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Environmental Quality Board

p.o. box 8477 • harrisburg, pa. 17105-8477 • (717)787-4526

November 30, 2001

Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown #2
333 Market Street
Harrisburg, PA 17120

Re: Proposed Rulemaking – Safe Drinking Water Amendments (#7-368)

Dear Mr. Nyce:

Enclosed is a copy of the official verbatim transcript for the public hearing the Environmental Quality Board recently held on the proposed safe drinking water amendments. The public meeting, which took place before the hearing, was also transcribed.

If you have any questions, please call me.

Sincerely,

Sharon F. Trostle
Regulatory Coordinator

Enclosure

BEFORE THE
PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

* * * * *

IN RE: Safe Drinking Water
BEFORE: Deb Rotz, Chairman
Jeff Gordon, member
Lisa Daniels, member
Bruce Carl, member
Carl Everett, member
LOCATION: Sheraton Reading Hotel
1741 Papermill Road
Wyomissing, PA
HEARING: October 9, 2001
6:35 p.m.

Reporter: Carol L. Harriman

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3 Opening Statement			3 MS. ROTZ:
4 By Ms. Rotz	5 10		4 My name is Deb Rotz and
5 Statement			5 I'm with the compliance/
6 By Ms. Daniels	10 - 11		6 assessment section in the
7 By Mr. Carl	12 - 22		7 Division of Drinking Water
8 By Mr. Gordon	22 - 30		8 Management and I'm going to be
9 By Ms. Daniels	30 55		9 facilitating at least the first
10 By Ms. Sienkiewicz	56 - 58		10 part of this meeting tonight.
11 DISCUSSION AMONG PARTIES	59 - 83		11 I'd like to introduce our
12 Statement			12 speakers and they will be
13 By Mr. Everett	84 - 87		13 presenting the information that
14 By Mr. Sienkiewicz	87 - 98		14 DEP wants to present. Jeff
15 By Mr. Wendelgass	99 - 115		15 Gordon is the chief of Division
16 By Ms. Paranzino	115 - 125		16 of Drinking Water Management.
17 By Ms. Kaufmann	126 - 133		17 Lisa Daniels is the chief of
18 By Ms. Keim	133 - 136		18 the compliance/assessment
19 By Mr. Sergel	137 - 139		19 section and Bruce Carl is also
20 By Mr. Siegel	139 - 145		20 with compliance/assessment.
21 By Mr. Aurandt	145 - 156		21 And Dawn Hizner (phonetic) is
22 CERTIFICATE	159		22 joining us in the back. She's
23			23 also with
24			24 compliance/assessment. So
25			25 we're well fortified tonight.
Page 3			Page 5
1 EXHIBITS			1 I need to give you just a
2		Page	2 couple administrative details.
3 Number Description	Offered		3 If you haven't found them yet,
4			4 the restrooms are all the way
5	NONE OFFERED		5 down that hallway right near
6			6 the drinking fountain. And
7			7 just keep following the hallway
8			8 until you get to the end.
9			9 You'll find them. And if
10			10 you're looking for a vending
11			11 machine, that's also near the
12			12 restroom. They're in like a
13			13 little recess area with the
14			14 telephones. We're supposed to
15			15 have some ice water. It's
16			16 supposed to be coming so
17			17 hopefully you'll get some of
18			18 that. Tonight we have two
19			19 different things going on. The
20			20 first thing is the public
21			21 meeting and then we have a
22			22 public hearing that will be
23			23 used to accept testimony. The
24			24 hearing is not supposed to
25			25 start any later than 7:30. We

1 still need to talk to Carl
 2 Everett who will be
 3 facilitating that. He is a
 4 member of the Environmental
 5 Quality Board. We're trying to
 6 negotiate a short break in
 7 between the two events because
 8 probably everyone will need one
 9 so hopefully it's about 7:30 or
 10 a little bit after. Let me
 11 just look at a couple ground
 12 rules for tonight. Basically
 13 the meeting part of ---
 14 actually this is --- instead of
 15 ground rules that we're really
 16 looking at for the meeting, we
 17 are here to present the
 18 information about the proposed
 19 rulemaking. And if you haven't
 20 done so, there are a number of
 21 handouts in the back. One of
 22 them is a pretty detailed
 23 handout that talks about the
 24 public meeting and hearing and
 25 you can follow along. Most of

1 the major points are included
 2 in that handout. We do have a
 3 designated time for questions
 4 and answers and we really would
 5 ask that you hold your
 6 questions until then so that we
 7 can get through as much
 8 information as possible. If
 9 you want to, so that you don't
 10 forget your question, if you
 11 want to pick up an index card
 12 or Dawn can come by and give
 13 you an index card, you can
 14 record your questions on that
 15 card to save them for that Q
 16 and A. When we get to that
 17 we're going to ask you to use
 18 the microphone so that
 19 everybody can hear and then
 20 finally if you're not
 21 comfortable coming up to the
 22 microphone, you can just keep
 23 your questions on the card and
 24 we will look at them as we're
 25 gathering comments about the

1 rules. We do have a couple
 2 objectives for the meeting
 3 portion of this session and
 4 just to let you know what we're
 5 doing here, we are going to
 6 look very quickly at the right
 7 process, outline it to get
 8 everyone familiar with that.
 9 We have all these things
 10 spelled out in acronyms but
 11 really what we want to do is
 12 look at the provisions for the
 13 Lead and Copper Rule Minor
 14 Revisions, the Consumer
 15 Confidence Report and the
 16 Public Notice. So we're going
 17 to look at all those things.
 18 That's what you'll hear each
 19 speaker discuss. And then
 20 finally we are going to get
 21 into the question and answer
 22 session. Again, these are
 23 objectives that really relate
 24 to the first part of this event
 25 which is that meeting. So let

1 me just describe the rank
 2 process. As many of you know,
 3 that really begins with EPA and
 4 they publish proposed
 5 regulations. They accept
 6 comments and make revisions and
 7 then they publish final ranks.
 8 At that point all the states
 9 are required to adopt drinking
 10 water regulations that are as
 11 stringent as EPA's usually
 12 within two years unless they
 13 get an extension which is never
 14 more than two years. And that
 15 is all done so that they can
 16 retain primacy which is really
 17 the primary enforcement
 18 responsibility. So that's what
 19 the states have to do to
 20 maintain primacy. So
 21 Pennsylvania got the extension
 22 until August 21st, 2002 to
 23 adopt those three regulations.
 24 The Lead and Copper Rule Minor
 25 Revision, the Consumer

<p>Page 10</p> <p>1 Confidence Report and the 2 public notice. And they're all 3 in one package. Pennsylvania 4 also requires that DEP has to 5 adopt and implement a public 6 water supply program and that 7 program has to have elements 8 that are necessary to ensure 9 the enforcement responsibility. 10 So in addition to this we have 11 to implement programs to 12 enforce the new regulations. 13 So DEP must publish proposed 14 regs except public comment and 15 then publish final regs. And 16 at this point Lisa's going to 17 come up and tell you about the 18 status of the proposed reg 19 package. 20 MS. DANIELS: 21 Thanks, Deb. Just to 22 give you an idea of where we're 23 at, the reg package was 24 published in the Pennsylvania 25 Bulletin on September 8th. We</p>	<p>Page 12</p> <p>1 and Copper Rule Minor 2 Revisions. 3 MR. CARL: 4 Thank you, Lisa. Good 5 evening, everyone. What I'd 6 like to do is briefly just go 7 over the provisions of the Lead 8 and Copper Rule Minor 9 Revisions. And there's not a 10 lot to talk about them since 11 they are minor revisions. What 12 EPA did was take some of the 13 comments from the states and 14 also from water supplies and 15 they streamlined the 16 regulations to make it easier 17 for water systems to do the 18 monitoring, reduce costs for 19 them and still meet the public 20 health. This handout, Public 21 Meeting/Hearing Chapter 109, 22 Safe Drinking Water Amendments 23 on page two, it starts there 24 halfway down on the overview of 25 the Lead and Copper Rule Minor</p>
<p>Page 11</p> <p>1 are now in the midst of a 60- 2 day public comment period and 3 that public comment period will 4 end on November 7th. So 5 following this meeting we will 6 continue to accept written 7 comments up until that time 8 and, in fact, we encourage 9 folks to share with us what you 10 think about the rule. Now, one 11 of the handouts in your packet 12 is a copy of the Pennsylvania 13 Bulletin, but you can also get 14 additional copies at two 15 websites you see there in your 16 handout. One is a Department 17 web site and the other one is 18 the PA Bulletin web site. You 19 can download copies from there 20 as well. That's it for the 21 status and I think now I'll 22 just have Bruce come up. So 23 now I think we'll have Bruce 24 Carl come up and share some 25 things with you about the Lead</p>	<p>Page 13</p> <p>1 Revisions. There's a couple 2 bullets there. These are 3 things that aren't changed in 4 these regulations that were in 5 the original Lead and Copper 6 Rule. As I said, it's intended 7 to streamline monitoring 8 requirements, reduce the burden 9 of monitoring costs for water 10 systems while maintaining 11 public health. It does not 12 change the action levels under 13 the original rule. It's still 14 .015 milligrams per liter, 15 action level for lead and 1.3 16 milligrams per liter for 17 copper. It does not change the 18 basis of the Lead and Copper 19 Rule requirements to optimize 20 corrosion control treatment. 21 And if appropriate, treat 22 source water, deliver public 23 education and replace lead 24 service lines if it's needed. 25 Okay. So what has changed</p>

<p>Page 14</p> <p>1 then? Demonstration of optimal 2 corrosion control. In the past 3 regulations if a system for 4 waterfall parameters was one 5 time outside the range of water 6 quality parameters, you 7 automatically had a violation 8 right away. That regulation 9 discouraged water systems from 10 doing extra sampling, tweaking 11 their treatment and getting the 12 best out of their corrosion 13 control treatment. Now 14 compliance with water quality 15 parameters is based on the 16 number of days the water system 17 has an excursion. An excursion 18 is not a trip but it's a new 19 EPA term that explains that an 20 excursion is another word now 21 for being outside those water 22 quality parameters, out of that 23 range. That water quality 24 parameters could be pH or 25 alkalinity of the water. Now</p>	<p>Page 16</p> <p>1 own. However, they are 2 required to notify residents if 3 there's high lead levels and 4 they need to replace the 5 service line so they are 6 required to notify the 7 homeowner and they can replace 8 that service line if the 9 homeowner wants but it will be 10 at the homeowner's expense. 11 Water systems now only need 12 replaced, that part of the 13 service line they own. They 14 have to notify residents if 15 they're replacing that lead 16 service line and that's to 17 indicate to them that there 18 might be a potential for an 19 increase in lead levels when 20 they're replacing that service 21 line. Public education 22 requirements, non-transient, 23 non-community water systems and 24 special-case community water 25 systems can now use alternate</p>
<p>Page 15</p> <p>1 the system has nine days to get 2 their treatment back on line to 3 have that optimal corrosion 4 control treatment. So during 5 that nine days they can take 6 additional samples, they can 7 work on their treatment system 8 and perfect instead of just 9 having one sample and say, I'm 10 done, I had a violation. Now 11 we're encouraging to work with 12 their treatment system. That 13 service line replacement, one 14 of the complaints many water 15 systems had is that they had no 16 control over their service 17 lines. In a lot of cases it's 18 the homeowner owns the service 19 line, the water system has no 20 authority to replace that 21 service line. So EPA 22 recognized this and now their 23 water systems are only required 24 to replace that portion of the 25 lead service line that they</p>	<p>Page 17</p> <p>1 language as appropriate for 2 their systems. Special case 3 community water systems are 4 like hospitals, prisons, places 5 where the consumers of the 6 water don't have direct control 7 over those service lines. This 8 does not include information on 9 service line replacement, but 10 it does include information on 11 health effects and how 12 consumers can reduce lead 13 levels in their drinking water. 14 There's more flexibility in the 15 modes of delivery for public 16 education. This would be 17 primarily for non-transient 18 community water systems and 19 small community water systems, 20 those serving less than 3,300 21 people. The past regulations 22 required public service 23 announcements through radio and 24 television. Now public service 25 announcements would not be</p>

