Original: 2140

Trostle, Sharon F.

From: pzielins@pawc.com
Sent: Friday, September 29, 2000 11:19 PM
To: RegComments@dep.state.pa.us; Gordon.jeff@dep.state.pa.us; marrocco.fred@dep.state.pa.us
Subject: Comments to Proposed D/DBP Rule

Pennsylvania-American Water Company
800 West Hersheypark Drive
Hershey, Pa. 17033

Paul A. Zielinski
Fax: 717-531-3314
Director ? Water Quality
Telephone: 717-531-3308 Email: pzielins@pawc.com

September 29, 2000

For electronic submission to RegComments@dep.state.pa.us

I have reviewed the proposed regulations for the D/DBP rule and the Interim Enhanced Surface Water Treatment Rules published in the PA BULLETIN on September 2, 2000 and wish to offer the following comments on behalf of Pennsylvania-American Water Company.

Under section 109.202(g)(2)(ii)(F) on page 4602, an exemption from the required TOC monitoring and subsequent compliance with the TOC reduction requirements can be met "IF THE SYSTEM'S FINISHED WATER SUVA, MEASURED MONTHLY IN ACCORDANCE WITH SUBCHAPTER C, IS LESS THAN OR EQUAL TO 2.0 L/mg-m, CALCULATED QUARTERLY AS A RUNNING ANNUAL AVERAGE. " The Department should define what is termed FINISHED WATER for compliance purposes. Finished water can be taken to mean combined filter effluent prior to any post chemical feeds, combined filter effluent after post chemical feeds, or at the entry point to the distribution system. Clarification is needed on the interpretation of this requirement.

On page 4605 of the proposed regulations, under section 109.301(12)(iv)(A), "SYSTEMS SHALL TAKE MONTHLY SAMPLES OF THE SOURCE WATER ALKALINITY, THE SOURCE WATER TOC AND THE COMBINED FILTER TOC FOR EACH TREATMENT PLANT THAT UTILIZES CONVENTIONAL FILTRATION". If a plant does not have a combined filter effluent line, it is unsure where the second paired sample should be taken for the determination of mandatory TOC reductions required by the Rule. If a combined effluent line is present, the facility is allowed additional credit for TOC removal through filtration, which, in some facilities, can be substantial versus the TOC present in the filter applied water. Bacterial action in filters, most noticeably in granular activated carbon filters, can naturally biodegrade some components of TOC and further enhance reductions through the bed. It is unfair to penalize a plant which does not have a combined filter effluent line when dealing with these regulations. No commonly used post treatment chemicals are known to contribute TOC to finished drinking water. I propose that the Department consider two options for the sample; one, to allow filter effluent compositing for plants with low numbers of filters, and two, allow plants to collect samples from the entry point to the distribution system in plants where no combined filter effluent line is present and a large number of filters is present. The results of these samples can then be used for the determination of compliance with the TOC reduction requirements on the M/DBP rule by comparing them to source water

values. It is also unsure as to how to calculate the percent TOC reduction if the second paired sample is higher than the source water sample. This has happened periodically in our preliminary testing, and it is not clear how to evaluate this result. If the paired sample result is higher in TOC than the source water, I would recommend that a reduction of 0% be used for the month versus the actual negative percentage removal achieved by actual calculation.

I thank you for the opportunity to comment on these regulations. Please contact me by phone or by email if you have any questions.

Paul A.
Zielinski

Director -
Water Quality

405 Nestle Way
Breinigsville, PA 18031
Phone: (610) 530-5944
Fax: (509) 351-8714
KKise@perriergroup.com.

Original: 2140

SUBMITTED VIA EMAIL TO RegComments@dep.state.pa.us

October 2, 2000

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-2301

Re: Comments on Proposed Rulemaking – Disinfectants and Disinfection Byproducts (D/DPBs)
25 PA. Code CH. 109

Ladies and Gentlemen:

The Pennsylvania Bottled Water Association (PABWA) appreciates this opportunity to comment on the Pennsylvania Environmental Quality Board's (PA EQB) proposed rulemaking for disinfectants and disinfection byproducts, released for public comment on September 2, 2000. PABWA is the trade association representing all segments of the bottled water industry. Our member companies produce and distribute the vast majority of the bottled water sold in the Pennsylvania. The association membership includes approximately 46 bottlers, distributors, and suppliers located in the Commonwealth of Pennsylvania.

