires water suppliers with an approved source water protection program to conduct an annual review of the program. This addition will enable more timely identification of new potential sources of contamination, thus enhancing the protection of drinking water sources.

#### **Reporting and recordkeeping**

EPA has reviewed the revisions to §109.701 (a)(10) related to reporting requirements for DBPs. EPA commends the Department for requiring public water systems to report individual species of total trihalomethanes and haloacetic acids. This revision will allow water systems to better understand DBP constituents and their treatment techniques, and to target public water systems with elevated brominated DBPs. This revision is more stringent than the Federal requirements.

#### **Returning Filter To Service**

EPA has reviewed proposed revisions to §109.703 regarding the return of a filter to service and has no objection.

#### **Proposed amendments to system service and auxiliary power requirements**

EPA has reviewed §109.708, System service and auxiliary power and commends the Department for taking this action to improve water system resiliency in the face of severe weather events which frequently cause power outages and impact utility operations. These actions on the part of the water suppliers will further ensure an adequate quantity and quality of water during such events. EPA has seen water suppliers take similar actions in Virginia following recent storms. This was evidenced by no water systems experiencing power related disruptions during Super Storm Sandy.

#### **Long Term 2 Enhanced Surface Water Treatment Rule**

EPA has reviewed proposed revisions to §109.1206(e)(1)(viii), which adds an additional reporting parameter, and has no objection.

#### **Annual Fees and Increased Permitting Fees**

EPA has reviewed §109.1402 regarding the Department’s proposed annual fees for all drinking water systems. EPA has also reviewed proposed revisions to §109.1404 regarding increased permitting fees for community and non-community water systems. EPA has no objections. EPA commends the Department for taking actions to address program challenges. EPA is hopeful that the revenue generated from the annual fees and the increased permit fees will provide the necessary resources to restore adequate staffing levels and ultimately improve program implementation performance.