<p>Page 18</p> <p>1 required for these small 2 systems. It's easier for them 3 to directly notify their 4 customers. Typically these 5 small systems are manufactured 6 housing communities. They can 7 direct notify their customers 8 or they can post, things like 9 that. So this will help reduce 10 costs for those small systems. 11 Monitoring requirements, we now 12 would allow water systems with 13 low lead and copper tap levels 14 to conduct tap water monitoring 15 and water quality monitoring 16 once every three years without 17 conducting two years of annual 18 monitoring after they do their 19 initial lead tap monitoring. 20 These extremely low lead levels 21 would have to be .005 22 milligrams per liter for lead 23 and .65 milligrams per liter 24 for copper respectively. From 25 here they can go right to this</p>	<p>Page 20</p> <p>1 systems. Now there's some 2 flexibility for these systems 3 to still meet these 4 requirements of the Lead and 5 Copper Rule. We now permit 6 more flexibility in the time of 7 year when systems can conduct 8 reduced monitoring. The 9 current regulations require 10 systems that are on reduced 11 annual monitoring to collect 12 their samples between September 13 and --- or excuse me, between 14 June and September of each 15 year. This is difficult for 16 non-transient systems like 17 schools which aren't normally 18 in operation during the summer 19 months so now they can ask for 20 a different time period, 21 different four-month time 22 period from the Department as 23 to when to collect these 24 samples. We also allow nine- 25 year monitoring waivers for</p>
<p>Page 19</p> <p>1 accelerated or reduced lead 2 and copper tap monitoring. It 3 still effects the public 4 health, it's still at low lead 5 levels but it reduces 6 monitoring costs for water 7 systems. They now allow non- 8 transient, non-community water 9 systems and community water 10 systems that do not have enough 11 taps where water stood 12 motionless for six hours to now 13 collect samples from taps that 14 have long standing times. 15 Where this is a problem is with 16 factories or prisons or 17 hospitals where they're using 18 water 24 hours a day. The 19 water has no chance to stand 20 motionless in a distribution 21 system or service lines so they 22 couldn't meet the requirements 23 of the Lead and Copper Rule of 24 having a sample stand 25 motionless in the water</p>	<p>Page 21</p> <p>1 systems under 3,300 population 2 which are free of lead and 3 copper containing materials. 4 And how we qualify systems or 5 how we're at least looking to 6 qualify systems under this is 7 there are systems out there 8 that have all plastic lines. 9 They're not using copper 10 materials. There is also a 11 1989 Pennsylvania Lead Ban Act 12 that prohibits the use of lead 13 solder containing more than two 14 percent lead and also prohibits 15 pipes and faucets that contain 16 more than eight percent lead. 17 So systems that would have 18 materials after 1989 could 19 possibly be considered to be 20 lead free if they had plastic 21 lines and they met this 22 criteria of less than .2 23 percent lead solder and less 24 than eight percent lead faucets 25 or taps. And the last point I</p>

1 have is the invalidation of
 2 lead and copper tap samples.
 3 We're now allowed to invalidate
 4 samples for any of the four
 5 following reasons. There's a
 6 laboratory analysis there, a
 7 sample collection from an
 8 inappropriate site, a sample
 9 damaged in transit to the
 10 laboratory or a sample that was
 11 subject to tampering. I
 12 realize that was a very brief
 13 overview of the revisions but
 14 in order to save some time and
 15 get through everything tonight,
 16 I wanted to touch on those
 17 highlights. Now I'd like to
 18 turn the presentation over to
 19 Jeff Gordon on the Consumer
 20 Conference Report.
 21 MR. GORDON:
 22 Thank you, Bruce. Good
 23 evening. As a result of the
 24 Federal Consumer Confidence
 25 Report rule, approximately

1 2,200 community systems
 2 throughout Pennsylvania have
 3 been required to issue an
 4 annual CCR, Consumer Confidence
 5 Report for their consumers,
 6 customers primarily is the
 7 requirement. Today systems
 8 have issued Consumer Confidence
 9 Reports in 1999, 2000 and 2001.
 10 In addition to providing copies
 11 for the bill paying customers,
 12 these suppliers have also tried
 13 to meet the good faith effort
 14 required in the EPA regulations
 15 to provide copies to consumers
 16 who may not receive a bill.
 17 The largest community water
 18 systems are even required to
 19 post their Consumer Confidence
 20 Reports on a public web site
 21 and we have made an effort as
 22 well as the EPA to link to
 23 those web sites so you can do
 24 one-stop shopping just by
 25 getting to the DEP web site or

1 the EPA web site. Based on
 2 information that we've received
 3 to date from EPA, and EPA has
 4 currently enforced the CCR
 5 since we do not have our own
 6 regulation, more than 99
 7 percent of community water
 8 systems in Pennsylvania have
 9 issued CCR's in 1999 and 2000.
 10 In 2001 the numbers are not yet
 11 complete but initial
 12 indications are good that
 13 compliance will be high again.
 14 Although this is a new rule at
 15 the state level, virtually all
 16 the community systems in
 17 Pennsylvania have had at least
 18 three years of experience
 19 complying with the federal
 20 requirements. These systems
 21 have also had an opportunity to
 22 receive assistance through
 23 training and information being
 24 provided to them by the
 25 Department, by EPA and by a

1 number of industry-related
 2 groups such as the AWWA and
 3 PRWA. As a result community
 4 water systems are producing
 5 better CCR's each year and are
 6 addressing the implementation
 7 problems that have come to
 8 light as we've experienced over
 9 the last three years. We
 10 support this public reporting
 11 requirement since it provides a
 12 summary of each community water
 13 system's water quality. It
 14 connects the citizens with
 15 their water system and it
 16 allows consumers to participate
 17 with their water system in
 18 protecting the quality of the
 19 water they drink. What is the
 20 purpose of a Consumer
 21 Confidence Report? A number of
 22 things, but primarily it
 23 summarizes information that a
 24 community water system already
 25 collects and that would include

<p>Page 26</p> <p>1 information on the sources of 2 water that they use, the levels 3 of detected contaminants in the 4 water they produce, the 5 violations of many state 6 regulations that they may have 7 had in the last calendar year. 8 Health information concerning 9 drinking water and the 10 potential risks from the 11 detected contaminants. The 12 next purpose is to raise 13 consumers' awareness of where 14 the water comes from. Help 15 them understand the process by 16 which safe drinking water is 17 delivered to their homes and 18 educate them about the 19 importance of preventive 20 measures such as source water 21 protection that ensure a safe 22 drinking water supply. And 23 then it also promotes a 24 dialogue with consumers and 25 encourages the consumers to</p>	<p>Page 28</p> <p>1 labor for small systems. We 2 feel that it's important to 3 give consumers an actual copy 4 of the CCR, not just a notice, 5 that it is available. We 6 considered the cost of 7 producing the mailing or 8 directly distributing the CCR 9 versus the notice. But that 10 was not the deciding factor on 11 the decision-making process. 12 We added language where we felt 13 necessary to clarify some of 14 EPA's requirements. We defined 15 the term prominently displayed 16 and added information regarding 17 what DEP would consider as 18 detracting from the purpose of 19 the CCR. We included language 20 to guide water suppliers who 21 want to use their own words in 22 place of EPA's optional 23 language through the approval 24 process to get DEP approval. 25 And then we incorporated by</p>
<p>Page 27</p> <p>1 become more involved in the 2 decisions that may affect their 3 health by directing those 4 individuals to sources of more 5 detailed information such as a 6 source water assessment report, 7 a contact person with the 8 system that they can call. And 9 even when, if the system holds 10 meetings, when public meetings 11 are being held. It also 12 enables customers of community 13 water systems to make personal 14 health-based decisions 15 regarding their drinking water 16 consumption. How is DEP 17 planning to incorporate the 18 federal Consumer Confidence 19 Report rule into our 20 regulations in Chapter 109? 21 Well, when possible we're 22 referencing the federal 23 requirements. A couple of 24 things that are different, we 25 are not allowing the mailing</p>	<p>Page 29</p> <p>1 reference the formatting 2 requirements that establish how 3 information in the CCR should 4 appear. We felt the systems 5 should have some flexibility in 6 deciding how to format the 7 reports as long as all the 8 required elements are included. 9 EPA has provided some guidance 10 including a variety of 11 templates to help the systems 12 organize their Consumer 13 Confidence Reports. Basically 14 we've set some minimums but for 15 the most part we did not 16 dictate where information must 17 be placed in the CCR. We plan 18 to provide additional 19 department guidance as needed. 20 And then we incorporated by 21 reference the requirements for 22 adding additional information 23 to the Consumer Confidence 24 Report. We recognized that an 25 annual report provides an</p>

<p>Page 30</p> <p>1 excellent tool to connect 2 consumers with their public 3 water systems. But it's not 4 the only tool. As you'll hear 5 from Lisa very shortly, all 6 public water systems are 7 required to issue public notice 8 to tell all consumers when they 9 violate the regulations. In 10 the past this meant that the 11 only news that many people 12 received from the water systems 13 were bills, rate increase 14 notices and public notice that 15 they had a violation. We set 16 some minimums on font size and 17 color combinations and 18 reaffirmed that additional 19 information shall not detract 20 from the purpose of the report 21 but that's about it. What I'd 22 like to do is now turn the 23 podium over to Lisa and let her 24 discuss the public notification 25 provisions.</p>	<p>Page 32</p> <p>1 Potentially Serious Violations. 2 What the GAO found was 3 essentially a low compliance 4 rate with the current rule. 5 They found aspects of the 6 requirement were actually a 7 complicating factor that caused 8 a low compliance with the rule 9 and also caused difficulty in 10 effectively communicating 11 important information to 12 consumers. Notices were too 13 technical. They didn't have 14 enough information about how 15 the consumers should react to 16 the problem. So these are some 17 of the things they found and as 18 a result of the report, they 19 made some recommendations to 20 improve the process. They 21 looked at things like focusing 22 notification on more serious 23 violations, taking a real hard 24 look at the health effects 25 language and trying to make</p>
<p>Page 31</p> <p>1 MS. DANIELS: 2 Okay. Thanks, Jeff. If 3 you're following along on the 4 handout we should be on page 5 five. And again, this is going 6 to be a real quick overview of 7 the PN rule. I think the 8 information in your handout 9 will allow you to go back and 10 look at that information as 11 well at a later date as you 12 need to. I thought it was 13 important to kind of start at 14 the beginning of why EPA even 15 considered changing an existing 16 regulation. And so if you see 17 in your handout this started 18 back in 1992 with the U.S. 19 General Accounting Office and a 20 report that they issued and 21 based on the title this gives 22 you some idea of what they 23 thought about the current rule. 24 The title is Consumers Often 25 Not Well Informed of</p>	<p>Page 33</p> <p>1 some changes and make it not so 2 technical. They looked at 3 improving the overall 4 effectiveness by building in 5 some flexibility so that 6 systems could choose what works 7 best for their system. And 8 they also looked at ways to 9 provide better oversight 10 through state and federal 11 guidelines. So this began in 12 1992. The GOA findings were 13 obviously a good starting point 14 for EPA to start looking at 15 what needed to change, but then 16 something else happened. We 17 also had the reauthorization of 18 the Federal Safe Drinking Water 19 Act in 1996. And again, 20 Congress looked at the current 21 rule and said we need to make 22 some changes. Some of the 23 things Congress said, obviously 24 consumers have a right to know 25 what is in their drinking</p>

<p>Page 34</p> <p>1 water. They looked at the fact 2 that all public water systems 3 should give notice to all 4 persons served for all 5 violations. But they also said 6 that the regulations must look 7 at different frequencies of 8 notice based on the persistence 9 of the violation and the 10 seriousness of any potential 11 adverse health effects. They 12 went on to say that notice 13 should be given within 24 hours 14 to all persons served for those 15 violations that have potential 16 to have serious adverse health 17 effects based on short-term 18 exposure. And also their 19 systems should consult with the 20 state in that same 24-hour 21 period about any additional 22 public notice requirements. 23 And finally they said public 24 notification should be in 25 written form for all other</p>	<p>Page 36</p> <p>1 And I think probably the best 2 way to look at what has changed 3 is to look at a couple of 4 examples. So what I'd like to 5 do is just quickly show you 6 three examples of violations in 7 each tier classification and 8 we're going to look at a side- 9 by-side comparison to what the 10 current Pennsylvania rule says 11 versus what the proposed 12 changes would be. So an 13 example of the Tier 14 violation, again, these are the 15 most serious types of 16 violations, those that pose a 17 health risk based on short-term 18 exposure. One of these happens 19 to be a combined filter 20 effluent turbidity monitoring. 21 And water systems take notice 22 that this is a Tier 1 23 violation. If you look at the 24 current PA rule, it says for a 25 system that has a violation may</p>
<p>Page 35</p> <p>1 violations. So we had the GAO 2 report, we had the 3 reauthorization of the Safe 4 Drinking Water Act, both of 5 those things occurring, EPA 6 made some changes to their 7 current rule. So let's look at 8 what they changed. The 9 proposed amendments are really 10 major revisions. And they 11 modified minimum requirements 12 regarding the form, manner, 13 frequency and content of the 14 public notices. And again, 15 they listened to GAO, they 16 listened to Congress and 17 they're attempting to better 18 target notices for serious 19 violations posing a short-term 20 exposure risk to health. 21 They're trying to make public 22 notification less burdensome 23 and the bottom line is to make 24 public notification more 25 effective for the consumers.</p>	<p>Page 37</p> <p>1 report to the Department within 2 one hour. We're keeping that 3 in our new regulation as well. 4 That's a state requirement, the 5 one hour reporting. So we're 6 keeping that. Obviously 7 systems will be taking 8 investigative and corrective 9 actions. Obviously we're 10 keeping that as well. But look 11 at the differences with public 12 notification itself. The old 13 rule says provide notice within 14 72 hours, to newspapers, 15 radio/television media or 16 directly notify users. And 17 I'll point out that at this 18 point in our current reg it 19 just says provide or furnish a 20 copy to the media. There's no 21 requirement that they make sure 22 it gets published or aired. So 23 think about that. The current 24 rule just says provide a copy 25 to the media. Now look at the</p>

