

ORIGINAL: 2214

IRRC

From: Bob Wendelgass
Sent: Monday, July 08, 2002 9:42 AM
To: IRRC
Subject: Safe Drinking Water Act Amendments

Over the past year, Clean Water Action and thousands of its members have pressed for improvements to DEP's proposed changes in the Public Notification Rule, which governs when and how the public is notified if their drinking water is not safe to drink. While parts of this rule are an improvement over current practices, in other areas, the new rule will reduce the public's right to know when their drinking water is unsafe.

Our concerns have been endorsed by 60 public health, environmental, religious and consumer organizations who believe that the public should be informed about conditions that could affect their health as soon as possible. (A list of supporting groups is attached). In addition, over 2,000 individuals from across Pennsylvania submitted comments to the DEP during the public comment period on this regulation, supporting our proposals to improve the public's right to know about the quality of their drinking water.

Our first concern with the rulemaking is that it allows water utilities to take as long as 30 days before notifying consumers of unsafe levels of toxic chemicals in their water. Tier 2 violations are defined in the regulations as violations with the potential to cause "serious adverse effects on human health". This would include unsafe levels of arsenic, pesticides, dioxins or other toxic chemicals, and radionuclides like radium. Under the new rule, the length of time utilities will be given to notify the public of Tier 2 violations will be increased to 30 days. This is too long, especially for vulnerable groups like pregnant women, infants and people with weakened immune systems.

We support a change that would ensure quicker notification by requiring that for any Tier 1 or Tier 2 violation, in addition to the other notification requirements in the regulations, water utilities that serve more than 500 people must notify the media within 24 hours of discovering the violation. This is simple and inexpensive; but will get information to consumers sooner, enabling them to take action quickly to protect their health.

We also proposed a change to the Rule that would prohibit utilities that serve more than 50 people from simply posting notices to notify consumers of a violation. Posting notices in public areas can be a useful supplement to other forms of notification, but it is not sufficient by itself to inform people when their health is potentially at risk.

Our third concern is that the rulemaking won't require notices to be translated into other languages in areas with large non-English speaking populations. Under DEP's proposed rule, utilities with a significant number of customers who don't speak English can simply put an announcement on the notice sent to customers that says (in the appropriate language) "this notice is important" or perhaps gives a phone number to call for more information.

That is simply not acceptable for materials informing people of a possible serious threat to their health. The utilities will send to people is only one page long. DEP could easily provide utilities with a translated version that they could print on the back page of the English form. That would ensure that people who don't read English would be warned about problems with their water as soon as possible, without having to find a neighbor who could translate the form or without having to call their utility and wait for a translated version to arrive in the mail.

The groups and individuals supporting these amendments believe that the public should be informed as soon as possible when their drinking water could pose a threat of "serious adverse health effects".

We know that pregnant women, people with compromised immune systems (such as people with HIV/AIDS or people undergoing chemotherapy), the frail elderly and very young children are more at risk for waterborne diseases and other contaminants in tap water. Recent research suggests that exposure to low levels of disrupting chemicals at certain points during a pregnancy can have a permanent effect on fetal development. In addition, we know that children are more sensitive to health effects from many chemicals, including pesticides, that are more toxic to their developing bodies. Providing quicker notification to vulnerable groups like these will enable them to limit their exposure, protecting themselves from any possible health effects.

We believe that the proposed Rulemaking will undermine public health by weakening the public's right to know when their water is not safe to drink. The changes we have proposed would, at little or no cost to utilities, help

7/8/2002

water consumers protect their health, eliminating unnecessary suffering, medical expenses and lost work time. We urge the IRRC to support these changes, helping to protect the health of all water consumers in

Sincerely,

Robert Wendelgass
State Director
Clean Water Action
1201 Chestnut St. #602
Philadelphia PA 19107
215-640-8800

7/8/2002

SUPPORTERS OF PROPOSED CHANGES IN PUBLIC NOTIFICATION RULE:

