

Goodwin, Mark

From: Thomas, William B
Sent: Monday, December 04, 2000 1:00 PM
To: 'mgoodwin@state.pa.us'
Cc: Locher, James V; Teitt, Thomas R
Subject: PEMA Proposed Rules

Attention:

Reliant Energy Mid-Atlantic Power Holdings, LLC is please to provide these comments to the proposed PEMA regulations contained in the November 4, 2000 PA Bulletin regarding Title 4 Sections 118, 119 & 120. Reliant owns and operates around 5600 megawatts of electric generating capacity. An essential component of electric generation is water, which is used for cooling purposes and to generate steam. Without water, the generation of electricity at many of our facilities would be significantly curtailed. Such a curtailment could arguably have devastating results on the stability of the power grid used to provide electricity to millions of homes and businesses in Pennsylvania.

We believe the PEMA regulations recognize the importance of essential services such as electric generation in these regulations. However, they capture this in the term "essential public utility services" in 118.4(b)(7)(i)(C) and 118.6(a)(2)(iii). Due to the deregulation of the electric generation industry, many electric generation facilities are no longer technically "public utilities." Because of this we ask that the definitions reflect the deregulation of our industry.

It is also noteworthy that some of our facilities receive water from public water supply agencies. Any rules related to public water supply agencies must reflect the fact that their customers could include electric generating facilities.

Bill Thomas
Senior Engineer - Environmental

Reliant Energy Mid-Atlantic Power Holdings, LLC
P.O. Box 1050
1001 Broad Street
Johnstown, PA 15907-1050
814-533-8583

12/4/00



Office of Physical Plant
The Pennsylvania State University
Physical Plant Building
University Park, PA 16802-1118

December 4, 2000

Mr. Mark L. Goodman
Pa. Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA 17110-9364

Dear Mr. Goodman:

Subject: Restrictions of Major Water Use
4 Pr. Code Ch. 118

We have reviewed the referenced regulations published in the Pennsylvania Bulletin, Vol. 30, No. 45, November 4, 2000, and offer the following comments for your consideration:

119.4(3)ii: ", or an irrigation system that is designed and operated to restrict the timing or total volume of water and to restrict the application to specific plantings and that ensures effective conservation, when applied between the hours of 5 p.m. and 9 a.m."

Comment: The University uses water bags to irrigate trees that fit the requirements stated in this paragraph. However, these bags are installed and left in place for days, and it is not practical to limit them to apply between the hours of 5 p.m. and 9 a.m. We suggest that consideration be given to eliminate the time of day application restriction for water bags.

119.4(4)vi: "Water may be applied between the hours of 10 a.m. and 5 p.m. with hand-held hose equipped with an automatic shutoff nozzle"

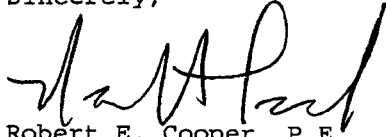
Comment: The University golf courses are equipped with an automated spray irrigation system that can effectively control the application and timing of water to heat-sensitive grasses. During past droughts, we have utilized a 15-minute supervised cycle during the day to syringe heat-sensitive grasses for a more efficient infiltration of water to the soil/root zone. This allows for a much more consistent and even distribution of the water during the 15-minute cycle. Hand-held hose application cannot duplicate this. The draft regulations would require hose bibs throughout the golf course to connect hand-held hoses as indicated. Stringing hoses over the golf course playing area is not practical where an existing spray irrigation system exists. Further, using hand-held hose exposes the maintenance staff to a dangerous situation while people are playing. Due to lack of personnel and equipment, hand-held hose water will not be sufficient to maintain minimal irrigation of grass on the golf course. Therefore, we suggest that "with a hand-held hose equipped with an automatic shutoff nozzle" be deleted from the draft regulations.



Mr. Mark Goodman
December 4, 2000
Page 2

We appreciate the opportunity to review and comment on the draft regulations. If you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert E. Cooper', written in a cursive style.