<p>Page 38</p> <p>1 new side of things. In 2 addition to reporting to the 3 Department their initiating 4 that consultation that Congress 5 said we had to have. So 6 they're consulting with the 7 Department within 24 hours to 8 get guidance without public 9 notification. But they're also 10 providing Tier 1 notification 11 within 24 hours and this Tier 1 12 notification needs to get to 13 the public within 24 hours. So 14 if you look at that paragraph 15 it also says there's a new 16 performance standard that it 17 has to reach all persons 18 served. So there's a new 19 performance requirement. First 20 of all, it says it has to reach 21 the public within 24 hours. 22 There's a new performance 23 standard that it has to reach 24 all persons served, including 25 residential, transient and non-</p>	<p>Page 40</p> <p>1 differences. You'll notice 2 with the current rule we're 3 also talking about following it 4 up in the newspaper within 14 5 days, following that up by mail 6 within 45 days with a repeat 7 notice frequency of every three 8 months. You'll notice on the 9 other side we're not as 10 prescriptive when it comes to 11 following up that notice. 12 Again, there's a reason for 13 that. Congress said and EPA 14 said we need to put some 15 flexibility in there to make it 16 appropriate to the situation at 17 hand. In some cases the 18 violation is resolved within 14 19 days or within 45 days. So the 20 idea is the consultation. The 21 next paragraph down in the 22 proposed rule column says that 23 systems must comply with 24 initial and any additional 25 public notice requirements and</p>
<p>Page 39</p> <p>1 transient users. So it's 2 prefaced by that. Then it says 3 in order to reach all persons 4 served at a minimum, one or 5 more of the following shall be 6 used. This is going to be 7 based on the system and based 8 on their needs to get the 9 information out to reach all 10 the users. And they're looking 11 at broadcast media, radio, 12 television, posting, hand 13 delivery or another method 14 approved by the Department. 15 You'll notice a few things 16 missing there. One of the most 17 notably is newspaper. You 18 can't get a notice in the 19 newspaper and have it reach the 20 consumers within 24 hours. So 21 Congress says it has to be in 22 the consumer's hand within 24 23 hours. That limits what you 24 can physically do to get that 25 out there. So those are some</p>	<p>Page 41</p> <p>1 that is where we're setting up 2 these additional requirements. 3 A system-specific, case-by-case 4 basis. So the Department will 5 establish additional notice 6 requirements as part of the 7 consultation. And of course, 8 reporting of violation in their 9 CCR. So that's a quick look at 10 the Tier 1 violation and again 11 there's flexibility built in 12 because we've got all different 13 kinds of systems. A community 14 water system is anything from a 15 municipal authority to a 16 manufactured housing community 17 to a nursing home. And there 18 needs to be some flexibility 19 there. Posting a notice, hand 20 delivering a notice is 21 absolutely appropriate for a 22 system that is smaller and can 23 get to its constituents that 24 way. Posting is not 25 appropriate for a municipal</p>

<p>Page 42</p> <p>1 authority. So it has to match 2 the system type. Let's look at 3 --- you have a couple of 4 bullets there to kind of 5 further define some of the 6 information. I think I'll just 7 let you read that. If we look 8 at the example for Tier 2 PN, 9 these types of violations are 10 other MCL, Maximum Contaminant 11 Level, MRDL, and treatment 12 technique violations that are 13 not imminent threat violations. 14 These are not violations that 15 would pose a health risk based 16 on short-term exposure. These 17 all fit into the Tier 2 18 classification. So as an 19 example we looked at the 20 maximum contaminant level 21 violation for TTHM, total 22 trihalomethanes (phonetic). In 23 this particular case if we look 24 at the current rule versus 25 proposed rule, again we still</p>	<p>Page 44</p> <p>1 violation for failure to 2 collect a sample. You know, 3 something that really doesn't 4 pose a health risk and they 5 weren't able to distinguish 6 between the two because it came 7 in the same format and the same 8 timeframe so we have a 30-day 9 notice repeating the notice 10 every three months. So that's 11 the second in the three-tier 12 structure. And then if we 13 continue on to what Tier 3 14 looks like, we have --- Tier 3 15 violations are typically the 16 monitoring and reporting 17 violations, so a system fails 18 to collect a sample or report 19 the correct number of samples. 20 And here again, we have a 21 distinction between publishing 22 it in the newspaper within 14 23 days, mail it within 45 days 24 versus now they have up to a 25 year to report these types of</p>
<p>Page 43</p> <p>1 have our one-hour reporting 2 requirement, taking 3 investigative corrective 4 actions. Again, here's the 5 difference with the delivery 6 mechanism. Providing notice in 7 newspapers within 14 days or by 8 mail within 45 days, that's now 9 changed to providing the notice 10 within 30 days. As soon as 11 possible but within 30 days. 12 Again, the idea --- Congress 13 said that you have to make a 14 concerted effort to distinguish 15 those serious violations from 16 other types of violations. So 17 they made a concerted effort to 18 make a distinction mark between 19 a 24-hour notification and a 20 30-day notification. What was 21 happening is the public was 22 getting inundated with the same 23 type of notice on the same 24 frequency for an imminent 25 threat violation and also a</p>	<p>Page 45</p> <p>1 violations. Again, these are 2 not health-related violations. 3 This is a failure to take a 4 sample and oftentimes they're 5 also giving you the information 6 that they have taken a sample 7 and what those results are. So 8 they have up to a year and the 9 idea is they can actually 10 combine those violations that 11 happen throughout the year into 12 an annual notice so for 13 community water systems, they 14 can put that in their CCR. 15 Again, a way to distinguish 16 serious health threat 17 violations from the other types 18 of violations so that the 19 public is not desensitized to 20 the amount of public 21 notification that they get 22 throughout the year. So you 23 might ask what's going to make 24 this whole thing work if it's 25 less prescriptive and it's left</p>

1 up to the consultation process.
 2 Well, we are going to be
 3 working incredibly hard with
 4 these systems to have them
 5 prepare ahead of time. And we
 6 have a couple of bullets there
 7 to give you some idea of what
 8 we're going to be doing.
 9 Certainly we need to make
 10 public notification effective.
 11 Systems will be updating their
 12 operation and maintenance plan,
 13 their emergency response plans
 14 to include public notification
 15 components. We're going to ask
 16 them to create a strategy of
 17 how they're going to respond to
 18 each type of violation. We
 19 want to see these notices ahead
 20 of time and we want to know how
 21 they're going to reach all the
 22 users so that somebody like a
 23 municipal authority doesn't
 24 say, well, we're going to post
 25 our notice and that's how we're

1 going to take care of them.
 2 We're going to say, I don't
 3 think so and we're going to
 4 keep working with them to match
 5 the delivery methods with that
 6 type of system. EPA has
 7 created a pretty good handbook,
 8 public notification handbook
 9 that includes a lot of
 10 templates. Now we need to make
 11 a few changes to those but
 12 we're going to be basically
 13 going with the same templates
 14 and providing those to systems
 15 so that they can work on
 16 templates that are system
 17 specific. And we're going to
 18 ask that they submit this
 19 information to us ahead of time
 20 as part of these plans so we
 21 can review them. The
 22 consultation process, the 24-
 23 hour consultation process
 24 should be a reaffirmation of
 25 what they're doing. It

1 shouldn't be the first time
 2 we've seen the notices that
 3 they tend to use and it's not
 4 going to be the first time
 5 we've talked to them about how
 6 to deliver those. If you're in
 7 an emergency mode you don't
 8 want to be just talking about
 9 these things. So we're going
 10 to be working with them ahead
 11 of time. We're going to
 12 suggest that systems work with
 13 the media ahead of time and
 14 really help to explain what
 15 constitutes an emergency. We
 16 have a problem with getting the
 17 media to publish what we need
 18 them to publish exactly the way
 19 it needs to be said so we need
 20 to work with them ahead of time
 21 to make that process work
 22 better. Is there a way to tap
 23 into the Emergency Broadcast
 24 System and use that? I can
 25 tell when my kids have off

1 school on a snow day. Why
 2 don't we use that to issue boil
 3 water advisories, for example,
 4 for water systems. So we're
 5 looking into some of those
 6 needs. Certainly having good
 7 clear information about health
 8 effects is going to be
 9 important, so we're encouraging
 10 systems to look at the various
 11 fact sheets that EPA has
 12 available on their web site and
 13 through the safe drinking water
 14 hotline as well as some of the
 15 information that the CDC has.
 16 So get that information ahead
 17 of time. And also we're going
 18 to talk a little bit about
 19 multi-lingual requirements so
 20 there are some web sites
 21 available to get that kind of
 22 information as well. As a
 23 quick overview of PN, but just
 24 to kind of close I'd like to
 25 tell you some of the things

<p>Page 50</p> <p>1 that we're hoping to get some 2 comment on because these are 3 some things we're struggling 4 with. Two things really. We 5 want your comments on EPA's 6 tier designation for these most 7 serious violations. We have 8 changed two of them. Combined 9 filter effluent, maximum 10 turbidity, we've bumped that up 11 to a Tier 1 violation. EPA has 12 it listed as a two but gives 13 the state the ability to 14 upgrade it to a one if we see 15 fit. We're just going to make 16 it a one based on the threat of 17 Cryptosporidium primarily which 18 is a parasite. Cryptosporidium 19 is resistant to disinfection. 20 So if filtration is not working 21 as evidenced by an increase in 22 turbidity, we're saying that's 23 a breakdown in treatment and we 24 need to look at going to a Tier 25 1 notification and getting</p>	<p>Page 52</p> <p>1 that's a little different. We 2 have some additional handouts 3 there for you. One of them is 4 the tier designation, appendix 5 A, so that you can take a look 6 at that at a later date. And 7 appendix B has some of the 8 mandatory health effects 9 language that you can also look 10 at at a later date. The other 11 thing we're seeking public 12 comment on is non-English 13 requirements. There's a 14 similar requirement in both the 15 PN rule and the Consumer 16 Confidence Report rule that 17 says once the Department sets a 18 percentage, let's just say it's 19 at ten percent. If you have 20 more than ten percent of your 21 population that's non-English 22 speaking, a subset of your 23 population that you need to 24 provide information in that 25 language. Now the way it's</p>
<p>Page 51</p> <p>1 information out to consumers 2 that there's the possibility 3 that there's an increased 4 chance that the water may 5 contain a disease-causing 6 organism. So that's one 7 change. The second one is not 8 much of a change that I need to 9 explain. We have a primary MCL 10 fluoride at two milligrams per 11 liter. That requires a Tier 2 12 public notification. EPA has 13 two different levels for 14 fluoride. They have a primary 15 standard at four and a 16 secondary standard at two. 17 We've just gone right to the 18 two. We don't allow systems 19 billed over two so we're a 20 little different there if 21 you're reading any federal 22 materials versus state. We 23 stop at the two. EPA allows 24 you to go up to a four, 25 Pennsylvania doesn't. So</p>	<p>Page 53</p> <p>1 written right now is there's an 2 incredible amount of 3 flexibility. It says the bare 4 minimum is that you put a 5 warning statement on that 6 notice in the appropriate 7 language, something to the 8 effect that this is important 9 information, please get it 10 translated. That's the bare 11 minimum. EPA goes on to say or 12 you can provide a phone number 13 or an address where consumers 14 can get a translated copy or at 15 least get assistance in 16 translating it. That's the 17 other end of the spectrum. So 18 at this point we need some 19 feedback on where we should put 20 that population threshold. 21 Some other states that already 22 have the regulations passed are 23 choosing the ten percent 24 threshold. California has that 25 and a couple of other states</p>

<p>Page 54</p> <p>1 do. And the other states as 2 well are going with the 3 regulation as it stands, that 4 there's a choice there that 5 systems are in compliance 6 provided they at least place 7 the warning statement on. So 8 that's the other area that 9 we're asking for information 10 about. And something that Deb 11 put together for you, one of 12 your handouts. We're lucky that 13 we just had a census in 2000 so 14 that data is available and she 15 went through and pulled off the 16 census data for 15 of the 17 largest cities in Pennsylvania 18 as well as a couple of others 19 that she found. So you can 20 kind of take a look at 21 percentages of various 22 nationalities that we might 23 actually be talking about. So 24 you can get an idea of what 25 some of the larger cities are</p>	<p>Page 56</p> <p>1 and anybody can ask a question. 2 And again, this is about what 3 you just heard. We ask that 4 you use the microphone and I 5 think we're going to have to 6 hold it to 7:30 so that you can 7 proceed with the hearing part. 8 So I'm --- yes, please, come on 9 up. I know Mike's name so I 10 can call you by name but I 11 apologize ---. 12 MR. SIENKIEWICZ: 13 I really don't need the 14 mic but if you insist. I have 15 two questions if I may. My 16 name is Michael A. spelled S as 17 in Sam, I-E-N-K-I-E-W-I-C as in 18 chlorine, Z as in zebra. 19 In your numbers of 20 systems, you said these are 21 2,200 community systems. There 22 are 1,900 small systems. There 23 are 172 medium systems and 148 24 large systems. My question is, 25 mainly because it affects what</p>
<p>Page 55</p> <p>1 looking at for public 2 notification. That was real 3 quick. But we wanted to 4 preserve some time for your 5 questions so I think we'll let 6 Deb kind of facilitate that 7 part of it so ---. 8 MS. ROTZ: 9 Yeah. We did want to 10 reserve that time so that you 11 could ask Jeff and Bruce and 12 Lisa any questions you had 13 about the information you just 14 heard and we recognize it was 15 pretty quick. But here are 16 just very simple ground rules 17 for this period of time. All 18 we're looking for is to remind 19 you that this part is very 20 informal. This is not that 21 written public comment period 22 that you'll see after we're 23 done with the meeting. This is 24 not testimony. This is just 25 come up, I'll unplug the mic</p>	<p>Page 57</p> <p>1 I'm going to say later, define 2 the number of connections or 3 people served with the 1,900, 4 the 172 and the 148. 5 MR. GORDON: 6 The definition that I 7 use, Mike, is anything under 8 3,300 population is small. 9 3,301 to 9,999 is medium. 10 MR. SIENKIEWICZ: 11 Say that again, medium 12 is how much? 13 MS. ROTZ: 14 Anything under 10,000. 15 MR. GORDON: 16 3,301 basically 3,300 to 17 just under 10,000. 10,000 and 18 above are large. 19 MR. SIENKIEWICZ: 20 Okay. And my second 21 question, make this very short 22 is to Lisa. You're off the 23 hook. 24 MS. DANIELS: 25 I'm ready.</p>