Action AIDS
Action Alliance of Senior Citizens of
Greater Philadelphia
AIDS Outreach
Alice Water Protection Association
Allegheny Unitarian Universalist Church
Alliance for Progressive Action
Association of Community Organizations
For Reform Now (ACORN)
Berks Chemical Sensitivity Network
Butler Natural Living
CATA (Committee to Support
Farmworkers)
Cancer Patients Legal Advocacy
Citizens for Good Government
Citizens for Pennsylvania's Future
Clean Air Council
Clean Water Action
Clean Water Fund
Community/Labor Refinery Tracking
Committee
Darby Creek Valley Association
Delaware RiverKeeper Network
East End Food Co-op, Pittsburgh
Earth Concerns Organization of the Main
Line Unitarian Church
Eastwick Project Area Committee
Green Valleys Association
Juniata Valley Audubon
Lehigh Valley Greens
Local Environmental Awareness and
Development (LEAD) Group
Little Lehigh Watershed Coalition
Little Lehigh Trout Unlimited
Maternity Care Coalition
Mountain Watershed Association
Neshaminy Watershed Association
North Area Environmental Council
Pennsylvania Alliance for Retired
Americans
Pennsylvania Chapter of Sierra Club
Pennsylvania Council of Churches
Pennsylvania Environmental Network
Pennsylvania League of Conservation
Voters
Pennsylvania Public Interest Research
Group
Philadelphia AIDS Consortium
Philadelphia Citizens for Children & Youth
Philadelphia Community Health
Alternatives
Philadelphia Corporation for Aging
Philadelphia Physicians for Social
Responsibility
Physicians for Social Responsibility
Pittsburgh AIDS Task Force
Pittsburgh Area Stand for Children
Providence Family Support Center
Raymond Proffitt Foundation
Save Open Space
Sierra Club, Allegheny Group
Sierra Club, Berks Group
Sierra Club, Lehigh Valley Group
Slippery Rock StreamKeepers
Springton Lake Crum Creek Conservancy
Thomas Merton Center
Three RiversKeeper
Unitarian Universalist Fellowship of
Pottstown
Valley Forge Trout Unlimited
West Chester Fish, Game and Wildlife
Association
Women's Health & Environment Network

ORIGINAL: 2214



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

RECEIVED
JUL 02 2002
2002-07-02 FILE: 22
INDEPENDENT REGULATORY
REVIEW COMMISSION

JUL 02 2002

John McGinley, Jr.
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Chairman McGinley:

It is our understanding that at the July 11, 2002 Independent Regulatory Review Commission (IRRC) meeting that the Pennsylvania Department of Environmental Protection (PADEP) final drinking water regulations will be considered. We would like to offer our support for these important regulations and remind the Commission of various deadlines which are critical for the PADEP to meet.

As you may know, the Commonwealth must meet certain requirements in order to maintain their status as the primary enforcement authority (known as primacy) under the Federal Safe Drinking Water Act (SDWA). One such requirement is to adopt drinking water regulations which are no less stringent than the Federal regulations. Rules must be adopted within two years of Federal promulgation unless the PADEP requests an extension. Extensions may be granted for up to two additional years.

Primacy also allows PADEP to apply for and obtain federal funding under several grant programs including the Public Water System Supervision Program, the Drinking Water State Revolving Fund, and public water supply security coordination. Funding available to Pennsylvania from these grants totals over \$29 million in Federal fiscal year 2002.

We have worked closely with PADEP's Drinking Water Management Division on the development of these regulations and have offered extensive comments during the comment period. The U.S. Environmental Protection Agency (EPA) Region III is pleased the PADEP is revising the Lead and Copper Rule (LCR). When originally adopted by PADEP in 1994, EPA expressed concern for missing or less stringent provisions, forcing EPA to determine that the Commonwealth's rule was not as stringent as Federal Drinking Water regulations. EPA and PADEP have worked long and hard over the past seven and a half years to resolve these issues. EPA is confident that with the adoption of this final rule, PADEP can obtain primacy for the LCR.