Robert E. Cooper, P.E.
Manager, Engineering Services
Operations Division
(814) 863-5362, fax (814) 865-3737, e-mail rec3@nw.opp.psu.edu

JWG/cal/12-4-00/15

cc: D. Burns
B. Hudzik
D. Roth
D. Wert
File



762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489
610.525.1400

December 4, 2000

Mark Goodwin
Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA 17110-9364

Dear Mr. Goodwin:

On behalf of Philadelphia Suburban Water Company (PSW), I am submitting the following comments on the proposed Drought Management Regulations. PSW is an investor-owned water supplier that serves almost one million people in southeastern Pennsylvania with water drawn from nine surface water sources and more than 60 wells. PSW's major sources of supply are supported by reservoir storage, including more than 9 billion gallons of storage in our own reservoirs. PSW uses surface water and ground water sources conjunctively. The company is continually upgrading its distribution system storage and transmission capabilities to increase flexibility and system reliability. While portions of PSW's system (particularly some areas acquired in the past 10 years) remain susceptible to drought and supply shortages, the majority of the system is fully integrated and has weathered severe droughts with ample supply. PSW has implemented mandatory restrictions when called upon to do so in the past, but these restrictions have sometimes distracted from day to day operations and adversely affected income (reducing economic incentive to further improve system reliability).

We commend PADEP and PEMA for incorporating in the regulations lessons learned from the droughts of 1995 and 1998-1999, and for addressing issues that arose in those droughts. It is appropriate that DEP take a greater role in drought management. The creation of a full-time Commonwealth Drought Coordinator should provide more continuity and consistency in drought management in Pennsylvania in the future.

The following comments relate to specific sections of the proposed regulations:

Section 118.8(c)(7). It is not clear how appeals delegated to a PUC administrative law judge would be handled. This may be appropriate in some cases involving private water suppliers and their customers.

Section 118.9. The first paragraph starts with a deleting bracket, but the closing bracket (identifying how much of this section is deleted) appears to be missing.

Section 119.4 (a)(4)(ii) The numbering of subsections is unclear here. This comment refers to the section requiring irrigators and golf courses to provide meter readings and allow DEP access for inspection. The responsibility for obtaining and reporting meter readings (historical and current) must rest clearly with an irrigator or golf course. Some irrigators and golf courses will have to segregate their metering to obtain readings for irrigation water use separate from other uses. Water suppliers will object to additional administrative responsibilities that golf course customers may try to pass on to them in a drought emergency.

Section 119.6 (b) Because of the size and complexity of PSW's system, the company may well find itself in a situation where its supplies are ample in some areas while a portion of its service territory may fall within a declared emergency area. The regulations allow for a water supplier to apply for an exemption, but the criteria by which such an application will be reviewed is not entirely clear. The directive to the CDC to give "primary consideration to any impact that approval of the application may have on . . . the ability of law enforcement agencies locally or throughout the drought emergency area to enforce these or other emergency regulations" as a sole cause for denial is open to subjectivity and overly restrictive. These considerations must be balanced with potential economic and environmental benefits of an exemption for a water supplier with substantial investment in self-supplied storage. This is particularly important if in the normal course of use of that supply incidental flow augmentation is provided in some stream segments, or wastewater return flows provide valuable benefits to a basin.

The standard for "extraordinary loss" consisting of "...loss which is substantially more severe than the sacrifices borne by other water users subject to the prohibition..." is also open to subjective interpretation.

The regulations as written do not appear to recognize a system as large as PSW's or one with as many different supplies. The CDC must be able to take into account economic and environmental benefits of water use from self-supplied users with multiple sources.

Chapter 120. Most of the provisions of this chapter apply to "a water supply agency or governing body of each political subdivision which has a source of water or a service area within the designated drought emergency area." This leaves open the possibility that water suppliers and local governments might independently develop and try to implement inconsistent Local Water Rationing Plans. The co-operation of local government may be essential for the adoption and enforcement of ordinances in support of an approved plan. However, no local plan should be developed or implemented that is inconsistent with an approved plan developed by a water supplier. The wording of this chapter should be revised to make clear the appropriate roles of water suppliers and local governments.

Mark Goodwin
December 4, 2000
Page Three

Section 120.8. The service interruption provisions of this section are largely impractical. Except in the most flagrant cases of abuse, it would not be practical for a water supplier to operate curb stops or install flow restrictors on individual services.