<p>Page 58</p> <p>1 MR. SIENKIEWICZ: 2 It's actually to all of 3 you because I know we've all 4 sort of worked on this. You 5 bumped the one requirement up 6 from Tier 2 to Tier 1 when I've 7 always been under the 8 impression that it's just been 9 a great move on to say, look, 10 if that's what the EPA 11 requires, you don't have to 12 make it better. And yet you've 13 chosen to make that better. 14 Now, you're using Crypto as the 15 reason but isn't Crypto really 16 a problem of surface water as 17 compared to groundwater? 18 MR. GORDON: 19 The only systems that 20 are required to do turbidity 21 monitoring are systems that are 22 either surface water 23 traditional, rivers, lakes and 24 streams or what are now called 25 groundwater under direct</p>	<p>Page 60</p> <p>1 disinfection like some of the 2 other organisms. So if you 3 can't meet the treatment 4 technique for removal then 5 we're saying it goes up to a 6 Tier 1 violation. And again, 7 Mike, it only affects surface 8 water plans or duties who are 9 actually monitoring for 10 turbidity. 11 MS. ROTZ: 12 Aurel. I know Aurel's 13 name, too. 14 MR. ARNDT: 15 My name is Aurel Arndt. 16 My question goes to the 17 determination of non-English 18 speaking populations. You 19 handed out some information at 20 the back of the room which has 21 a title general demographic 22 characteristics. But in 23 looking at that quickly, 24 there's nothing in that that 25 really tells you how many</p>
<p>Page 59</p> <p>1 influence of surface water. So 2 your traditional groundwater, 3 you don't do turbidity 4 monitoring. 5 MR. SIENKIEWICZ: 6 Okay. 7 MS. DANIELS: 8 And I'll just take the 9 opportunity to say EPA kept it 10 as a Tier 2 gave the states the 11 authority to bump it up to a 12 Tier 1 based on other 13 information about the system. 14 It becomes an automatic Tier 1 15 if the system never contacts 16 the Department in that 24-hour 17 period. So this was the only 18 violation that was squishy. It 19 didn't have a category. It was 20 the only one that was crystal 21 clear which category to put it 22 in and we bumped it up for 23 health reasons because Crypto 24 needs to be removed, period. 25 It's not inactivated through</p>	<p>Page 61</p> <p>1 people are non-English speaking 2 or did I miss it? 3 MS. DANIELS: 4 Well, no, it doesn't. 5 It gives you the nationalities 6 of folks and I think the best 7 that systems could do is make a 8 generalization about that. 9 That's one of the problems we 10 --- the question that we would 11 be asking EPA for clarification 12 by how a system is actually 13 supposed to determine that. 14 This only gives the breakdown 15 based on nationality, period. 16 And so if you use that 17 information and assume these 18 folks are non-English speaking, 19 that's not an accurate way to 20 look at it but what other 21 information are systems 22 supposed to use? 23 MR. ARNDT: 24 Can I ask a follow-up as 25 well?</p>

1 MS. DANIELS:
 2 Absolutely.
 3 MR. ZIENKIEWICZ:
 4 The other question I
 5 have in that regard is that you
 6 listed 26 demographic areas
 7 here. And to the extent that
 8 this information does not exist
 9 for your particular community,
 10 which might be part of the
 11 metropolitan area, it might be
 12 a suburb adjacent to a city.
 13 MS. DANIELS:
 14 Right.
 15 MR. SIENKIEWICZ:
 16 Does that mean that
 17 you're going to look to this
 18 information and use that as a
 19 surrogate for information in
 20 that service area?
 21 MS. DANIELS:
 22 No. Actually this
 23 database is really neat because
 24 it allows you to search on any
 25 municipality so you could look

1 at the various townships. Now
 2 again for a distribution system
 3 that serves a portion of a
 4 township you'd have to take a
 5 certain --- this is a very
 6 difficult thing to do, but it's
 7 the best source of information
 8 we have when we look at census
 9 data so you'd have to look at
 10 your distribution and say,
 11 well, here's a township. I
 12 serve maybe 50 percent of that
 13 township and you'd have to take
 14 half of the numbers for that
 15 township. But this source of
 16 information is pretty handy
 17 that you can sort on the
 18 various townships and cities
 19 and so forth. We just gave you
 20 a sampling of that information
 21 so you'd have to add those
 22 numbers together for the
 23 various municipalities that you
 24 serve.
 25 MR. SIEKIEWICZ:

1 Thank you.
 2 MS. DANIELS:
 3 Sure. Please give us
 4 written comments as well on how
 5 you think this could actually
 6 be determined because we're at
 7 a loss. Yes? More questions?
 8 MR. LOOMIS:
 9 My name is Frederick
 10 Loomis, L-O-O-M-I-S. I notice
 11 that on page four and I guess
 12 page six of your outline here,
 13 the words consumers and
 14 customers seem to be used
 15 interchangeably in a couple of
 16 instances. And I've always
 17 been led to believe that
 18 consumers are those who drink
 19 the water, customers are bill
 20 payers and I'm just wondering
 21 what definition you're applying
 22 in this case. Are we talking
 23 about consumers who may or may
 24 not be paying the bills or
 25 customers only bill payers when

1 you're talking about the
 2 purpose of CCRs.
 3 MR. GORDON:
 4 Addressing the CCR. The
 5 regulation requires that the
 6 CCR be delivered to customers,
 7 people who pay the bill.
 8 There's also a requirement in
 9 the regulation that a good
 10 faith effort be made to reach
 11 consumers of the water who are
 12 not bill payers but also
 13 consume the water. So they
 14 make a good faith effort and
 15 that could include mailing the
 16 CCR to everybody in the ZIP
 17 Code, for example, if it's a
 18 large community. They could
 19 publish it in the newspaper.
 20 They can give extra copies to
 21 people who own large building
 22 such as apartment houses. They
 23 could provide copies to public
 24 places such as libraries.
 25 Anyplace where they have an

<p>Page 66</p> <p>1 idea that people will have an 2 opportunity to read it. A 3 system that serves less than 4 100,000 can even post it on a 5 public web site and that would 6 also meet this good faith 7 requirement to reach consumers. 8 The other part of it deals 9 with public notification and 10 that's more stringent. Public 11 notice must reach all 12 consumers. 13 UNIDENTIFIED SPEAKER: 14 But when it comes to the 15 CCRs, there hasn't been any 16 change in the requirement for 17 distributing to consumers as 18 opposed to customers; is that 19 correct? 20 MR. GORDON: 21 You're correct. 22 Customers must receive a 23 written copy, printed copy. 24 Consumers, they have to make a 25 good faith effort to reach</p>	<p>Page 68</p> <p>1 small system where you 2 essentially post it on 3 everybody's doorstep. And so I 4 guess my question, and 5 particularly since Tier 1s are 6 the most significant and the 7 ones that cause the most 8 immediate health effect, my 9 question is why limit in the 10 steps to a minimum of one as 11 opposed to setting the bar a 12 little higher. And currently 13 you have essentially three 14 things that they're required to 15 do under Tier 1. While I 16 appreciate the performance 17 standard, my concern is that 18 one or more may not get up to 19 the performance standards. So 20 I guess the question is why not 21 set the bar a little higher 22 with two or more or three or 23 more instances currently? 24 MS. DANIELS: 25 Sure. My answer to</p>
<p>Page 67</p> <p>1 those individuals. 2 MS. DANIELS: 3 Other questions or 4 comments? Yes? 5 MR. WENDELGASS: 6 My name's Bob 7 Wendelgass. I have a question 8 for Lisa on the PN Tier 1. I 9 appreciate the performance 10 standards that you got in there 11 and I think the performance 12 standard is great. I guess my 13 comments and question. My 14 comment is that I'm concerned 15 that there's a --- it seems to 16 me that there's a little 17 distance between the techniques 18 that you're requiring utilities 19 to take, the steps that you're 20 requiring them to take and that 21 the standard of regional 22 consumers like, for instance, 23 personally I don't think that 24 posting is going to reach all 25 consumers except maybe a very</p>	<p>Page 69</p> <p>1 that, and again, I'm justifying 2 what EPA thought so I have to 3 think how EPA thought. But the 4 idea is that there are some 5 water systems that will be able 6 to get by with one form. 7 Manufactured housing 8 communities, nursing homes 9 absolutely posting is very 10 effective for them. Whether 11 you're talking about a facility 12 that has one road in or out so 13 that folks have to go on this 14 road. Maybe it's a common 15 mailbox area. Posting is an 16 option for them. Hand delivery 17 would also be another option 18 for them. Using door mailers. 19 They're going to be able to get 20 by with one form of public 21 notification. But that's 22 obviously limited to smaller 23 systems. I agree that anybody 24 that's in the medium or even 25 the larger of our small systems</p>

1 are not going to get by with
 2 one form in all cases to reach
 3 all users. But the flexibility
 4 is there. And as I said
 5 before, it's really the
 6 consultation, period, and the
 7 work that they do ahead of time
 8 to plan for this that's going
 9 to help us help them determine
 10 that. You know, is one form
 11 adequate for your type of
 12 system. In some cases the
 13 answer is going to be yes.
 14 Therefore they meet the
 15 requirement. In other cases
 16 it's going to be no and they're
 17 going to need to do more than
 18 one form.
 19 But I will tell you that
 20 a city, if you look at this
 21 notice, automatically requiring
 22 two forms is also not
 23 appropriate for an incredibly
 24 large system because you can't
 25 make them hand deliver the

1 notice, you can't make them
 2 post it. So other than media,
 3 there's not much more a large
 4 system can do. So what we're
 5 saying is it's better if they
 6 choose one form that they do it
 7 well. And they were to make
 8 that one form effective and
 9 however they can. So you look
 10 at a very large system, they
 11 can't do much more than getting
 12 it out to the media because
 13 they can't post it, they can't
 14 hand deliver it. You look at a
 15 very small system, the media is
 16 not appropriate for a very
 17 small system because oftentimes
 18 the media won't even publish
 19 it, they won't even air it.
 20 It's not a big enough news
 21 story. And so you have to look
 22 at what's effective for each
 23 system. And I guess the best
 24 that I can say is that's going
 25 to be on a case-by-case basis

1 and it comes down to the pre-
 2 planning and us working with
 3 the system to find out what
 4 meets their needs.
 5 But systems can get by.
 6 Some systems will be able to
 7 get by with one form.
 8 MR. WENDELGASS:
 9 Well I may address that
 10 in my comments.
 11 MS. DANIELS:
 12 Absolutely. And I know
 13 this has been ---.
 14 MR. WENDELGASS:
 15 One more question, Ms.
 16 Daniels, if you don't mind.
 17 MS. DANIELS:
 18 Sure.
 19 MR. WENDELGASS:
 20 And that is the other
 21 one I have on Tier 1 is --- and
 22 I know this is the EPA reg but
 23 I'm curious as to --- I know
 24 the state has the ability to do
 25 something stricter than that

1 but 90 day repeat notice for a
 2 Tier 1 violation that continue?
 3 Now admittedly lots of Tier 1
 4 violations would get cured long
 5 before 90 days.
 6 MS. DANIELS:
 7 Yes.
 8 MR. WENDELGASS:
 9 I guess the question is
 10 why not go to something
 11 particularly for Tier 1 which
 12 is again more significant? Why
 13 not do a 30-day, for instance,
 14 repeat notification? Lots of
 15 systems do billing on a 30-day
 16 basis anyhow to potentially
 17 include the notice with the
 18 billing. So could you explain
 19 the rationale on that one?
 20 MS. DANIELS:
 21 Absolutely. Again,
 22 we're not prescriptive here
 23 because, for example, during
 24 the consultation we could tell
 25 that system to repeat their