In general, PABWA recommends that several items be clarified in the proposed rule. PABWA believes that a few of the requirements of the proposed rule also may not be directly applicable to bottled water. PABWA is also supportive of comments provided by the IBWA, International Bottled Water Association on the proposed rule.

1. General Clarification of DBP Monitoring Requirements for Bottled Water Plants for DBP's other than Total Trihalomethanes (TTHMs) and Bromate

We request clarification as to whether the entire proposed draft rule applies to bottled water plants or only the section on bromate monitoring. Monitoring for DBP's other than bromate is not applicable to bottled water since bottled water companies do not typically use chlorination as a residual disinfectant in their product water. We request that the PA EQB clarify it's intent is for bottled water companies to monitor for:

- bromate only; bromate & THM's; or all DBP's;
- What monitoring frequency(ies) will be required?

We suggest, for sake of clarity, that the proposed rule consolidate specific monitoring requirements and standards for bottled water in Subchapter J.

2. MRDLs Do Not Apply to Bottled Water Products

Section 109.1003 of the proposed rule (Monitoring Requirements) states that "bottled water and vended water systems, retail water facilities and bulk water handling systems shall monitor for compliance with the MCLs **and MRDLs** in accordance with 109.301 (relating to general monitoring requirements...." The definition for maximum residual disinfectant level (MRDL) proposed in section 109.1 is not applicable to bottled waters because they are not obtained at the consumer's tap. IBWA believes that because of the protection afforded by the sealed bottle (as opposed to the need for a residual disinfectant throughout an underground municipal water distribution system), there is NO need to mandate a residual disinfectant – ozone, chlorine, or otherwise – in bottled water. Our same comments would apply to section 109.202(f)(2), which adopts the National Primary Drinking Water Regulations MRDLs; and section 109.301(2)(i)(D), which requires continuous monitoring of MRDLs with a provision for testing every 4 hours in lieu of continuous monitoring.

3. Clarification of Application for Extension for Installation of New Technology Treatment Equipment

Section 109.202(a)(3) provides for a 24 month extension past the applicable compliance date specified in the Federal regulations, but not beyond December 31, 2003. This proposed extension period would also apply to public water systems required to comply with the proposed MCL for bromate. As clarification, we believe the PA EQB should apply this extension to bottled water companies who are investigating and installing new technologies to comply with the proposed bromate MCL.

4. Clarification of Requirement for Total Coliform-Positive Sample Retesting

Section 109.1003(c)(3) states that "if a check sample is total coliform-positive, the system shall be deemed to have violated the MCL for total coliforms...." Section 109.301(a)(3) (Monitoring requirements for coliforms) requires that the presence or absence of fecal coliforms or *E. coli* also be determined in routine or check samples. Section 109.1003(c)(3) does not provide detail on how many check samples must be collected when a primary sample is total coliform-positive. In actual situations where public water systems in Pennsylvania and elsewhere in the United States find total coliform-positive primary samples, specific requirements for collection of check samples is provided. For example, a small system may be directed to collect four (4) check samples immediately upon notice of a total coliform-positive sample, followed by increased sampling the next month. IBWA(International Bottled Water Association) has developed an *Escherichia coli and Total Coliform Standard and Policy,* which was incorporated into our association's Model Bottled Water Regulation, using this check sample principle. A copy of the standard and policy is included as Attachment A in this letter. We recommend that the PA EQB, through incorporation in the proposed rule or adoption as a policy, consider a similar procedure for response to total coliform-positive bottled water samples.

5. Clarification of Date to Begin Monitoring for DBPs in Bottled Water

Section 109.301(12) (Monitoring requirements for disinfection byproducts and disinfection byproduct precursors) states that systems using groundwater sources shall begin monitoring by January 1, 2004. We interpret this date to apply also to bottled water companies with ground water sources, such as springs and

wells that have demonstrated no direct influence of surface water contaminants after successful undergoing the SWIP(Surface Water Influence Program) as Administered by PADEP.