On behalf of PSW, I thank you for the opportunity to comment on these regulations and appreciate your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Preston Luitweiler".

Preston Luitweiler, P.E.
Senior Manager, Water Resources
Philadelphia Suburban Water Company

cc: William Gast
Richard Riegler
Thomas L. Yohe, Ph.D.
Morrison Coulter
William Ross, P.E.
Christopher Franklin
Robert Robinson



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W. DARKO PUZ
ENVIRONMENTAL SUPERVISOR

CERTIFIED MAIL

November 30, 2000

Mr. Mark L. Goodwin
Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA 17110-9364

Subject: Reductions of Major Water Use

Dear Mr. Goodwin:

On November 15, 2000, we spoke on a telephone conference call regarding the proposed rulemaking by the Pennsylvania Emergency Management Agency (PEMA) titled "Reductions of Major Water Use". The proposed rulemaking was published in the November 4, 2000 issue of the Pennsylvania Bulletin. The following persons participated in the conference call: Darko Puz (Penreco), Donna Carvalho (Conoco), Mark Goodwin (PEMA), and Bill Gast (DEP). I wish to thank you for taking the time to discuss the proposed regulation and our concerns.

Penreco withdraws in excess of 100,000 gallons/day of water from surface water and groundwater sources at its Karns City, Pennsylvania facility. The majority of the water withdrawn from the environment is surface water. It is withdrawn from a stream that flows through the facility (The South Branch of Bear Creek). Some additional water is withdrawn from deep-water sources that would not affect a drinking water supply. All of the water is returned to the environment, i. e., into the aforementioned stream. The majority of the water is treated at the facility's wastewater treatment plant prior to being discharged into the stream. Penreco does not "consume" any of the water because it manufactures specialty oils that must be free of any moisture. The water is used primarily for the production of steam, and once it has been used for this purpose, it is condensed and returned to the creek. Because of the addition of water from the deep-water source, approximately an equal amount or more water is returned to the surface on average than is removed.

The below comments summarize Penreco's concerns and suggestions.

- The regulation applies to facilities which withdraw specified amounts of water from surface or groundwater bodies. Affected facilities must develop contingency plans to reduce that water withdrawal in the event of a drought. The regulations as written do not appear to make any allowance for whether the withdrawn water is consumed or recycled back to the surface water body. In fact, it appears to assume that the water is completely consumed and does not in any form or fashion return to the surface water body from which it was drawn. (Of note, there is a definition for "consumptive water", but we have not seen where this term is in fact used.) Penreco believes that actual water consumption is more critical than the amount withdrawn from the environment. Therefore, the regulation should not require contingency plans if facilities can demonstrate that they return all or a vast majority of the water they withdraw to the water body from which it was withdrawn.

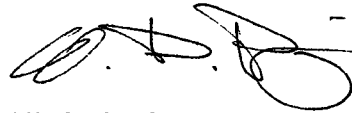
In our call, there was a question about how far the distance might be between the withdrawal point and our discharge point. In our case, the distance is less than one-half mile.

- Penreco could reduce the amount of water used by a small percentage during a drought situation, but a larger reduction would mean the shutdown of the facility. This is because the water is used to produce steam, which allows us to process our products. Without water for steam, we can not operate. Penreco employs approximately 245 full-time employees at its Karns City, Pennsylvania location.
- Penreco urges the Department to move quickly to develop and adopt variance procedures for industrial and commercial facilities. Because our water need is critical to our operation, we would need a smooth streamlined system in place to be able to show quickly why we would still need to withdraw water. If we had to prepare to begin to shutdown operations while the variance process was ongoing, it could do irreparable harm to our business.
- Section 118.5 (a) (1) indicates that the facility shall "develop and adopt" a drought contingency plan under this section. It may be interpreted that "adopt" means to implement. Based on our telephone discussion, this was not the Department's intention. Consequently, we suggest that the "develop and adopt" be changed to "develop".