<p>Page 74</p> <p>1 notice every day. If it's a 2 real serious situation where 3 the customers have to boil 4 their water, maybe we set the 5 repeat notice frequency every 6 24 hours or every 72 hours or 7 every week depending on what 8 the immediate need is. If we 9 automatically set it to 30 days 10 that's not stringent enough in 11 some cases. And in other cases 12 it is unnecessary because the 13 violation has already been 14 fixed by then. So again it's 15 going to come down to what we 16 establish in the consultation 17 process as far as the repeat 18 notice frequency. 19 For those ongoing 20 violations there will be a 21 repeat notice frequency to make 22 sure that the public is fully 23 informed about the situation as 24 it evolves. And systems are 25 going to want to do that as</p>	<p>Page 76</p> <p>1 for. Yes? 2 MR. SIEGEL: 3 My name is Mike Siegel, 4 S-I-E-G-E-L. I have a question 5 for the board. I don't know 6 who will be able to answer 7 this. 8 MS. DANIELS: 9 Well, we're not the 10 board but we'll try. 11 MR. SIEGEL: 12 When it comes to the PN 13 notices, what assurances does 14 the public have that those 15 notices are being placed in a 16 restaurant facility, a shopping 17 center, et cetera, over the 18 water fountain that thousands 19 of kids, adults can drink or at 20 a restaurant that's on the side 21 of the highway that somebody is 22 coming from 200 miles to eat at 23 and is being supplied by a 24 public water system? How is 25 that going to be addressed in</p>
<p>Page 75</p> <p>1 well. They're going to want 2 the public to know when they're 3 working on problems. They're 4 going to want to keep them 5 updated when the problem is 6 fixed. So again, it's 7 difficult for you to know about 8 this because it's less 9 prescriptive but that's rally 10 the purpose of the consultation 11 is to set those on a case-by- 12 case basis. And setting one 13 frequency is not going to meet 14 all of our needs. 15 MR. WENDELGASS: 16 I appreciate the 17 consultation flexibility. 18 MS. DANIELS: 19 And so what we --- the 20 best that we did at this point 21 was set no less frequent than 22 Tier 2. You know, that's the 23 outside end but on a case-by- 24 case basis we'll set it for 25 whatever the situation calls</p>	<p>Page 77</p> <p>1 the public notices and will 2 that public notice be actually 3 posted in a public 4 establishment or over a direct 5 drinking source? 6 MR. GORDON: 7 May I ask for some 8 clarification before we answer 9 that question? Are these 10 facilities that you mention 11 customers of a public water 12 system or are they a public 13 water system unto themselves? 14 MR. SIEGEL: 15 They would be customers 16 of a public water system. 17 MR. GORDON: 18 Okay. Thank you. 19 MS. DANIELS: 20 Yes. One of the things 21 I'll draw your attention to, it 22 was a one-page handout that you 23 have. This is a sample notice. 24 And what I want to draw your 25 attention to is the paragraph</p>

<p>Page 78</p> <p>1 at the bottom of this handout. 2 I think EPA recognized that 3 this has been a problem where 4 the notice would go to the 5 owner of the building, for 6 example, if you're in an 7 apartment and not necessarily 8 the individual unit, if they're 9 not actually customers. So one 10 of the things that EPA did was 11 put this paragraph, and this is 12 required on all notices, and it 13 essentially says please share 14 this information with all the 15 other people who drink this 16 water, especially those who may 17 not have received this notice 18 directly. And then it gives a 19 couple of examples. And it 20 tells them how they can do 21 this. You can do this by 22 posting the notice in a public 23 place, distributing copies. So 24 I think there's more of an 25 attempt now to get the owners</p>	<p>Page 80</p> <p>1 So what are some things they 2 can do with the media and what 3 are some things that they can 4 do in their community to raise 5 awareness of getting the 6 information out. You know, we 7 work directly with the water 8 system so we'd have to work in 9 that respect with working with 10 the systems. 11 MR. SIEGEL: 12 The concern I have is if 13 you have a Tier 1 emergency and 14 you supply water to a 15 restaurant, how are those 16 people going to know that 17 immediately? There's got to be 18 some type of responsibility 19 built into the system. I guess 20 my question is, has DEP looked 21 further into this situation and 22 can you get something in the 23 regulations that would mandate 24 it because I see at one time I 25 guess the Department of</p>
<p>Page 79</p> <p>1 of these facilities to take 2 some responsibility for sharing 3 the notice. So I think we're 4 working toward that and making 5 sure that other non-bill paying 6 customers can see this 7 information. So this is one of 8 the things that they're trying 9 to do and this paragraph goes 10 on all notices. 11 MR. SIEGEL: 12 Will DEP be able to add 13 to this or acquire it or are 14 there penalties if you don't 15 post it? 16 MS. DANIELS: 17 We probably have no 18 authority to go after, you 19 know, somebody that owns a 20 mall, for example, if they 21 don't post it. I think what we 22 would be doing is working with 23 the system to find out how to 24 make public notification 25 effective for their community.</p>	<p>Page 81</p> <p>1 Agriculture's involvement with 2 food establishments. Can a 3 warning be given to them to 4 tell those food establishments 5 in a Tier 1 violation that your 6 establishment may be closed 7 down due to this or something? 8 I guess it boils down have you 9 worked with the Department of 10 Agriculture to assess public 11 notice when there is a Tier 1 12 violation? 13 MR. GORDON: 14 May I answer a little 15 bit? 16 MS. DANIELS: 17 You sure can. 18 MR. GORDON: 19 Let Lisa off the hook. 20 We have a memorandum 21 understanding currently with 22 the Department of Agriculture. 23 The supervisors and the field 24 staff in district offices know 25 who their counterparts are in</p>

<p>Page 82</p> <p>1 the Department of Agriculture. 2 One of the things that we've 3 always stressed is when the 4 Department of Agriculture folks 5 know something about a water 6 system at a restaurant, that we 7 regulate that water system, 8 that the rural system has it's 9 own well. They go in. There's 10 supposed to be a chlorinator 11 and they find the chlorinator 12 broken down, they're supposed 13 to alert us. When we find a 14 municipality that's serving 15 water to a facility that the 16 Department of Agriculture 17 regulates, we notify the 18 Department of Agriculture 19 counterpart in that area and 20 let them know that they have a 21 boil water advisory in effect 22 in XYZ community. It's up to 23 the Department of Agriculture 24 then to take the necessary 25 steps to make sure that their</p>	<p>Page 84</p> <p>1 minutes and he will facilitate 2 the public hearing. Thank you 3 for your interest and we'll see 4 you in five minutes. 5 SHORT BREAK TAKEN 6 MR. EVERETT: 7 Good evening. I would 8 like to welcome you to this 9 Environmental Quality Board 10 public hearing on proposed 11 amendments to Chapter 109 12 regarding safe drinking water. 13 My name is Carl Everett and I'm 14 a citizen advisory council 15 member of the EQB. With me 16 tonight from the Department of 17 Environmental Protection are 18 Jeffrey Gordon, chief of the 19 Division of Drinking Water 20 Management, Lisa Daniels, chief 21 of the compliance/assessment 22 section in the division of 23 drinking water management, 24 Bruce Carl who is also with the 25 compliance/assessment section,</p>
<p>Page 83</p> <p>1 regulated facilities are 2 following that boil water 3 advisory. It's not the 4 Department of Environmental 5 Protection's responsibility. 6 That's why I asked you the 7 question whether it was self- 8 contained or --- if it is a 9 self-contained, yes, we will 10 make sure that they post it. 11 MS. ROTZ: 12 I think at this point 13 I'm going to say that's 14 probably the end of the 15 question period. If you have 16 further questions, feel free to 17 put them on index cards and put 18 them back on the table as you 19 leave. Mr. Everett is here. 20 He's a member of the 21 Environmental Quality Board. 22 He did say it's okay to take a 23 five-minute stretch break. I 24 hope there's ice water out here 25 but please be back in five</p>	<p>Page 85</p> <p>1 and Steve Taglang for the 2 policy office. 3 As DEP staff have 4 already explained this evening, 5 the proposal clarifies existing 6 requirements and incorporates 7 new primacy requirements 8 contained in three recent 9 federal rules. These rules are 10 the new Consumer Confidence 11 Report rule, provisions to the 12 existing Public Notification 13 Rule and Lead and Copper Rule 14 Minor Revisions. In order to 15 give everyone an equal 16 opportunity to comment on this 17 proposal, I would like to 18 establish the following ground 19 rules. First, I will call upon 20 the witness who have pre- 21 registered to testify at 22 tonight's hearing as included 23 on the schedule witnesses. And 24 there's a list in the back of 25 the room of those witnesses.</p>

1 After hearing from these
 2 witnesses, I will provide any
 3 other interested parties with
 4 the opportunity to testify as
 5 time allows. Oral testimony is
 6 limited to ten minutes for each
 7 witness. Organizations are
 8 requested to designate one
 9 witness to present testimony on
 10 its behalf. Each witness is
 11 asked to submit three written
 12 copies of the testimony to aid
 13 in transcribing the hearing.
 14 Please hand me your copies
 15 prior to presenting your
 16 testimony. Please state your
 17 name and address for the record
 18 prior to presenting your
 19 testimony. We would appreciate
 20 your help in spelling names and
 21 terms that may not be generally
 22 familiar so that the transcript
 23 can be as accurate as possible.
 24 Interested persons may submit
 25 written comments in addition to

1 or in place of oral testimony
 2 presented here. All comments
 3 must be received by EQB by
 4 November 7 of this year.
 5 Comments should be addressed to
 6 the EQB, P.O. Box 8477,
 7 Harrisburg, PA, 17105-8477.
 8 Comments can also be e-mailed
 9 to regcomment@state.pa.us. All
 10 comments received in tonight's
 11 hearing and in writing by
 12 November 7 will be considered
 13 by the EQB and become part of
 14 the comment response document
 15 prepared for the EQB's review
 16 prior to taking final action on
 17 this regulation. Anyone
 18 interested in a transcript of
 19 this hearing may contact the
 20 reporter here tonight to
 21 arrange to purchase a copy. I
 22 will now call the first
 23 witness. Mike Sienkiewicz.
 24 MR. SIENKIEWICZ:
 25 Thank you, first of all,

1 for allowing me to speak this
 2 evening. I'd like to say
 3 before I start, having been
 4 sort of involved in some of
 5 this process that Jeff and Lisa
 6 and Bruce have really done a
 7 bang-up job and they've been
 8 beaten up regularly over the
 9 last few years by a lot of
 10 different groups and to try to
 11 get any consensus is really
 12 amazing. I asked earlier the
 13 question to Jeff to please
 14 define system numbers. There
 15 are 2,200 --- first of all,
 16 please try to follow me. I'm
 17 liable to go off about four
 18 walls but at the end it may
 19 make some sense. There are
 20 2,201 systems, community water
 21 systems in the Commonwealth.
 22 Eighty-nine (89) percent of
 23 these are less than 1,000
 24 connections. Approximately 50
 25 percent of the 2,201 systems

1 are 100 connections or less.
 2 The state is a two-tiered
 3 system. You have 11 percent of
 4 the systems which are serving
 5 the majority of the people and
 6 you have 89 percent of the
 7 systems which get the short end
 8 of the stick, because
 9 everything is done for that 11
 10 percent and the small systems
 11 are like that relative you
 12 whisper about because you don't
 13 want anybody else to know they
 14 exist.
 15 Recently the January TAC
 16 board meetings from 2001, they
 17 put --- the estimated costs to
 18 do a CCR is 25 to 35 cents and
 19 they weren't quite sure whether
 20 that included postage; is that
 21 correct, Jeff? And I found it
 22 interesting that just recently
 23 the EPA issued some figures on
 24 what it would cost to remove
 25 arsenic from various water

<p>Page 90</p> <p>1 systems. Now arsenic's not a 2 topic tonight but the result of 3 what they said is a topic 4 tonight. They said that to 5 remove arsenic from systems of 6 10,000 people or less the cost 7 would be between \$38 and \$327 8 per household. And for the 9 larger systems the cost would 10 be between 38 cents and \$32. 11 Now if you want to jump back to 12 my numbers where 50 percent of 13 the systems in this 14 Commonwealth are 100 15 connections or less. It's fair 16 to say that when you have those 17 monster systems like 18 Philadelphia Suburban, 19 Pennsylvania American and you 20 have those 50 to 100 unit 21 connections, manufactured 22 housing communities or 23 whatever, that if you take 89 24 cents for the biggies and \$327 25 for 50 percent of the systems</p>	<p>Page 92</p> <p>1 The governor refused to 2 waive the reporting 3 requirements --- actually 4 distribution requirements for 5 under 10,000 people. Jeff 6 reiterated that tonight in his 7 presentation. The issue isn't 8 will those small systems inform 9 the people. The issue is let 10 them do it the best way they 11 know how. 12 In a 100-unit community, 13 I promise you if you put a 14 notice on both sides of the 15 master mailbox, more people in 16 that community will know about 17 it faster than trying to call 18 the radio station or publish it 19 in the newspaper. And you have 20 to let those small systems get 21 it out to the people their way, 22 not mandate, oh, yes, you must 23 spend your time mailing them 24 and doing this and that. 25 That's time consuming. Water</p>
<p>Page 91</p> <p>1 in the state, you come up with 2 an amazing percentage of 3 something like 37,923 percent 4 difference or 380 times the 5 cost. So you look at 25 to 35 6 cents and you say to yourself, 7 gee, is it possible that it 8 costs those small systems 9 somewhere between \$95 and \$132 10 per household to do a CCR? 11 Now, a 50 unit community must 12 be somewhere between \$4,000 and 13 \$6,000 just to do a CCR. Now, 14 do I believe that's an accurate 15 number? No. But I'll tell you, 16 it's closer than 25 or 35 17 cents. And these are things 18 that are constantly overlooked 19 when regulations are done. 20 Everybody's worried about the 21 four big systems that are going 22 to poison the world. They don't 23 think about the little ones who 24 they punish with excessive 25 costs.</p>	<p>Page 93</p> <p>1 in those places may be five 2 percent of the total of what 3 they do to make a living. 4 They're not professional water 5 people 24 hours a day. 6 On the translation idea, 7 the real way to do that is to 8 have the DEP supply a list of 9 people who can do translations. 10 And this is a request that has 11 been made to them. Supply a 12 list of people who will be able 13 to do translations that 14 community owners can send those 15 people to. And a personal 16 aside, you all know by now my 17 last name certainly isn't Smith 18 or Jones. And I'm the product 19 of a father who came from 20 Poland, learned to speak 21 English, went to the carpet 22 companies in Connecticut and 23 taught other immigrants to 24 speak English. My wife is an 25 Estonian DEP from World War II.</p>

