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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 2, 2000

Honorable James M. Seif, Chairman
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17105

Re: Regulation #7-359 (IRRC #2140)
Environmental Quality Board
Disinfectants and Disinfection Byproducts

Dear Chairman Seif:

Enclosed are our Comments. They will soon be available on our website at www.irrc.state.pa.us.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director
wbg
Enclosure

cc: Honorable Arthur D. Hershey, Majority Chairman, House Environmental Resources & Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources & Energy Committee
Honorable Mary Jo White, Chairman, Senate Environmental Resources & Energy Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources & Energy Committee
Sharon Trostle, Regulatory Coordinator, Department of Environmental Protection
Barbara Sexton, Director of Policy Office, Department of Environmental Protection

Comments of the Independent Regulatory Review Commission

on

Environmental Quality Board Regulation No. 7-359

Disinfectants and Disinfection Byproducts

November 2, 2000

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by October 2, 2002, the regulation will be deemed withdrawn.

1. General. - Clarity.

The Pennsylvania Bottled Water Association and the International Bottled Water Association have questioned whether provisions in the proposed regulation apply to bottled water companies. The final-form regulation should clearly state who is required to comply with these provisions.

2. Section 109.1. - Definitions. - Clarity.

MRDL - Maximum Residual Disinfectant Level

The definition of "MRDL" includes the phrase, "unacceptable possibility of adverse health effects." What is an unacceptable possibility of adverse health effects?

3. Section 109.202. - State MCLs, MRDLs or treatment technique requirements. - Clarity.

Subsection (a) Primary MCLs

Paragraph (3) of Subsection (a) states that a public water system may apply to the Department for "an extension of up to 24 months past the application compliance date specified in the federal regulations." How will a public water system apply for an extension, and what criteria will be used in determining whether or not to grant an extension?

Paragraph (a)(3), as published in the *Pennsylvania Bulletin*, contains a typographical error. In the first sentence, there is a period after the phrase "...in the Federal regulations." It would appear a comma was intended so that the regulation will read "...in the Federal regulations, but not beyond December 31, 2003." This correction should be made in the final-form regulation.

Subsection (g) Treatment technique requirements for disinfection byproduct precursors

Subsection (g)(2)(ii)(C) begins with a lengthy sentence. For clarity, this sentence should be broken into shorter sentences.

This provision also has a typographical error. It appears the second and third sentences were intended to be one sentence with a comma.

4. Section 109.301. - General monitoring requirements. - Clarity.

Subsection (12)(i)(A)

EPA commented that sample sites for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) should be representative of the entire site distribution system. Should this provision be added?

Subsections (12)(i)(B)(I)(a) - (c)

These subsections state, "Systems on reduced monitoring are not required to monitor source water TOC." EPA agrees that systems do not have to meet a particular total organic carbon (TOC) level to remain on reduced monitoring for TTHM and HAA5. However, if the system uses a conventional filtration plant under the disinfection byproducts precursor treatment technique, the system would still need to monitor source water TOC. Therefore, EPA suggests that TOC monitoring should be continued if monitoring for TTHM and HAA5 is reduced. Should TOC monitoring be required in this situation?

Subsection (12)(iv)(A)

This section states, "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, where should this sample be taken?

5. Section 109.403. - Description and content of notice. - Protection of the public safety.

EPA commented that the EQB should not adopt the public notice on health effects language referenced in Subsection (d). EPA recommends using EPA's revised language in 40 CFR Part 141, Subpart Q, Appendix B. The regulation should be amended accordingly.

6. Section 109.701. - Reporting and recordkeeping. - Clarity.

EPA commented that two reporting requirements for disinfectant residuals were left out of Subsection (a)(8) as follow:

- 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.

EPA also commented that the phrase "entry point" should be taken out of Subsection (a)(9)(ii)(A) because systems must report all samples, not just entry point samples. The EQB should consider revising this subsection in accordance with EPA's comments.