#3260

pa rural water association

September 22, 2020

Environmental Quality Board
P.O. Box 8477
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RegComments@pa.gov

RE: Comments on Proposed Rulemaking –
Water Quality Standard for Manganese and Implementation (#7-553)

The Pennsylvania Rural Water Association (PRWA) is a non-profit, non-government organization representing the collective interests of its 1,115 publicly and privately owned rural water and wastewater utility members before various state and national government agencies. PRWA has established and maintains a reputation for integrity and technical excellence by providing leadership in the operation, maintenance, and management of systems responsible for providing safe drinking water and wastewater management – community, industrial, or commercially operated.

PRWA **supports** the proposed rulemaking to amend Chapters 93 and 96 (relating to water quality standards; and water quality standards implementation).

The Environmental Quality Board (EQB) is proposing a new numeric human health criterion for manganese of 0.3 mg/L in Chapter 93.8 - Water Quality Criteria for Toxic Substances and would delete the existing 1 mg/L standard because it is not protective of human health. The new proposed 0.3 mg/L toxic health standard would apply to all discharges going into surface waters, just as the existing 1 mg/L standard.

Specifically, PRWA **supports** the proposed amendments to <u>delete</u> manganese from Table 3 in § 93.7[i] (relating to specific water quality criteria) and <u>adding</u> manganese to Table 5 in § 93.8c[ii] (relating to human health and aquatic life criteria for toxic substances).

The Department of Environmental Protection (DEP) reviewed the effects of manganese on human health and determined that current science shows manganese is harmful to human health as a possible nervous system toxin with implications to early childhood development at levels that are less than the threshold levels that impact aquatic life.

DEP believes the new proposed 0.3 mg/L toxic health standard will protect human health from the neurotoxicological effects of manganese, as well as ensure adequate protection of all water uses. Both the Water Resources Advisory Committee (WRAC) [iii] and Small Water Systems Technical Assistance Center (TAC) Advisory Board[iv] voted to support the 0.3 mg/L standard proposed by DEP, while acknowledging the 2017 law moving the point of compliance.

The U.S. Environmental Protection Agency (EPA) expects states to address levels above 0.3 mg/L because the EPA Health Advisory includes a 10-day limit of 0.3 mg/L for infants. EPA also expects states to require corrective actions, including Public Notification (PN).

Therefore, the **DEP is in the process of updating its guidance document** "*Situations Requiring One-Hour Reporting to the Department of Environmental Protection*"[v] to clarify that a water supplier shall notify DEP within 1 hour of discovery if there is an exceedance of an EPA Health Advisory for a secondary or unregulated contaminant in the finished water including:

> "***Manganese:*** *Manganese has a lifetime advisory level of 0.3 mg/L, and a 1-day and 10-day health advisory level of 1 mg/L. For bottle-fed infants younger than six months, EPA has established a 10-day health advisory level of 0.3 mg/L.*"

The EQB is also proposing for public comment, two alternatives for a point of compliance with the manganese water quality standard:

1. the point of all existing or planned surface potable water supply withdrawals; or
2. **all surface waters (that is, near the point of discharge).**

However, the proposed amendments, set forth in Annex A, support both alternatives.

PRWA **supports maintaining the current point of compliance for manganese**, in all surface waters (that is near the point of discharge), as stated in § 96.3 (c).[vi]

Water suppliers have been greatly concerned with the legislative provision included in the Administrative Code (Act 40 of 2017) to require the EQB to set a water quality standard for manganese. **Act 40 would shift the burden for treating manganese discharges from mine sites and other sources from those polluting the water to those using the water, like public water suppliers.** The consequence would put the entire burden of meeting the manganese standard on water suppliers at a significant cost, as the 1 mg/L standard is **20 times** the level of manganese that water suppliers can have in their water supplies (**.05 mg/L**) in accordance with EPA and DEP's secondary maximum contaminant levels (SMCLs).[vii] Pennsylvania enforces SMCLs, as they assist public water systems in managing their drinking water for aesthetic considerations, such as taste, color, and odor complaints.