- Penreco believes that there is an error in the definition of consumptive water on page 5738 of the PA Bulletin dated November 4, 2000. The definition as it reads in the PA Bulletin is written as follows. "Consumptive water - Water that in the process of being used or is evaporated, transpired or incorporated into a product." The word "or", which is shown in brackets, should be removed so that the definition is written as follows. "Consumptive water - Water that in the process of being used [or] is evaporated, transpired or incorporated into a product." As noted earlier, we are not sure where or how this term is used.

If you require any additional information, please do not hesitate to contact me at (724) 756-0110.

Sincerely,



W. Darko Puz
Environmental Supervisor

cc: Tim Barnhart
Elizabeth Bourbon
Donna Carvalho
Tom Martin
Charlie Vogus



PENNSYLVANIA LANDSCAPE & NURSERY ASSOCIATION

Serving its members in the industry through education, promotion, and representation.

November 28, 2000

Mr. Mark Goodwin, Counsel
Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA 17110-9364

RE: Drought Emergency Regulations

Dear Mr. Goodwin:

I am writing in reference to the proposed drought emergency regulations, as published in the November 4, 2000 edition of the *PA Bulletin*. The Pennsylvania Landscape and Nursery Association (PLNA) supports the Pennsylvania Emergency Management Agency's (PEMA) efforts to amend Pennsylvania's current drought regulations. The horticulture industry is dependent on the ability to water and this issue is of great concern to all of our members.

PLNA is in support of the proposed regulations, with one exception. PLNA would advocate a change of the definition of *professional landscaper*. We are proposing the following definition:

“Professional landscaper- Any person who is engaged in the business of landscaping as a source of income and as required, is certified by the Department of Agriculture under the Plant Pest Act. “

One of the biggest problems the landscaping industry faces is what is commonly referred to as the “underground industry”. The “underground industry” consists of individuals who claim to be professional landscapers. However, many times these people are not in compliance with the law. In addition to common requirements such as Worker's Compensation and Sales and Use Tax requirements, landscapers in Pennsylvania must be certified by the Department of Agriculture under the Plant Pest Act. By not specifying the need for this license, you are providing coverage under these regulations for individuals who are not in compliance with Pennsylvania law.

Another concern for PLNA is the lack of training on proper water management and irrigation equipment these individuals possess. As you know, PLNA members take great pride in the utilization of proper water management. The same cannot be said for non-

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Page Two
Drought Emergency Regulations

professional landscapers. Improper water management is not only detrimental to the image of our industry but it could result in a loss of the Commonwealth's most precious water resources.

The final reason PLNA is requesting the change is to bring these regulations in line with other state regulations, which include the certification requirement in the definition of a landscaper.

PLNA appreciates your consideration of our comments. If you have any questions regarding our comments, please contact me at (717) 238-1673 or michele@plna.com.

Sincerely,



Michele Corbin
Government Relations Director

cc: Mr. Bill Gast, Department of Environmental Protection

Goodwin, Mark

From: Teitt, Thomas R [tteitt@Reliantenergy.com]

Sent: Thursday, November 16, 2000 5:36 PM

To: 'mgoodwin@state.pa.us'

Subject: Comments on Draft Regulations

Mr. Goodwin,

I just read the proposed changes to the drought management regulations found in Title 4, Chapters 118, 119 and 120. I offer the following comments for consideration.

- Include a definition for "essential public utility services". I suspect electric generation falls within the scope of that term. Yet, with the deregulation of the electric utility industry, many power generating facilities and companies are no longer considered public utilities. A definition that clearly defines the intent of the term would be helpful to avoid confusion, to maintain fairness in a competitive electric generation industry, and to protect the electric power supply to the consumers.
- Add a paragraph to 118.5 that allows the CDC to approve continued water withdrawal by those water users that directly impact public health. Section 118.5 requires plans of action to reduce water withdrawal and use up to 50%. Most of the water withdrawn by electric generation facilities is non-contact cooling water that is returned to the stream immediately. Another large water use is consumptive use through cooling towers. The only way to reduce this water use is to not generate electricity. That could have a disastrous impact to people living in Pennsylvania and other states, including people living in areas not impacted by the drought.