6. Clarification of Entry Point in a Bottled Water Plant

It is not clear about locations of entry points in bottled water plants that are sampled for compliance with this and other regulations. Sections 109.701(8) (Reporting requirements for disinfectant residuals) and section 109.1003(1)(viii)(A) do not clearly indicate where that entry point is located. We request clarification of this issue so that the proper numbers of samples may be collected. We recommend that entry points be designated as each *product type* bottled at each bottling plant as it complies with FDA's routine monitoring requirements for bottled water.

7. Recommendation for Harmonizing Bottled Water DBP Monitoring Frequency With TTHM Monitoring Frequency

TTHM monitoring for systems using chlorine-based disinfectants is performed quarterly. We recommend for consistency that the same DBP monitoring schedule be applied to bromate monitoring in section 109.1003(1)(viii)(A), which currently proposes that one sample per month be collected at each entry point. If adopted, the reduced monitoring proposed in section 109.1003(1)(viii)(B) should be changed from quarterly to *annually*.

8. Clarification of Number of Samples Required to Determine Compliance

The proposed rule does not clearly address the basis for determining compliance. Monitoring frequencies and reporting requirements are outlined in the proposed rule, but we request clarification on whether compliance is based on single-sample results or a running average. We recommend a compliance schedule similar to that applicable to TTHMs, i.e., a running annual average calculated quarterly using sample results obtained each quarter.

9. Alternatives to Chemical Disinfectants Must Be Permitted in Bottled Water

The system operational requirements described in section 109.1009(c) state that "a disinfectant residual acceptable to the Department shall be maintained at the entry point of the bottled water" system. The proposed USEPA Groundwater Rule, scheduled to be finalized in November, 2000, allows for use of ultraviolet light as an alternative disinfectant. This provision in the *Federal Register* (Vol. 65; May 10, 2000; pg. 30271; § 141.404 C.2) states "Ground water systems using UV disinfection must continuously monitor for and maintain the State-prescribed UV irradiance level every day the ground water system serves water to the public." The EPA also considered the fact that UV would not provide a disinfection residual and deemed this acceptable, ruling that "...as long as the system attains IT values necessary for 4-log virus inactivation, the system meets the treatment technique requirement." (*Federal Register*, Vol. 65; May 10, 2000; pg. 30235; paragraph E. Treatment Technique for Systems With Fecally Contaminated Source Water or Uncorrected Significant Deficiencies; (iii) Disinfection).

In a similar manner, other alternative technologies provide an acceptable level of public health protection without the presence of a chemical disinfectant residual. As we stated above, PABWA believes that because of the protection afforded by the sealed bottle (as opposed to the need for a residual disinfectant throughout an underground municipal water distribution system), there is NO need to mandate a residual disinfectant –

ozone, chlorine, or otherwise – in bottled water. We urge the PA EQB to seek guidance from the U.S. FDA on the availability of alternative treatment techniques and their acceptability for production of bottled water.

If you have any questions regarding our comments, please don't hesitate to contact us by telephone at (610) 530-5944 or by email at KKise@perriergroup.com.

Sincerely,

PENNSYLVANIA BOTTLED WATER ASSOCIATION

W. Kent Kise

W. Kent Kise
President

Cc: PABWA Board of Directors
Joe Doss, IBWA

Attachment A
IBWA *Escherichia coli* and Total Coliform Standard and Policy

IBWA STANDARD OF PRODUCT QUALITY

- No *Escherichia coli* detectable in a 100 ml portion/sample. No validated total coliform detectable in a 100 ml portion/sample as substantiated by retesting.

