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From: ecomment@pa.gov
Sent: Monday, January 12, 2026 2:24 PM
To: Environment-Committee@pasenate.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; Osenbach, Matt; Glendon King; Franzese, Evan B.; Eyster, Emily; IRRC
Cc: ra-epmsdevelopment@pa.gov
Subject: Comment received - Proposed Rulemaking: Safe Drinking Water Revised Consumer Confidence Report Rule (#7-589)

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Re: eComment System

The Environmental Quality Board has received the following comments on Proposed Rulemaking: Safe Drinking Water Revised Consumer Confidence Report Rule (#7-589).

Commenter Information:

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Comments entered:

Environmental Quality Board
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The following comments are submitted by the Environmental Protection Agency (EPA) in response to the Board's request for comments on the proposed amendments to Chapter 109, Safe Drinking Water as published in the Pennsylvania Bulletin on December 13, 2025.

EPA appreciates the opportunity to comment on these proposed regulations. The Drinking Water Section and Office of Regional Counsel of EPA Region 3 reviewed the proposed rule in comparison to the Federal regulations to ensure that the rules to be adopted by Pennsylvania are no less stringent than the Federal regulations in order for the PA Department of Environmental Protection (PADEP) to maintain Primacy for the drinking water program.

EPA Region 3 offers the following comments:

Concerning revisions to Subchapter D. Public Notification, which include provisions relating to the Consumer Confidence Report (CCR) requirements at §109.416:

These provisions have been reviewed, and EPA finds these to be no less stringent than the Federal regulations. EPA offers a suggestion that may ease implementation while improving distribution of CCRs to consumers. The Federal rule requires a second report to be delivered by December 31. Some of these CCRs will contain updated information. When this second report is provided to consumers shortly after the first report (due by July 1) it may be misconstrued as a duplicate report and simply thrown away unread. By distributing the report later in the year, consumers are more likely to be reminded about their drinking water quality and read the report. Therefore, it is suggested that the second report be required between October 1 and December 31. The end date remains consistent with the Federal rule.

Concerning Subchapter J. Bottled Water and Vended Water Systems, Retail Water Facilities and Bulk Water Hauling Systems, EPA has reviewed this subchapter and found numerous minor revisions impacting these systems. Various Federal regulations pertaining to these public water systems are covered in this subchapter. EPA offers the following comments concerning this Subchapter:

1. With the proposed changes to §109.1003(b)(1)(iii), the carrier vehicle(s) of bulk water hauling systems will be regulated as a distribution system. The following minor revisions and/or clarification of the monitoring requirements in Subchapter J: Bottled Water and Vended Water Systems, Retail Water Facilities and Bulk Water Hauling Systems (BVRB) are needed:

a. The current BVRB monitoring requirement of §109.1003(a)(I)(x) requires chlorite monitoring on a daily basis and additional monitoring following an MCL exceedance, but it does not allow for routine monthly monitoring in the distribution system. The federal chlorite monitoring requirements of 40 CFR §141.132(b)(2)(i)(B) should be required for BVRB water systems similar to the requirements in §109.301(12)(iii)(A)(II).

b. The proposed BVRB monitoring requirement of § 109.1003 (a)(1)(xi) only requires daily chlorine dioxide monitoring at the entry point on the day following exceedance of the maximum residual disinfectant level (MRDL) and does not meet the intent of the federal requirement. The federal chlorine dioxide monitoring requirement of 40 CFR §141.132(c)(2)(ii) requires analysis of three additional chlorine dioxide samples, for systems with no booster chlorination, that are collected at one location at intervals of at least six hours on the day following exceedance of the MRDL.

2. Proposed minor edits to §109.1003(a)(1)(xii) clarify the bromate monitoring location at a BVRB as the system's entry point. Requirements for BVRB systems to reduce bromate monitoring in §109.1003(a)(1)(xii)(A)(II) are based on individual sample results, which is inconsistent with the requirements in §109.301(12)(iv)(B) that base that determination on a running annual average. Similarly, the period of record to be used for the reduced bromate monitoring determination is the "previous 12 months" in §109.1003(a)(1)(xii)(A)(II) and the "most recent 4 quarters" in §109.301(12)(iv)(B)(II).

3. Proposed revisions to §109.1003(a)(1)(vii) would exempt some BVRB systems meeting specific criteria from radiological monitoring and require some to monitor each entry point once every 4 years. For BVRBs considered community water systems under §109.1003(d), it is unclear how the specified monitoring frequency in §109.1003(a)(1)(vii) is consistent with §109.301(14)(i)(B) as well as 40 C.F.R. §141.26(a)(3).

Finally, the Pennsylvania Department of Environmental Protection is reminded that final EPA approval and Primacy determination for the CCR revised rule will be based on a review of the final, adopted regulations and the submission of a Primacy Revision Request which must include a statement from Independent Counsel and crosswalk for the CCR revised rule, comparing the

Pennsylvania rule to the Federal rule for 40 CFR parts 141 and 142, as appropriate.

Thank you for this opportunity to comment. Should you have any questions please contact me at the information below.

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
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