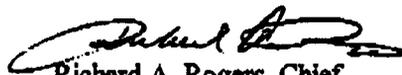
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Other Federal recently promulgated rules that also need to be adopted by PADEP include the Consumer Confidence Report (CCR) and Public Notification (PN) Rules. These rules are also part of the rule package to be considered at the July 11th IRRC meeting. PADEP requested and received an extension until August 21, 2002 for the submission of a complete primacy program revision application package. This package must include regulations that are adopted and in effect. By Federal law, no further extension can be granted for adoption of the CCR Rule and the submission of the primacy revision application. Approval by the IRRC at the July 11th meeting will enable PADEP to meet the August 21, 2002 deadline.

EPA strongly encourages the IRRC to approve for adoption the set of rules presented for the Commission's consideration in order to assist PADEP with meeting their obligations under the Federal program and safeguarding grant funding which could be lost if the Commonwealth were to lose primacy for the drinking water program. PADEP will be adopting numerous other new and revised rules over the next three to five years. These regulatory revisions will provide future opportunity to amend these regulations should changes be deemed necessary. Any future change to the rules will, of course, require a review and approval by EPA to ensure the revised rules continue to meet minimum Federal requirements.

Thank you for the opportunity to apprise you of EPA's requirements placed on state drinking water programs. I can be reached at 215-814-5711 if you would like to discuss this matter further.

Sincerely,



Richard A. Rogers, Chief
Drinking Water Branch

ORIGINAL: 2214



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**



**TO: NAME: Chairman McGinley
PHONE: 717-214-8955
FAX: 717-783-2664
DATE: July 2, 2002**

**FROM: NAME: Patti Kay Wisniewski
OFFICE: Drinking Water Branch (3WP22)
E-mail: Wisniewski.patti-kay@epa.gov
PHONE: 215-814-5668
FAX: 215-814-2318**

2002 JUL -2 PM 12:22
PATTI KAY WISNIEWSKI

ADDITIONAL COMMENTS: Comments for July 11th IRRC meeting. Letter is also in the mail. Thank you Scott for the notice about the opportunity to comment.

This is a revised version due to a typo.

PKW 7/2 12:15pm

Customer Service Hotline: 1-800-438-2474

Original: 2214

IRRC**From:** Bob Wendelgass [bwendelgass@cleanwater.org]**Sent:** Friday, June 28, 2002 9:45 AM**To:** IRRC**Subject:** RE SDWA Rules

The following comments are submitted on the SDWA rules which the Commission will be considering at its 7/11/02 meeting. They were submitted to the EQB in the fall of 2001 but are still relevant to the rulemaking being considered by the Commission.

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With the publication of new Public Notification and Consumer Confidence Report Rules, the Department of Environmental Protection has an opportunity to strengthen the public's right to know when our drinking water may affect our health. These regulations are critical to allow all Pennsylvanians, particularly the vulnerable populations most at risk, to protect themselves from contaminants in their water that could make them sick. For that reason, the below signed groups and individuals submit the following comments on the proposed rules.

Public Notification Rule: We are concerned that the proposed rule will weaken some of the existing protection afforded to the residents of Pennsylvania, in some cases actually delaying notification when our water is unsafe to drink.

Notification of the media within 24 hours: Under the proposed rule, it may sometimes be as long as 30 days before the public is notified that unhealthy levels of arsenic or some other cancer-causing chemical have been found in their tap water. This is unacceptable. Consumers should be informed of any violation of state drinking water standards as soon as possible so that they can take steps to protect their health. The quickest way to do this is to require that utilities notify local newspapers and the broadcast media of any Tier I or Tier II violation within 24 hours.

Use multiple methods of notification to reach people: While immediate notification of the media is important, using the media alone is not sufficient. Multiple methods of notification need to be utilized in order to reach all consumers of the water supply, particularly for the most serious violations (Tier I). In addition, using a posting as the only means of informing the public about a drinking water violation is not sufficient. Utilities should be required to use several of the available options for informing their consumers about potential threats to their health, especially for the most serious Tier I violations.

Send repeat notices of continued violations within 30 days: DEP's original proposal would have allowed utilities to wait up to 90 days before notifying consumers when violations of drinking water standards continue. We support the change in the final rulemaking requiring that notices that the water continues to be unsafe be sent out at least every 30 days to ensure that people continue to take precautions to protect their health.