PROCEDURE FOR RESPONSE TO COLIFORM AND *ESCHERICHIA COLI* TESTING RESULTS

A representative unit of production for each package size shall be tested for total coliform (which includes *E. coli* in this group) during each daily production. If positive for total coliform, an *E. coli* determination is performed from that test. When a unit of production results in a positive result for coliform organisms by a total coliform method in *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, the following policy and procedure should be employed:

1. Immediately analyze 4 additional samples from the same production lot for total coliform. Also examine the original sample for presence of *Escherichia coli* (*E. coli*) by a method in Standard Methods, 20th Edition.
2. Review sampling and analytical procedures to determine if the original sample contamination may have occurred due to sampling or laboratory error. If the review of sampling and analytical procedures demonstrates a source of contamination, such as contaminated media or analyst error, INVALIDATE results and proceed with total coliform analysis of five additional samples from the same lot using uncontaminated media and proper technique.
3. Company plant personnel should use the following guidelines for decisions on the disposition of the lot:
    a. If the re-sampling does not show *E. coli* or total coliform, consider the first sample an invalid result.
    b. If the original sample AND any of the additional four samples collected are positive for total coliforms or *E. coli*, consider the results valid and conduct follow up actions pursuant to the company's recall plan.
    c. If the original sample contained *E. coli*, conduct follow up actions pursuant to the company's recall plan.

Original: 2140

Trostle, Sharon F.

From: Bob Hirst [bhirst@bottledwater.org]
Sent: Monday, October 02, 2000 8:56 AM
To: RegComments@dep.state.pa.us
Cc: Dave Dexter; Cindy Yablonski; Joe Doss
Subject: Proposed Rulemaking - Disinfectants and Disinfection Byproducts

paeqbdbp100200final.doc

PLEASE SEE ATTACHED FILE.

COMMENTS FROM THE INTERNATIONAL BOTTLED WATER ASSOCIATION REGARDING THE PROPOSED PA EQB RULE ON DISINFECTANTS AND DISINFECTION BYPRODUCTS.

If you have any problems with the attached file, please contact me.

Thank you.

Sincerely yours,

Robert R. Hirst
Director of Technical Affairs
International Bottled Water Association
(703) 683-5213
Fax: (703) 683-4074
Email: Bhirst@bottledwater.org

IBWA
International Bottled Water Association

1700 Diagonal Road, Suite 650
Alexandria, VA 22314
Phone: (703) 683-5213
Fax: (703) 683-4074
Bhirst@bottledwater.org

SUBMITTED VIA EMAIL TO RegComments@dep.state.pa.us

October 2, 2000

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-2301

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In general, IBWA recommends that several items be clarified in the proposed rule. IBWA believes that a few of the requirements of the proposed rule also may not be directly applicable to bottled water.

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If you have any questions regarding our comments, please don't hesitate to contact us by telephone at (703) 683-5213 or by email at Bhirst@bottledwater.org.

Sincerely,

INTERNATIONAL BOTTLED WATER ASSOCIATION

Robert R. Hirst

Robert R. Hirst
Director, Technical Affairs

RRH/rh

C: Cindy Yablonski, IBWA
Joe Doss, IBWA

Attachment A
IBWA *Escherichia coli* and Total Coliform Standard and Policy

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    c. If the original sample contained *E. coli*, conduct follow up actions pursuant to the company's recall plan.

Original: 2140

Trostle, Sharon F.

From: Gambatese.Jason@epamail.epa.gov
Sent: Monday, September 25, 2000 1:19 PM
To: RegComments@dep.state.pa.us
Cc: Wisniewski.Patti-Kay@epamail.epa.gov; wroblewski.john@dep.state.pa.us
Subject: Comments on Interim Enhanced Surface Water Treatment Rule and Disinfectants and Disinfection Byproducts Rule


ieswtr_comments.wpd

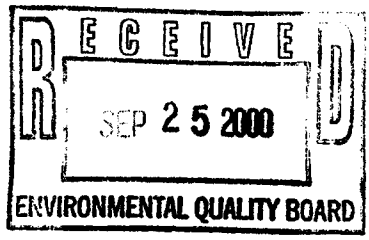

dbp_comments.wpd


Word 6.0 Windows/ Mac


Word 6.0 Windows/ Mac

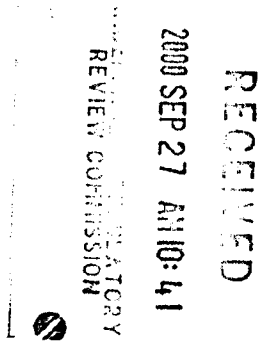
Attached are EPA Region 3's comments to PADEP's proposed Interim Enhanced Surface Water Treatment Rule (IESWTR) and Disinfectants and Disinfection Byproducts Rule (DBPR). In order to retain Primary Enforcement Authority (Primacy) for the state's Public Water System Supervision (PWSS) program, these rules must be approved by EPA. In order to facilitate this process, we have identified which of our comments must be addressed to receive approval. For the IESWTR, only comments number 1 and 2 must be addressed. For the DBPR, comments number 1, 2, 4, 5 and 7 must be addressed. If you have any questions, please contact me.