The only provision to consider public health and safety and essential public utility services is in Section 118.6 "Implementation of reductions". It may more efficient to allow the CDC to consider public health and public services when crafting the drought management plans, not when implementing those plans. Drought management plans for electric generating facilities should include provisions for sound water management, reductions or termination of non-essential water use and curtailment of water use not directly related to electricity production. Even thinking about of 50% reductions of total water withdrawals is impractical and should not be an issue before the CDC during drought emergencies.

Thank you for the opportunity to comment.

Tom Teitt
Environmental Manager

<<...>>

1001 Broad Street
Johnstown, PA 15907
814-533-8028 fax 814-533-8085
tteitt@reliantenergy.com

Pennsylvania Food Processors Association

Original: 2156, 2157, 2158, 2159

April 28, 2000

Mark L. Goodwin, Esq.
Chief Counsel
Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA 17110-9364

RECEIVED
2000 MAY - 1 AM 8:50
REVIEW COMMISSION

Dear Mr. Goodwin:

The Pennsylvania Food Processors Association (PFPA) wishes to express concern regarding proposed changes to existing drought management regulations by the Pennsylvania Emergency Management Agency (PEMA). The proposed changes were published in the Pennsylvania Bulletin, Volume 30, Number 13 on March 25, 2000.

We are directly concerned since the primary business of the members of our Association relates to the processing of perishable commodities, namely vegetables and fruit. Pennsylvania has been subjected to numerous drought scenarios over the past decade. Inevitably, these droughts occur during the growing, harvesting, or processing season. As an industry, Pennsylvania's food processors have made many water conservation oriented improvements in their operations in order to continue operating during periods of water availability concern. Pennsylvania food processing operations are operated on a daily basis with water conservation as a consideration. In so far as the industry's proactive design and implementation of water conservation practices, water is utilized in significant amounts in order to properly process vegetable and fruit raw materials. There is simply no way around this fact.

Although these regulations somewhat mirror the Delaware River Basin Commission's (DRBC), this expansion of State-wide proportions has many concerned parties closely examining the regulations for the first time. Valid concerns exist within the food processing industry relating to the structure that exists for exemption or variance from the proposed regulations.

The draft regulations provide a procedure for a Public Utility to request an exemption or variance (Sec. 118.4 (b)(7)). Food processors served by a Public Utility may face water use restrictions brought about by that utility's implemented contingency plan. No options exist in the package for the declaration of an extraordinary need or hardship by any impacted customer.

Similarly, the regulations state that the Commonwealth Drought Coordinator will consider the relative impact of water use reductions upon public health and safety, food and fiber production and the maintenance of employment (Sec. 118.6 (a)(2)). They further provide details for self-supplied commercial and industrial users to apply for a variance or exemption (Sec. 118.8). This procedure requires the Commonwealth Drought Coordinator or his designee, as an agent of PEMA, to provide a written decision in seven working days of submission of a request.

The Pennsylvania Food Processors Association believes that neither of the exemption possibilities adequately recognizes the critical value of water in the processing of fruit and vegetables within the Commonwealth. Fruits and vegetables do not mature at an always-predictable rate, nor do they arrive at the processing location in the same physical conditions. These two factors establish a critical difference between the processing of commodities and all other products within the Commonwealth. Harvest time and commodity condition require extensive water use flexibility on the part of food processors so that Best Management Practices are followed during the handling of the commodities, so Hazard Analysis and Critical Control Procedures are adhered to during the food processing, and, so that sanitation is maintained for production of quality food products. Contingency plans proposed would require documentation of phased reductions to achieve decreased water use amounts of 5%, 15%, 25%, 35%, and 50%. These predetermined limits cannot be met when the variables described are truly considered and proper production practices are followed. The industry and the Commonwealth face the risk of losing the commodities involved.