1 She learned to speak English.
 2 I think we do these people a
 3 disservice. These people being
 4 those people who don't want to
 5 learn to speak English. We do
 6 them a disservice in this
 7 country, not making them learn
 8 English. And I think we're
 9 seeing some of the results of
 10 that nowadays and that's as
 11 much as I'll say on that.
 12 The small water and
 13 sewer systems need relief from
 14 this running wild that's going
 15 on right now with rules and
 16 regulations. Large systems,
 17 and I'm going to pick on
 18 Pennsylvania American. I don't
 19 know whether anybody in here is
 20 related to them or not, but
 21 Pennsylvania American has a
 22 program called H2O, Help to
 23 Others. It's a good program.
 24 It's a wonderful program. And
 25 in their last press release on

1 their price increase, they said
 2 and we want to take the H2O
 3 program and raise that from 25
 4 percent of poverty level to 150
 5 percent of poverty level. And
 6 that's noble and that's
 7 wonderful. The only problem is
 8 three-quarters of the people
 9 who need it don't buy water
 10 directly from Pennsylvania
 11 American. And being the way I
 12 am, I challenge that. And I've
 13 had a battalion of Philadelphia
 14 lawyers after me ever since
 15 because a lot of the poor at
 16 the elderly live in communities
 17 that buy bulk water. The
 18 people who get that water are
 19 not eligible for that program.
 20 And it's a simple mathematical
 21 formula to figure it out. They
 22 don't want to do it. I had to
 23 slide that in because that's
 24 one of my causes. Okay.
 25 Now why did I do all of

1 this to you guys? First of
 2 all, I want to make you aware
 3 that there's a two-tiered
 4 system in the water and waste
 5 water world in this
 6 commonwealth which is being
 7 dealt with as a single problem.
 8 And as long as you people want
 9 to lump it into a single
 10 problem, 11 percent of the
 11 systems are going to cause
 12 economic problems for 89
 13 percent of the systems because
 14 the rules and regulations are
 15 geared to that 89 and everybody
 16 thinks --- to that 11 percent
 17 and everybody thinks they have
 18 a lot of money. Small systems
 19 don't have a lot of money.
 20 Secondly, I want to get
 21 your attention to force the
 22 waiver that the governor
 23 refused to put through that
 24 Jeff said that the DEP refuses
 25 to put through. Sort of a

1 little salt in the wound is
 2 that West Virginia waived it
 3 and nothing's ever happened,
 4 nothing's been hurt. There's
 5 been a little green PR hurt but
 6 nothing bad happened at West
 7 Virginia because they waived
 8 it. And I wish Pennsylvania
 9 would wake up and waive it.
 10 Thirdly, don't allow the
 11 DEP possibly with the
 12 assistance of a large water
 13 company or two to transfer the
 14 CCR translation problem to the
 15 back of the small system
 16 owners. Make the DEP
 17 responsible for supplying the
 18 list of all the translation
 19 services in the Commonwealth as
 20 well as proper notification
 21 language to the system's
 22 owners.
 23 And fourth, to ask you
 24 to challenge any information
 25 submitted to you to attempt to

<p>Page 98</p> <p>1 get all the facts on an issue. 2 In this case I don't think all 3 the information was given. I 4 think when you read the Chapter 5 109 thing that's in the 6 Pennsylvania Bulletin, they 7 talk about \$950,000 and the DEP 8 will cover \$50,000 of that. 9 They don't talk about what the 10 real cost is to the majority of 11 systems. So I ask you, please, 12 to really look at the 13 information and you did. 14 Because the end result of what 15 happens with all of this will 16 saddle 89 percent of the 17 systems with unnecessary 18 expenses that the seniors and 19 the poor will end up paying. 20 Because when the small systems 21 get saddled with onerous costs, 22 they're going to pass them on. 23 And that's the reason I sort of 24 slipped Pennsylvania American 25 in there because that was a</p>	<p>Page 100</p> <p>1 issues at the federal, state 2 and local levels. We were 3 active participants in the 4 legislative process in 1995 5 that produced the new 6 requirements for Consumer 7 Confidence Reports and 8 participated in the process 9 during which EPA developed the 10 regulations for these reports. 11 We've also evaluated in excess 12 of 250 CCRs from Pennsylvania 13 Water Systems over the past 14 three years issuing several 15 studies reviewing the reports. 16 And we've worked with I say 17 several dozen. It's probably 18 more than that. It's probably 19 more like 50 to 75 systems to 20 review draft versions of their 21 reports and provide comments to 22 them on ways they could improve 23 the readability or accuracy of 24 their reports. 25 I'm happy to be here</p>
<p>Page 99</p> <p>1 hope that we had as we get 2 another jab that we would be 3 able to get rebates for the 4 seniors and the poor in the 5 communities so they would have 6 some relief because they're 7 going to get their prices 8 raised and they need the 9 relief. Thank you. 10 MR. EVERETT: 11 Next speaker is Robert 12 Wendelgass. 13 MR. WENDELGASS: 14 Good evening. My name 15 is Robert Wendelgass, that's 16 W-E-N-D-E-L-G-A-S-S. And I 17 reside at 33 East Abington 18 Avenue in Philadelphia, the ZIP 19 is 19118. I'm here tonight to 20 speak on behalf of Clean Water 21 Action, which is a state-wide 22 environmental group with 60,000 23 members throughout the state. 24 Clean Water Action has worked 25 extensively on drinking water</p>	<p>Page 101</p> <p>1 tonight to share our comments 2 about the proposed regulations. 3 I'll note that we're going to 4 be submitting written comments 5 with more details before the 6 November 7th deadline. 7 Clean Water Action 8 appreciates some of the 9 improvements for both the 10 public notification and CCR 11 rules that are in the proposed 12 regulations. On the other hand 13 we're also concerned that in a 14 couple of key areas we believe 15 the new rules weaken rather 16 strengthen the public's right 17 to know about the quality of 18 their drinking water. In 19 general the regs follow the 20 regulations issued by EPA. But 21 I would note that particularly 22 around public notification we 23 think that Pennsylvania's 24 existing rules are stronger 25 than the EPA rules. And so our</p>

1 concern is by adopting the new
 2 EPA proposal essentially in
 3 whole around public
 4 notification we're actually
 5 falling back from some stronger
 6 protection that we currently
 7 have. I know that it's not
 8 popular always within the
 9 administration to adopt
 10 regulations that are stronger
 11 than federal minimums. But I
 12 also know that the executive
 13 order that Governor Ridge
 14 issued gave agencies the
 15 authority to do that if there
 16 was a clear reason to do so.
 17 And since we're encouraging the
 18 Agency to do that, I just want
 19 to run through why we think
 20 there are reasons to do so in
 21 this case.
 22 First and foremost,
 23 Pennsylvania has a long history
 24 of problems with drinking water
 25 quality. For many years we led

1 organ transplants or who have
 2 undergone chemotherapy. I mean
 3 we have a significant
 4 population of small children
 5 and infants. These are all the
 6 populations that are at
 7 particular risk for water-borne
 8 diseases and water-borne
 9 illnesses and the populations
 10 about whom we're most worried.
 11 Third I would note
 12 because of our heritage, we're
 13 an industrial state, we're a
 14 mining state, we're an
 15 agricultural state, we
 16 generally don't drink pristine
 17 water. We generally drink
 18 water that comes from sources
 19 both surface and ground that's
 20 not pristine but that has been
 21 contaminated and is often
 22 classified by other parts of
 23 DEP as impaired. And we need
 24 to keep that in mind when we
 25 talk about the quality of our

1 the nation in the incidence of
 2 water-borne disease. I'm happy
 3 to say that we don't any longer
 4 due to improvements that are
 5 required in filtration but I
 6 would note that that legacy
 7 leaves a residue of public
 8 concern that we can't ignore.
 9 Secondly I would note
 10 that Pennsylvania has probably
 11 more so than most states a
 12 significant portion of our
 13 population that is particularly
 14 vulnerable to water-borne
 15 illness. We're among the
 16 nation's leader in the
 17 percentage of our population
 18 that's over 65 and even more
 19 importantly over 75. We have
 20 significant populations with
 21 compromised immune systems
 22 whether they are people with
 23 HIV/AIDS or because of the
 24 marvels of our health care
 25 system folks who have received

1 water.
 2 And then the last thing
 3 I would just note in terms of
 4 adopting a stronger than
 5 federal minimums is it's not a
 6 new departure. Our existing
 7 regs are stronger than the
 8 federal minimums going with a
 9 stronger rule at this point
 10 particularly around PN than
 11 what EPA is requiring would be
 12 consistent and we believe it's
 13 also important given our
 14 vulnerability, the threats to
 15 our water supplies and the need
 16 to protect the health of our
 17 public.
 18 So having said that, let
 19 me just talk about I think
 20 three comments that we have
 21 about each of the two rules.
 22 We'll submit more details as I
 23 said in our formal written
 24 comments. In terms of the
 25 public notification rule, we do

<p>Page 106</p> <p>1 support several of the changes 2 made in the PN rule. We 3 support the requirement of a 4 consultation with the state 5 within an hour for conditions 6 that would constitute immediate 7 danger. And we support 8 inclusion of treatment 9 technique violations for 10 pathogens in Tier 1. However, 11 there are several areas in 12 which we think the proposed 13 rule should be strengthened. 14 That first issue is 15 dealing with how quickly folks 16 are notified. We believe very 17 strongly that the public needs 18 to be informed of violations of 19 drinking water standards as 20 soon as possible so that they 21 can take action to protect 22 their health. While we 23 appreciate the reduction in 24 time allowed for Tier 1 25 notices, we're concerned that</p>	<p>Page 108</p> <p>1 reduced time for mailing to 2 customers, we're concerned that 3 under the proposed rules it 4 could sometimes be as long as 5 30 days before the public is 6 notified that unhealthy levels 7 of arsenic or some other 8 carcinogenic chemical have been 9 found in their tap water. The 10 symptoms that we've come up 11 with to resolve these problems 12 is to require utilities to 13 notify local media that 14 newspapers and the broadcast 15 media of any Tier 1 or Tier 2 16 violations within 24 hours. We 17 believe that's a relatively 18 simple and inexpensive activity 19 to do but it would give people 20 notice as quickly as possible 21 empowering them to protect 22 their health. It's 23 particularly true on the Tier 2 24 where folks might not get the 25 notice for 30 days. At least</p>
<p>Page 107</p> <p>1 the rule reduces the number of 2 activities required to notify 3 the public. Under the existing 4 rule, three methods of 5 notification are required under 6 the new rule, potentially just 7 one form of notification can be 8 required. I noted there is the 9 performance standard, a 10 performance goal that's 11 included in the rule. But if 12 we're talking specifically 13 about what's required, our 14 concern is that we've dropped 15 from three different activities 16 down to one activity. 17 For Tier 2 there are 18 some similar changes. Now 19 utilities have to notify the 20 broadcast media within seven 21 days, print media in 14 and 22 then mail customers within 45. 23 Under the new rule they must 24 mail the customers within 30 25 days. While we support the</p>	<p>Page 109</p> <p>1 this way they stand a chance 2 and granted the state had no 3 control over whether the 4 broadcast or print media is 5 going to run it, but at least 6 folks stand a chance of getting 7 the information quickly and 8 could then take action more 9 quickly to protect themselves. 10 I would note, too, 11 another comment I would want to 12 make, particularly on Tier 2 is 13 that it's important not to 14 minimize the kinds of chemicals 15 that we're talking about in 16 Tier 2. I understand that these 17 are not the chemicals that are 18 going to cause immediate health 19 effects like nausea, diarrhea 20 or vomiting, like the Tier 1s. 21 But these are still significant 22 chemicals, some of which are 23 carcinogenic chemicals, some of 24 which affect the endocrine 25 system. And we believe it's</p>

<p>Page 110</p> <p>1 important to know when these 2 chemicals are in their water at 3 unhealthy levels as quickly as 4 they can. 5 There's some new studies 6 that have come out recently to 7 suggest that even small 8 exposures for a very short 9 period of time when a woman is 10 pregnant can have a permanent 11 effect on the fetus. So it's 12 important that people know as 13 soon as possible if the 14 contaminant has been detected 15 above the MCL or if there's a 16 violation of the treatment 17 technique so that people can 18 protect their health. 19 Our second 20 recommendation or concern is 21 the need to use multiple 22 methods of notification to 23 reach people. While we have 24 just proposed immediate 25 notification of the media, we</p>	<p>Page 112</p> <p>1 no more than every 30 days in 2 the instances where the 3 violations continue so that 4 people can take precautions. 5 Lastly on the 6 translation for the PN rule, 7 the current regulation would 8 require that the notice include 9 a statement in another language 10 that this is important and that 11 people should get a 12 translation. And we would 13 suggest that that's not enough 14 and that what the notice ought 15 to do is include where there is 16 a significant non-English 17 speaking population, the notice 18 should include the warning in 19 the other language and that 20 that should be sent to people 21 initially so that people can 22 take action quickly telling 23 people to call us and we'll 24 send you something build in and 25 additional delay for people</p>
<p>Page 111</p> <p>1 also believe that no one method 2 is going to reach everyone. 3 And that multiple methods of 4 notification need to be used in 5 order to reach all consumers of 6 the water supply. Again, 7 that's particularly true for 8 the most serious Tier 1 9 violations. We believe that 10 utilities should be required to 11 use several of the available 12 options for informing their 13 consumers about potential 14 health threats. Again, 15 especially for the most serious 16 Tier 1 violations. 17 Third issue on the PN 18 rule is the repeat notices. We 19 don't support waiting 90 days 20 for repeat notification to 21 people when MCL violations 22 continue particularly for Tier 23 1 we think that --- but even 24 for Tier 2 as well we believe 25 that those notices should come</p>	<p>Page 113</p> <p>1 before they get the information 2 they need. 3 I want to just quickly 4 make four comments on the 5 Consumer Confidence Report 6 rules. Let me just do them 7 rapidly. One is we strongly 8 urge the Department to require 9 utilities to distribute the 10 report to all consumers just 11 doing customers misses 12 particularly renters who tend 13 to be lower income people, who 14 tend to be the elderly, who 15 tend to be the folks who both 16 are more seriously at risk for 17 water-borne illness and also 18 don't have the medical coverage 19 to help them if they become 20 ill. 21 Secondly we encourage 22 the Department to require 23 utilities to list specific 24 polluters in their reports by 25 name when they have that</p>