At relatively low concentrations (0.02 mg/L or greater), manganese can cause discolored water (usually black or dark red/brown), staining of laundry and plumbing fixtures and increased turbidity. At higher levels, manganese can create a metallic taste in water (0.1 mg/L or greater). These are significant concerns for both water customers and water suppliers.

Therefore, water suppliers monitor for manganese in their source water to make sure they can properly treat it before it becomes a problem. **Moving the point of compliance for manganese would result in higher levels of manganese in the source water causing water systems to experience increases in monitoring costs and increases in treatment costs due to the need to modify existing treatment processes or to provide additional treatment.** For example, DEP staff informed the WRAC that 280 of the 340 surface water treatment plants in the state would have to evaluate whether to make treatment changes if the manganese compliance point were moved without the addition of a stricter standard

upstream.[viii] This would be particularly burdensome on small water systems that may lack the resources necessary to make capital improvements to their treatment process.

Finally, it is also important to note that manganese does not degrade – **dilution is NOT the solution** – so it must be addressed through treatment or mitigation at the point of discharge. Moving the point of compliance serves no purpose other than to shift the cost of treatment from the discharger to the water supplier and its customers.

Even the **0.3 mg/L** standard proposed by the EQB would still be significant for water suppliers who also have a National Pollutant Discharge Elimination System (NPDES) permit, as they must be in compliance for manganese when they filter backwash and discharge under their permit. However, meeting the standard in their NPDES permit would not be as costly to water suppliers as it would if the Act 40 change to 1 mg/L at the point of water supply intake was implemented.

The PRWA appreciates the opportunity to present these comments on this proposed rulemaking and respectfully requests the EQB's consideration.

Respectfully submitted,

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[i] 25 Pa Code Chapter 93.7
http://www.pacodeandbulletin.gov/Display/pacode?title=/secure/pacodedata/025/chapter93/s93.7.html&d=reduce

[ii] 25 Pa Code Chapter 93.8c
http://www.pacodeandbulletin.gov/Display/pacode?title=/secure/pacodedata/025/chapter93/s93.8c.html&d=reduce

[iii] Minutes of the July 25, 2019 Meeting of the Water Resources Advisory Committee (WRAC)
http://files.dep.state.pa.us/PublicParticipation/AdvisoryCommittees/AdvCommPortalFiles/WRAC/2019/103019/DraftMinutes07_25_19.pdf

[iv] Minutes of the August 8, 2019 Meeting Small Water Systems Technical Assistance Center (TAC) Advisory Board
http://files.dep.state.pa.us/PublicParticipation/AdvisoryCommittees/AdvCommPortalFiles/TAC/2019/November13draft%20Minutes_Aug%208%202019%20TAC%20meeting.pdf

[v] Situations Requiring One-Hour Reporting to the Department of Environmental Protection
http://files.dep.state.pa.us/PublicParticipation/AdvisoryCommittees/AdvCommPortalFiles/TAC/2020/July/DRAFT%20TAC%20Jul2020%20Meeting.pdf

[vi] 25 Pa Code Chapter 96.3
http://www.pacodeandbulletin.gov/Display/pacode?title=/secure/pacodedata/025/chapter96/s96.3.html&d=reduce

[vii] USEPA, Secondary Drinking Water Standards: Guidance for Nuisance Chemicals
https://www.epa.gov/sdwa/secondary-drinking-water-standards-guidance-nuisance-chemicals

[viii] "Pa. DEP to propose stricter manganese standard as studies suggest risks to children," Pittsburgh Post-Gazette, 9/23/2019
https://www.post-gazette.com/business/powersource/2019/09/23/Pennsylvania-DEP-water-manganese-standard-health-coal-pollution-rules/stories/201909220048