Consumer Confidence Report Rule: We support the following changes in the rule governing the annual water quality reports sent to customers.

Distribute the reports to all consumers: Mailing reports only to bill-paying customers ignores a substantial portion of the population. Individuals who rent and don't generally pay water bills, which includes lower-income people and the elderly, are often more vulnerable to water related health problems. However, most renters will never receive a report under the proposed rules. A recent survey of over 100 Consumer Confidence Reports across Pennsylvania found several utilities that were distributing the report to all consumers. This demonstrates that it is both feasible and affordable for utilities to supply reports to all consumers. All utilities should be required to do so.

Name specific polluters by name: Water utilities are required to list known sources of contamination by name in the reports when "reliable" information is available. We urge the state to define "reliable" in order to give clearer direction to utilities. We suggest that utilities be required to list specific sources of contamination when data from any of the following sources is available: source water assessments, sanitary surveys, the Toxic Release Inventory, Discharge Monitoring Reports or state or federal Superfund data. Utilities should use other information as available but these specific resources should be referenced in order to provide clear direction to utilities.

6/28/2002

Provide health information for all detected contaminants: The proposed regulations only require utilities to include health effects language for detected contaminants that violate state or federal drinking water standards (with several exceptions for which additional health language is required). We believe that consumers should be provided health effects information for all detected contaminants. Again, several utilities in Pennsylvania have taken steps to include with information in their reports without causing public alarm or incurring additional costs.

Make available a full non-English translation of the report: The proposed regulations require systems that have a large portion of non-English speaking residents to include information in the appropriate language expressing the importance of the report and urging the reader to find some-one to translate it. That is not sufficient. We believe that if a water utility serves a community where at least 5% of its population does not speak English, the utility should be required to translate its CCR into that language. Further, it should place a prominent notice in that language in the report sent to all consumers announcing the availability of the translated version. This is the only way to guarantee accurate information is provided to non-English speaking populations.

We appreciate the opportunity to comment.

ORGANIZATIONS:

Clean Water Action
Clean Water Fund
Action AIDS
Action Alliance of Senior Citizens of Greater Philadelphia
AIDS Outreach
Alice Water Protection Association
Allegheny Unitarian Universalist Church
Alliance for Progressive Action
Association of Community Organizations for Reform Now (ACORN)
Berks Chemical Sensitivity Network
Butler Natural Living
CATA (Committee to Support Farmworkers).
Cancer Patients Legal Advocacy
Citizens for Good Government
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Philadelphia Corporation for Aging
Philadelphia Physicians for Social Responsibility
Pennsylvania Alliance for Retired Americans
Pennsylvania Council of Churches
Pennsylvania Chapter Sierra Club

6/28/2002

Physicians for Social Responsibility
Pittsburgh AIDS Task Force
Pittsburgh Area Stand for Children
Providence Family Support Center
Raymond Proffitt Foundation
Save Open Space
Sierra Club, Allegheny Group
Sierra Club, Berks Group
Sierra Club, Lehigh Valley Group
Slippery Rock StreamKeepers
Springton Lake Crum Creek Conservancy
3 RiversKeeper
Thomas Merton Center
Unitarian Universalist Fellowship of Pottstown
Valley Forge Trout Unlimited
West Chester Fish, Game & Wildlife Assn.
Women's Health & Environmental Network

INDIVIDUALS (Organizational affiliation for identification purposes only):