<p>Page 114</p> <p>1 reliable information and 2 further urge the Department to 3 say what reliable information 4 is so that utilities know that 5 if it's in a sanitary survey, 6 if it's in a source water 7 assessment, if it's in the 8 toxic release inventory, if 9 it's in the discharge 10 monitoring report that that's 11 reliable information and the 12 utility should include it. 13 And then lastly just a 14 quick comment on the 15 translation as well. We 16 believe that utilities should 17 be required to make a 18 translated copy of the CCR 19 available on request. Right 20 now what they do is put 21 language in that says this is 22 important, find someone to 23 translate it is generally what 24 we've seen. And CCRs are hard 25 for the average person to</p>	<p>Page 116</p> <p>1 Good evening and thank 2 you for allowing me to speak 3 tonight. I am Grace Paranzino, 4 P-A-R-A-N-Z-I-N-O. I'm a 5 registered nurse. I'm also 6 certified in health education 7 and I'm an assistant professor 8 at MCP Hahnemann School of 9 Medicine and School of Public 10 Health in Philadelphia. My 11 mailing address there is 2900 12 Queen Lane, Philadelphia, 13 19129. 14 My primary appointment's 15 in the department of family 16 community and preventive 17 medicine. And what I'd like to 18 present to you tonight or talk 19 to you tonight about is from 20 two venues. That as a health 21 educator, as someone who 22 teaches medical students, 23 nursing students and public 24 health students and also is a 25 public health advocate.</p>
<p>Page 115</p> <p>1 translate. We think if a 2 utility --- and in both cases 3 we would say five percent of 4 the population not speaking 5 English and speaking another 6 language as their primary 7 language should be the 8 threshold. And if that is 9 exceeded that the CCR should 10 include in that language a 11 statement that a copy of this 12 report in Spanish or whatever 13 language they're using in that 14 case is available by calling a 15 certain phone number. That way 16 the person can get access to it 17 easily and doesn't have to run 18 around and try to find a 19 relative who can translate this 20 report for them. As I noted, 21 we'll provide additional 22 comments in writing. Thank you 23 for the opportunity to comment 24 tonight. 25 MS. PARANZINO:</p>	<p>Page 117</p> <p>1 Just to give you some 2 background, primarily what I do 3 at the School of Medicine is 4 teach occupational 5 environmental health. I've 6 also been involved in many 7 organizations. 8 In 1998 I was selected 9 to participate in EPA's working 10 group on the right to know 11 right before the CCRs were 12 actually distributed. I've 13 also done work with the Agency 14 for Toxic Substances, the 15 disease registry with regard to 16 health education and 17 environmental risk 18 communication which as you know 19 is a very significant component 20 to educating public and health 21 care providers. I also serve 22 on leadership positions. I'm 23 the president of Philadelphia 24 Pennsylvania Association of 25 Occupational Health Nurses and</p>

1 I'm also president of the
 2 Association of Occupational
 3 Environmental Clinics located
 4 in Washington, D.C. In general
 5 I'd like to really stress the
 6 significance of public
 7 notification according to
 8 drinking water quality. And I
 9 advocate several points. First
 10 that being a timely
 11 notification, especially for
 12 vulnerable populations. And by
 13 vulnerable populations we
 14 include the elderly, children,
 15 so the pediatric population,
 16 women who are pregnant and also
 17 people who have immuno-
 18 compromised systems.
 19 Literacy is also an
 20 issue. A significant portion
 21 of our population is illiterate
 22 and so therefore I also urge
 23 you to consider the
 24 appropriateness of the written
 25 materials that are distributed

1 so that they are written at no
 2 higher than a fifth grade
 3 level. And while those of you
 4 who are sitting here listening
 5 to this may think that's pretty
 6 mundane and, you know, that's
 7 low, it's really --- for most
 8 of us that are educated when we
 9 read something that is at a
 10 fifth grade level it's pretty
 11 easy to understand and
 12 therefore there's no
 13 complications, no
 14 misunderstandings. So
 15 generally even more well
 16 educated people like us are
 17 interested in reading material
 18 that is easy to comprehend. So
 19 literacy is one issue. I also
 20 advocate that materials be
 21 distributed in a culturally
 22 appropriate mechanism that is
 23 appropriate for the target
 24 population. One other thing
 25 that I advocate is the linkage

1 in notification of public
 2 health departments to really
 3 also be incorporated in this
 4 notification so that they can
 5 make additional information
 6 available to the public that
 7 has to do with whatever the
 8 potential exposure is in the
 9 water and the health effects.
 10 Regarding public
 11 notification, again timely
 12 notification, 24 hours for Tier
 13 1 and Tier 2 should be a
 14 standard, especially for
 15 vulnerable populations so that
 16 they're able to really take
 17 preventive action so that they
 18 can reduce or minimize their
 19 exposure. Notification should
 20 be multi-faceted in approach.
 21 Broadcast media, written
 22 materials and also a
 23 coordinated effort and a
 24 notification of the public
 25 health department. And when I

1 talk about public health
 2 department, if the state health
 3 department is the public health
 4 department for a specific
 5 region, fine. If the local
 6 health department is the one
 7 that's applicable then that
 8 would be appropriate. Material
 9 should be designed for language
 10 appropriate populations and
 11 disseminated in both English
 12 and Spanish. Especially in one
 13 of the handouts that was
 14 distributed the demographics
 15 for the Philadelphia County,
 16 the City of Philadelphia, 8.5
 17 percent of the population is
 18 Hispanic or Spanish. Now, of
 19 course, that doesn't ensure
 20 that they are --- all 8.5
 21 percent are Spanish speaking.
 22 But if the target threshold is
 23 ten percent for disseminating
 24 information in a secondary
 25 language, such as Spanish, 8.5

Page 122	Page 124
<p>1 percent of the population in 2 Philadelphia would be missed. 3 And so I also advocate that 4 that threshold be decreased to 5 five percent. 6 As far as the repeat 7 notification, if problems 8 persist every 30 days should be 9 the standard if a violation 10 persists, especially when we're 11 looking at targeting 12 populations that are 13 vulnerable. Waiting 90 days 14 for a mother, a woman who's 15 pregnant may just be too long. 16 Regarding Tier 1 violation for 17 restaurants which was an issue 18 that came up earlier, this is a 19 prime opportunity for notifying 20 public health departments to 21 make notifications available in 22 public setting such as that, 23 not necessarily the Department 24 of Agriculture. 25 With regard to CCRs, I</p>	<p>1 In summary, health care 2 providers can be a source of 3 information. 4 Public Health Department 5 can serve as a linkage to 6 disseminate this information to 7 communicate risk, risk 8 reduction strategies, 9 prevention strategies and the 10 management of health effects 11 from possible exposures to 12 contaminants that may be found 13 in water. Especially one of 14 the areas that we're concerned 15 about from an environmental 16 health perspective is that 17 we're really unsure about the 18 health effects of chronic low 19 exposures. And failing to 20 notify consumers about exposure 21 or contaminants that are found 22 in water that may not 23 necessarily exceed the MCL 24 should also be recognized 25 because from a public health</p>
Page 123	Page 125
<p>1 encourage distribution to all 2 consumers, not necessarily 3 customers. A good faith effort 4 should be posted in public 5 forums, libraries, churches and 6 schools and health clinics. 7 And while we've had discussion 8 about the good faith effort, 9 I'm leaving it up to the water 10 utility system to decide what 11 that good faith effort will be. 12 What kind of check system is 13 in place to determine whether 14 or not their good faith effort 15 is, in fact, a good faith 16 effort and an effective one. 17 CCRs should be printed 18 in English and Spanish 19 concurrently. There's no need 20 to send Spanish literature to 21 all. I don't speak Spanish. I 22 don't want to receive Spanish 23 material. However, it should 24 be readily available for 25 Spanish-speaking communities.</p>	<p>1 perspective we don't know what 2 the cumulative and the 3 synergistic effects are from 4 exposures from one source such 5 as water, one source --- or 6 another source such as soil or 7 air or food for that matter. 8 I also encourage more 9 stringent notification. We 10 need to employ regulations that 11 are more stringent. So that if 12 state regs are more stringent 13 than EPA, so be it. It's 14 better safe to be sorry. The 15 consumer should not be 16 accountable for establishing 17 translation service for a 18 public notification and CCRs. 19 This is an infringement on 20 their human rights. Public 21 notification for consumers 22 where English is not their 23 primary language should be 24 ensured and should be 25 distributed. When I look at</p>

1 this required element of a
 2 public notice, there's only one
 3 brief paragraph that really
 4 addresses the Spanish-speaking
 5 population. And for me if I
 6 were a Spanish-speaking
 7 individual, this would not be
 8 enough information for me to
 9 want to go and get more
 10 information. I may not have
 11 access to health care. I might
 12 not have a phone. So I would
 13 encourage that the Spanish
 14 language also be utilized when
 15 developing these materials.
 16 Thank you.
 17 MR. EVERETT:
 18 Next speaker is Julie
 19 Bicker.
 20 MR. GORDON:
 21 She's not here.
 22 MR. EVERETT:
 23 Okay. Julie Kaufmann?
 24 MS. KAUFMANN:
 25 Hello. I'm Julie

1 Kaufmann. That's spelled
 2 K-A-U-F-M-A-N-N, and I live at
 3 7880 Sunset Drive in
 4 Harrisburg, Pennsylvania,
 5 17112. I currently serve as
 6 the director for public
 7 advocacy with the Pennsylvania
 8 Council of Churches and the
 9 address for that ecumenical
 10 organization is 900 South
 11 Arlington Avenue, Harrisburg,
 12 17109.
 13 I'm not an expert about
 14 matters that are scientific.
 15 Churches tend to care about
 16 people and so that's why I'm
 17 here to speak tonight. And I
 18 can tell from what I've heard
 19 that virtually everyone else
 20 has the same concern. The
 21 Pennsylvania Council of
 22 Churches is a state-wide
 23 ecumenical organization
 24 comprised of 42 Christian
 25 Church bodies all around the

1 Commonwealth with a total
 2 membership of two and a half
 3 million Pennsylvanians. We
 4 work together ecumenically for
 5 the common good.
 6 I don't know how many of
 7 you have ever had e. coli. I
 8 have. Or how many of you have
 9 had amoebic dysentery. My
 10 husband has. Fortunately we
 11 did not catch these things in
 12 our country. My husband I
 13 think a wonderful vacation is
 14 to go high altitude trekking in
 15 a developing nation. Places
 16 where it's almost inevitable
 17 that no matter how careful one
 18 is, one's going to pick up
 19 something nasty. I'm going to
 20 use a non-pastoral word,
 21 diarrhea. When a person has
 22 this 23 times in the course of
 23 12 hours it's very easy to
 24 become dehydrated, especially
 25 if a person has a fever that's

1 spiking to 104 and if the
 2 person is also losing blood.
 3 We're fortunate in this country
 4 that most people don't have to
 5 experience this. We would like
 6 to keep it this way. And I can
 7 tell that everyone who spoke
 8 here tonight thinks the same
 9 thing.
 10 When I served a
 11 congregation for 12 years in
 12 downtown Harrisburg I performed
 13 more than 4,000 visits with
 14 people in hospitals.
 15 Fortunately only a handful of
 16 those people were hospitalized
 17 on account of some kind of
 18 water-borne pathogen. But
 19 again, we went to make sure in
 20 our society that we don't have
 21 to worry about that regardless
 22 of a person's economic status.
 23 So briefly we're talking about
 24 pathogens, carcinogens,
 25 potentially teratogens that