The Pennsylvania Food Processors Association urges that revisions be included which:

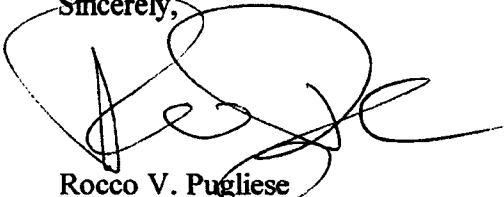
- * Would allow for a clear exemption by the full-time Commonwealth Drought Coordinator;
- * Would allow for a decision in a time frame not impacted by sudden variable changes such as field maturation or storage conditions, where a delay of up to seven days or more could mean a devastating loss of product;
- * Would still require documentation of conservation measures and practices which insure that conservation is a normal consideration of food processing operations within the Commonwealth;
- * Would allow for protection of food processing facilities that are customers of Public Utility water supply systems; and,

PA Emergency Management Agency
April 28, 2000
Page 3

* Would establish program enforcement details which require review and intervention by the Pennsylvania Emergency Management Agency or the Pennsylvania Department of Environmental Protection prior to the issuance of a summary offense by a law enforcement agency or private citizen unfamiliar with the water use requirements of a food processing facility.

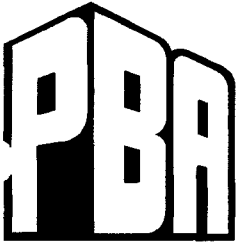
Thank you for your attention to our comments and recommendations. It is vitally important that PEMA consider these measures for modification before the regulatory package is enacted and fruit and vegetable commodities are placed at risk throughout the Commonwealth. The Association and its members are most willing to discuss our concerns with the staff of PEMA.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pugliese', written over a large, faint circular stamp or watermark.

Rocco V. Pugliese
Pennsylvania Food Processors Association

cc: The Honorable Samuel E. Hayes
The Honorable James M. Seif
The Honorable William L. Slocum
The Honorable Patrick J. Stapleton
The Honorable Paul W. Semmel
The Honorable Thomas A. Michlovic
The Honorable Raymond Bunt, Jr.
The Honorable Italo S. Cappabianca
✓ Robert E. Nyce, Executive Director, Independent Regulatory Review Commission
PFPA Environmental Improvement Committee



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**PENNSYLVANIA
BUILDERS
ASSOCIATION**

Original: 2156
2157
2158
2159

April 28, 2000

Mr. Mark Goodwin, Chief Counsel
Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA 17110

RECEIVED
2000 MAY -1 AM 8:50
REVIEW COMMISSION

Dear Mr. Goodwin:

The Pennsylvania Builders Association (PBA) has reviewed the draft drought emergency regulations proposed by the Pennsylvania Emergency Management Agency (PEMA) and the Department of Environmental Protection (the Department). We offer the following comments for your consideration.

1. PBA believes that, generally, Pennsylvania law does not authorize the promulgation of the proposed regulations. Specifically:
 - a. No state law authorizes PEMA to mandate that Commonwealth or local agencies provide information to PEMA in times of non-emergency. Further, no law authorizes PEMA to solicit or require private entities to provide such information at any time. Such mandates equate to the exercise of emergency police powers absent a gubernatorial emergency declaration.
 - b. No state law authorizes the regulation of “any water” as defined in the proposed regulation.
 - c. No state law authorizes the modification of existing regulations beyond the geographical limits of the Delaware River Basin Commission.

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- d. Pennsylvania law allows PEMA either to utilize the existing resources of other state agencies or to hire such expertise as is necessary internally. No authority is provided to mandate the creation of a Commonwealth Drought Coordinator in the Department of Environmental Protection. Further, no authorization is provided for PEMA to delegate such decisionmaking, penalty or enforcement authorities as are proposed.
2. Assuming the issues above, related to legal authority, can be addressed satisfactorily, PEMA needs to consider the following comments in the context of any proposed regulatory package on this issue.
 - a. The relationship between any proposed regulations and the issue of federal primacy on water planning and withdrawal issues that resides with the Delaware River Basin Commission and the Susquehanna River Basin Commission needs to be addressed and clarified.
 - b. PBA considers the planning requirements placed on private entities to be potentially unduly burdensome in terms of time and cost. Specific details concerning the level of effort required to satisfy such requirements should be made available for public consideration prior to finalization of the regulation.
 - c. Any regulation must allow two additional water uses during a drought emergency.
 - i.) In addition to watering to ensure the establishment of sod, equivalent provisions should be included allowing watering to ensure survival of woody stock transplanted eighteen months or less before the declaration of a drought emergency.
 - ii.) Any proposed regulation should allow the use of water to establish vegetative cover for erosion and sedimentation pollution control. Regulations precluding such water use will place permittees under Pa Code 25 §102 in an untenable position of violating one state regulation to comply with another.