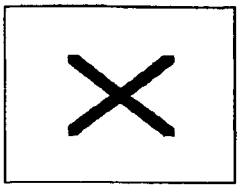
Jason Gambatese
US EPA (3WP22)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-5759



I've attached the comments in both Wordperfect and MS Word format.

(See attached file: ieswtr_comments.wpd)(See attached file: dbp_comments.wpd)
(See attached file: ieswtr_comments.doc)(See attached file: dbp_comments.doc)





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

Disinfectants and Disinfection Byproducts Rule

1. §109.301(12)(i)(A) **General Monitoring Requirements, TTHMs and HAA5s**
It should be noted that the TTHM and HAA5 sample sites should be representative of the entire distribution system

2. §109.301(12)(i)(B)(I) **General Monitoring Requirements, TTHMs and HAA5s**
The regs state "Systems on reduced monitoring are not required to monitor source water TOC." Although systems do not have to meet a particular TOC level to remain on reduced monitoring for TTHM and HAA5, they would still need to monitor for source water TOC if they are a conventional filtration plant under the DBP precursor treatment technique. Therefore, they would not be exempt from source water TOC monitoring. If a system in not required to monitor for TOC under the DBP precursor treatment technique, and they choose to stop monitoring for TOC once they go to reduced TTHM and HAA5 monitoring, then if, at some point, they are required to return to routine monitoring, it will take at least another year's worth of TOC monitoring to return to reduced monitoring. So, although continued TOC monitoring may not be required for some systems, it would be beneficial to continue the monitoring if they want to reduce their TTHM and HAA5 monitoring.

3. §109.301(13)(i) **General Monitoring Requirements, Chlorine and chloramines**
The word 'samples' should be changed to 'sampled'.

4. §109.701(8) **Reporting and Recordkeeping**
There are a few reporting requirements for disinfectant residuals that were left out:

- $ For chlorine dioxide, systems must also report whether the MRDL was exceeded and whether it was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.
- $ For chlorine and chloramines, systems must also report the number of samples and whether the MRDL was exceeded.

5. §109.701(9)(ii)(A)
The words 'entry point' should be taken out of the sentence. Systems have to report the number of total samples, not just entry point samples.

6. PADEP should not adopt the provision of the Federal rule relating to the total trihalomethane (TTHM) health effects language required to be included in Consumer Confidence Reports (CCR) (§141.154(e)). PADEP proposed to include this in §109.403(d). Adopting only one provision of the CCR rule will be confusing to water systems since PADEP has not adopted all of the CCR provisions and because PADEP is adopting the revised TTHM maximum contaminant level (MCL) of 0.080 mg/L. If PADEP is interested in having water systems that exceed the revised TTHM MCL of 0.080 mg/L use EPA's revised health effect language in

public notices than PADEP should consider adopting the recently revised Federal public notification (PN) trihalomethane health effects language found in Appendix B to Subpart Q of Part 141. EPA published the PN rule as a final rule on May 4, 2000 with minor technical corrections published June 30, 2000. The Federal rule is effective May 6, 2002 or when the state adopts the revised PN provisions, whichever is sooner. It is acceptable to EPA for PADEP to adopt PN provisions which are necessary to address revisions to the Disinfectants and Disinfection Byproducts Rule, without adopting the entire PN rule at this time. EPA understands that PADEP will adopt the PN rule by August 2002.

7. It is also important to note that the citation at §109.403(d) is incorrect as a result of the minor June 30, 2000 corrections to the PN rule. The Appendices to the CCR rule were merged into Appendix A and the paragraph numbering was removed.