Joseph Colosi, Professor of Biology and Environmental Science, DeSales University
Rep. Dan Frankel, 23rd Legislative District
Rep. Robert Freeman, 136th Legislative District
Steven Halbert, MD
Michael Heiman, Environmental Studies Department, Dickinson College
Barbara Kline, CRNA, UPMC
Mary Kostalos, PhD, Biology Department Chatham College
Lara J. Kunschner, Allegheny General Hospital
Rep. David Levdansky, 39th Legislative District
Rep. Jennifer Mann, 132nd Legislative District
Sean McBride, Anderson Medical Research, Pittsburgh
Herbert L. Needleman MD, University of Pittsburgh, Lead Research Group
David McGuire, PhD, Chemist
Nancy Niemczyk, CNM
Grace Paranzino, MS RN, MCP Hahnemann School of Medicine
Rep. T.J. Rooney, 133rd Legislative District
Karin Sergel, Professor of Speech and Communication, Kutztown University
Randa Shannon, CRNA, UPMC
Elizabeth N. Stifel, MD
James Stuhltrager, Esquire
Rep. Dan Surra, 75th Legislative District
Evelyn O. Talbott, Dr. PH, Professor of Epidemiology, Graduate School of Public Health, University of Pittsburgh
Mark A. Thoma, MD
Rep. Curtis Thomas, 181st Legislative District
David Tollerud, MD
Stephen J. Tonsor, PhD, Department of Biological Sciences, University of Pittsburgh
Rep. Jim Wansacz, 114th Legislative District
Albert Wurth, PhD, Political Science Department, Lehigh University



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REVIEW COMMISSION

JUL 02 2002

John McGinley, Jr.
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

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As you may know, the Commonwealth must meet certain requirements in order to maintain their status as the primary enforcement authority (known as primacy) under the Federal Safe Drinking Water Act (SDWA). One such requirement is to adopt drinking water regulations which are no less stringent than the Federal regulations. Rules must be adopted within two years of Federal promulgation unless the PADEP requests an extension. Extensions may be granted for up to two additional years.

Primacy also allows PADEP to apply for and obtain federal funding under several grant programs including the Public Water System Supervision Program, the Drinking Water State Revolving Fund, and public water supply security coordination. Funding available to Pennsylvania from these grants totals over \$29 million in Federal fiscal year 2002.

We have worked closely with PADEP's Drinking Water Management Division on the development of these regulations and have offered extensive comments during the comment period. The U.S. Environmental Protection Agency (EPA) Region III is pleased the PADEP is revising the Lead and Copper Rule (LCR). When originally adopted by PADEP in 1994, EPA expressed concern for missing or less stringent provisions, forcing EPA to determine that the Commonwealth's rule was not as stringent as Federal Drinking Water regulations. EPA and PADEP have worked long and hard over the past seven and a half years to resolve these issues. EPA is confident that with the adoption of this final rule, PADEP can obtain primacy for the LCR.



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EPA strongly encourages the IRRC to approve for adoption the set of rules presented for the Commission's consideration in order to assist PADEP with meeting their obligations under the Federal program and safeguarding grant funding which could be lost if the Commonwealth were to lose primacy for the drinking water program. PADEP will be adopting numerous other new and revised rules over the next three to five years. These regulatory revisions will provide future opportunity to amend these regulations should changes be deemed necessary. Any future change to the rules will, of course, require a review and approval by EPA to ensure the revised rules continue to meet minimum Federal requirements.

Thank you for the opportunity to apprise you of EPA's requirements placed on state drinking water programs. I can be reached at 215-814-5711 if you would like to discuss this matter further.

Sincerely,



Richard A. Rogers, Chief
Drinking Water Branch



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 3
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029**



TO: NAME: Chairman McGinley
PHONE: 717-214-8955
FAX: 717-783-2664
DATE: July 2, 2002

FROM: NAME: Patti Kay Wisniewski
OFFICE: Drinking Water Branch (3WP22)
E-mail: Wisniewski.patti-kay@epa.gov
PHONE: 215-814-5668
FAX: 215-814-2318

2002 JUL -2 AM 8:11
 FEDERAL COMMUNICATIONS COMMISSION

ADDITIONAL COMMENTS: Comments for July 11th IRRC meeting. Letter is also in the mail. Thank you Scott for the notice about the opportunity to comment.

Customer Service Hotline: 1-800-438-2474

ORIGINAL: 2214



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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RECEIVED
2002 JUL -9 11:07
INDEPENDENT REGULATORY REVIEW COMMISSION

JUL 02 2002

John McGinley, Jr.
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

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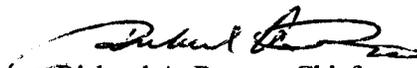
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