The Pennsylvania Builders Association requests PEMA address these concerns before finalizing this proposal. If you wish to discuss this matter further, or if you have any questions or concerns regarding these comments, please feel free to contact me at the address or telephone number above, or by e-mail at mmaurer@pahomes.org.

Sincerely,

A handwritten signature in black ink that reads "Mark Maurer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mark Maurer
Assistant Director of Governmental Affairs

cc: Senator Mary Jo White
Senator Raphael J. Musto
Representative Arthur D. Hershey
Representative Camille George
Representative Paul W. Semmel
Representative Thomas A. Michlovic
Mr. Robert Nyce, Executive Director, IRRC



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Mr. Mark Goodwin
Chief Counsel
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mgoodwin@state.pa.us

Subject: Comments on proposed changes to drought planning and response regulations

Dear Mr. Goodwin,

Carpenter appreciates the opportunity to comment on PEMA's proposed rules regarding drought planning. During the 1999 drought, Carpenter personnel participated on the Berks County Drought Emergency Committee and gained some insight on this issue. We hope that these comments will help PEMA in developing its final regulations.

Carpenter requests that drought emergency designations be applied to specific water supplies impacted by the drought and not generically applied to a general region. During the last drought, it became evident that several water supplies in our region were not impacted significantly by the drought, while others were. There is variation in a drought's impact between and among ground water and surface water supplies.

Each water supply can be unique in its hydrogeological factors that influence its ability to store and produce water. These factors should be considered for each water supply when designating drought emergencies and requiring use reductions.

Carpenter disagrees with the PEMA's plan to carve out generic special water rationing exemptions for the food and pharmaceutical industries. The impact of water mandatory water reductions on these industries should be the same as it is on every other industry; reduced production and economic losses, unless a true public health benefit is realized. PEMA provided no public health basis to support these broad exemptions.

If a food business does not have enough water ration to clean its equipment or to make product, it must reduce its manufacturing operations, like any other firm that relies on water to operate and has to deal with rationing. Emergency exemptions should only be made for locally produced foodstuffs, i.e. bread or milk, that can not be readily imported into the drought area.

The Department also did not demonstrate the public health benefit of a generic exclusion for pharmaceutical companies. If a pharmaceutical company located in the drought region is the only manufacturer of a drug, this exclusion would be appropriate. However, if the drug is produced at other locations or by other drug companies, and the drug would still be available to the public, this exclusion would not be fair to other manufacturing companies who would be required to ration water.

Hospitals and other health care facilities should be exempt from water rationing requirements, but should be encouraged to do what they can during a drought.

Carpenter also believes the CDC should take into account the level of water recycling currently being done by a company when making water rationing decisions. Many environmentally conscious firms have implemented water-use reduction programs, which include recycling water, as part of their pollution prevention programs.

Further reductions in water use at these companies may not be possible without shutting down manufacturing processes. Environmentally unfriendly companies that currently waste water would be able to reduce water consumption without impacting their ability to operate. This would be unfair to companies that support pollution prevention activities. Due to this, the CDC should consider a company's water recycling rate in his or her decision making process when implementing water rationing.

Carpenter requests that water use reduction plans that are developed by businesses at the request of the CDC include the ability to use site-specific hydrogeological data to determine if rationing is necessary, as is currently done by public water supplies. Due to unique hydrogeological conditions at a site, i.e. well depths and specific aquifer use, water shortages may not be an issue for a particular site or aquifer and rationing may not be required.

Finally, Carpenter requests that the washing or spraying of manufacturing plant roads be allowed when it is required to meet an environmental permit condition or other regulatory requirement for dust control. If this were not allowed, these sites would be forced to violate Federal and State legal regulatory and statutory requirements.

Carpenter thanks PEMA for the opportunity to provide comments on these regulations and looks forward to reading your responses to them.

Sincerely,

Sean McGowan

Carpenter Technology Corporation
101 Bern Street
Reading, PA 19610