<p>Page 130</p> <p>1 might find their way into our 2 water supply. And we want to 3 make sure from the church's 4 perspective that notification 5 is as speedy as possible, that 6 the systems for notification 7 are as streamlined and we would 8 hope not terrifically onerous 9 to the water supplying 10 companies as possible. 11 But if we have to weigh 12 the factors from our 13 perspective as churches, we 14 come down on the side of rapid 15 notification to as many persons 16 as absolutely possible over 17 against the short-term costs of 18 the notification processes 19 because we believe that the 20 long-term costs in terms of 21 human health far outweigh even 22 some of the costs that were 23 mentioned here earlier this 24 evening. 25 And so when it comes to</p>	<p>Page 132</p> <p>1 you can imagine, a lot of folks 2 in churches come from 3 impoverished populations. They 4 may not necessarily be paying 5 customers but they, too, 6 deserve to receive 7 notification. 8 If the violation 9 continues, if the public health 10 situation continues, we too 11 like some of the previous 12 organizations that we've heard 13 from believe that repeat 14 notifications are a good idea. 15 I was very glad to pick up the 16 last portion of your comments 17 earlier this evening where you 18 said that you built in 19 deliberate flexibility so that 20 rapid and repeat notifications 21 can be built in but we surely 22 hope that there's 23 accountability for that so that 24 they do. 25 Finally we think that</p>
<p>Page 131</p> <p>1 Tier 1 or Tier 2 concerns 2 notification, we would agree 3 with the speakers who have said 4 that immediate notification of 5 the media is a good idea. I 6 don't know any reporter worth 7 his or her salt who wouldn't 8 find contamination of the local 9 water supply to be an important 10 news story. I also know as a 11 preacher and having gone 12 through some preaching classes 13 that the average person doesn't 14 register new information until 15 he or she has heard it or seen 16 it seven times. So the more we 17 can get the word out about such 18 things, the better. We also 19 believe that multiple methods 20 of notification are better than 21 just one method. And that the 22 methods of notification that go 23 out to consumers really need to 24 go out to all consumers, not 25 just those who pay. Because as</p>	<p>Page 133</p> <p>1 other language translations 2 should be included. Again, our 3 guiding principle is it is more 4 important to inform as many 5 people as possible than not. I 6 served with a congregation 7 where 13 percent of the members 8 were of Korean-American 9 background. Some of the 10 grandmothers were never going 11 to learn English. If they were 12 fortunate they had younger 13 members in their family who 14 would translate English 15 language documents for them. 16 Not all of them were that 17 fortunate. And so they were by 18 definition linguistically 19 isolated. 20 Ten percent might be a 21 little too high a cap to set. 22 I'm thinking about Philadelphia 23 in particular because ten 24 percent of the population in 25 Philadelphia, even 8.5 or 8.9</p>

1 percent of the population of
 2 Philadelphia is a huge number
 3 of people. And I can't imagine
 4 that as a public policy we
 5 would like to keep those folks
 6 from having access to important
 7 information. So the
 8 Pennsylvania Council of
 9 Churches would come down on the
 10 side pretty consistently of
 11 more notification rather than
 12 less. We think it makes good
 13 public policy since because
 14 it's good for the public.
 15 Thank you.
 16 MR. EVERETT:
 17 Thank you. Next is Jan
 18 Keim.
 19 MS. KEIM:
 20 Jan Keim, K-E-I-M. 11
 21 West Pine Street, Emmaus,
 22 E-M-M-A-U-S, 18049. I
 23 currently am in my 24th year of
 24 serving as elected official in
 25 Salisbury Township and I am a

1 member of the Little Lehigh
 2 Watershed Coalition. And I'm
 3 not as eloquent a speaker as
 4 those that went before me but I
 5 can tell you right from the
 6 start, I support everything
 7 they say.
 8 I can't believe that we
 9 are standing here or in this
 10 room discussing who should get
 11 contacted, how they should get
 12 contacted and when they should
 13 get contacted if there is a
 14 pollutant in the stream or in
 15 our water supply. I say stream
 16 because we happen to get ours
 17 from the Little Lehigh Creek.
 18 To me it's the responsibility
 19 of everyone that works for a
 20 public agency and for elected
 21 officials to be responsible to
 22 those people in the community
 23 that we represent. And I think
 24 I agree wholeheartedly that if
 25 there is something in the water

1 supply that's an endangerment
 2 to the health of any citizen or
 3 any consumer, and I use the
 4 word consumer deliberately,
 5 that they should be notified as
 6 soon as possible and as many
 7 ways as possible to make sure
 8 that they have been notified.
 9 So I would support everything
 10 that the people before me had
 11 said. I also feel that
 12 notification in writing should
 13 be given or as a follow-up. I
 14 don't know if there are any
 15 penalties involved for those
 16 people that violate and do not
 17 notify a community and people
 18 get sick. Is any action going
 19 to be taken? It's a question I
 20 would have.
 21 And in summary I would
 22 like to compliment the DEP for
 23 putting turbidity and moving
 24 that up to what is it, Tier 1 I
 25 guess it's called. Because

1 just to get this as a matter of
 2 record right now in our
 3 community the third largest
 4 city in Pennsylvania, we have
 5 to close the water intakes and
 6 stop taking water from the
 7 Little Lehigh, which is a major
 8 source of water because of the
 9 turbidity and heavy rains. You
 10 know no one knows about this.
 11 Elected officials don't know.
 12 It's only after looking and
 13 searching that you find these
 14 things. And I just wanted to
 15 say thank you for putting
 16 turbidity up as a Tier 1.
 17 MR. EVERETT:
 18 Thank you. Next is
 19 Joseph Hoffman. Not here?
 20 Okay. That concludes our list
 21 of scheduled witnesses. Is
 22 there anyone else who would
 23 like to make a statement? By
 24 the way, earlier I suggested
 25 that everyone provide

<p style="text-align: right;">Page 138</p> <p>1 triplicate copies of their 2 testimony and I gave you an 3 address to send that to. If 4 you need it I'll have it up --- 5 I'll find it after the session 6 is over so you can write it 7 down. 8 MS. SERGEL: 9 My name is Karin Sergel, 10 K-A-R-I-N, S as in Sam, E-R-G, 11 as in George, E-L. I teach 12 speech communication at 13 Kutztown University and I, like 14 the previous speaker, don't 15 have a broad scientific 16 knowledge but I do know 17 something about communication. 18 And I know the objective is not 19 so much to send the notices out 20 but to make sure that they're 21 received and the speech 22 research is very, very clear. 23 You have to tell people more 24 than once. They must be 25 notified quickly and they must</p>	<p style="text-align: right;">Page 140</p> <p>1 the most vulnerable, the 2 elderly and the young couples 3 and young women of child- 4 bearing age. And that's the 5 generation that we want to 6 protect very, very much. So I 7 thank you. 8 MR. EVERETT: 9 Any other speakers? 10 MR. SIEGEL: 11 Good evening. My name 12 is Mike Siegel, S-I-E-G-E-L. I 13 currently reside in Macungie, 14 Pennsylvania, M-A-C-U-N-G-I-E. 15 I'm currently a member of the 16 Pennsylvania Environmental 17 Professionals. I'm a municipal 18 official and I'm also a 19 president of a watershed 20 coalition. The reason why I'm 21 here tonight is to speak on the 22 public notice. I believe the 23 public notice as the other 24 speakers have already stated is 25 essential in trying to get it</p>
<p style="text-align: right;">Page 139</p> <p>1 be notified in more than one 2 way. So I'm here to speak as 3 the previous speakers have that 4 Tier 1 notification, we support 5 the 24-hour time frame. And I 6 think there should be at least 7 two more notices after that 8 through different media. For 9 Tier 2 I also think 24 hours is 10 good and that there should be 11 redundancy built in that 12 system, too. I know from 13 teaching that people assume 14 that things are okay if they're 15 not told otherwise. And for 16 that reason I would also argue 17 for notifications every 30 days 18 for continuing problems. 19 People just have a tendency to 20 think, well, I haven't heard 21 about it, must be okay. And I 22 also support that it should be 23 distributed to all consumers, 24 not just the customers. The 25 people who rent are absolutely</p>	<p style="text-align: right;">Page 141</p> <p>1 out to all the consumers, just 2 not the customers. For large 3 municipal water systems it 4 becomes more of a problem do 5 you want to tell your 6 customers, your biggest 7 customers, for instance 8 industrial users, food 9 establishments, et cetera, that 10 their water that they're using 11 is polluted. I thoroughly 12 think that this is a serious 13 problem because simply sending 14 a notice to these customers is 15 not getting the word out. I 16 use that as an example. I live 17 in an area where we do have a 18 large municipal water authority 19 and twice already this year we 20 had a public notice for 21 contaminations of the Tier 1 at 22 Tier 1 level. And actually one 23 of the notices was placed in a 24 legal ad so small I almost 25 needed a microscope to read the</p>

1 writing in there. And I'm very
 2 pleased to see that DEP has
 3 taken the position of having
 4 standardized fonts and other
 5 types of writing to be used in
 6 these legal advertisements.
 7 But I guess my biggest
 8 concern, and I haven't heard it
 9 tonight, is it's great to get
 10 the public notices out but when
 11 does the violation cease? I
 12 haven't heard anything about
 13 that, and I don't see it even
 14 in the public notice. And many
 15 customers like myself would
 16 like to know when is it safe to
 17 drink the water again? Simply
 18 waiting 90 days is not good
 19 enough. I agree with most of
 20 the people that have spoken
 21 here tonight that you need
 22 repetitive notification. But
 23 in order to end the problem and
 24 to resolve the problem so it
 25 doesn't occur again, I suggest

1 four different methods of
 2 trying to work with the utility
 3 companies and trying to resolve
 4 future problems that would
 5 occur.
 6 To assure closure of the
 7 violation, I would ask that DEP
 8 consider the actual time that
 9 the violation did cease to
 10 exist. I also ask that the
 11 most probable cause of this
 12 violation be listed in there so
 13 environmental groups and
 14 utilities can work together to
 15 resolve this problem in the
 16 future using a swap plan, a
 17 toxic plan or a PPC plan or
 18 whatever. Many of the
 19 municipalities that I live
 20 around are going to have to
 21 follow MPDES phase three
 22 requirements in the next two
 23 years. And it would be nice to
 24 know when these things are
 25 going to be resolved.

1 Third thing I would like
 2 you to consider is the exact
 3 location of the sample sites
 4 used to produce these
 5 violations. It's great to know
 6 that there's violations out
 7 there but we'd like to go out
 8 there and tackle these problems
 9 right away. The water
 10 authority that I worked at ---
 11 that I didn't work at but that
 12 supports my family just gives
 13 general areas. They're not
 14 allowed to tell the public
 15 where these sample sites are.
 16 If we knew what the problems
 17 are we can work together to try
 18 to resolve them.
 19 Finally, I'd like to see
 20 actions taken by the municipal
 21 authorities or water suppliers
 22 on how to prevent these
 23 violations in the future. I
 24 think it's great to get the
 25 notices out and get them out

1 timely, but it's another thing
 2 to have them come out
 3 repetitively for the same
 4 violations every three to six
 5 months. I've seen two
 6 violations in my municipal
 7 water authority already and
 8 they were the same violations.
 9 So something's wrong and we
 10 need to establish a policy
 11 within DEP to try to remedy
 12 these violations, just not keep
 13 sending out public notices.
 14 Lastly I've heard
 15 tonight considerable talk about
 16 translations of these notices
 17 and how to get them out to
 18 those who can't speak English.
 19 May I suggest that DEP look at
 20 a standard symbol to place on
 21 the public notice that no
 22 matter who can speak English or
 23 not can readily understand that
 24 if you see a symbol on this
 25 notice that it means that

<p>Page 146</p> <p>1 there's a water quality 2 violation with your drinking 3 water. I give you the example 4 of the Mr. Yuk on poisons that 5 is when a child sees that 6 symbol he knows he's not 7 supposed to drink it. Maybe 8 that's something that everybody 9 can see on the public notice 10 that, hey, there's a problem 11 here and maybe I don't want to 12 drink it. But that's something 13 that maybe DEP would like to 14 come out with a standard symbol 15 that everybody can recognize 16 and you wouldn't have to worry 17 so much about the translations. 18 Thank you. 19 MR. EVERETT: 20 Thank you. Next 21 speaker? 22 MR. ARNDT: 23 Good evening. My name 24 is Aurel Arndt. I am chairman 25 of the Pennsylvania Section of</p>	<p>Page 148</p> <p>1 Pennsylvanians. Its membership 2 also include 2,100 water supply 3 professionals, including 4 engineers, operators, managers 5 and vendors in the water supply 6 industry. PMAA members include 7 284 municipal authorities which 8 provide drinking water to 9 residents throughout 10 Pennsylvania. 11 Generally AWAA, PMAA and 12 the WUC are supportive of the 13 changes included within the 14 proposed regulation. In 15 particular we believe the 16 change to the Lead and Copper 17 Rule which allows water systems 18 that have low lead and copper 19 levels to immediately move to 20 reduce three year monitoring 21 thereby bypassing annual 22 testing is a positive step 23 which does nothing to 24 compromise drinking water 25 safety yet allows water</p>
<p>Page 147</p> <p>1 the American Waterworks 2 Association also known as AWWA 3 and president-elect of the 4 Pennsylvania Municipal 5 Authority's Association also 6 known as PMAA. My employer, 7 Lehigh County Authority is a 8 member of the Water Utility 9 Council also known as the WC or 10 WUC, which includes 11 representatives from the 12 National Association of Water 13 Companies, Pennsylvania 14 Chapter, the Pennsylvania Rural 15 Water Association and the 16 Waterworks Operators 17 Association of Pennsylvania in 18 addition to AWWA and PMAA. 19 This testimony is presented on 20 behalf of all organizations. 21 AWWA members include 22 approximately 180 public and 23 private utilities which operate 24 community water supply systems 25 that serve over 8 million</p>	<p>Page 149</p> <p>1 suppliers to save an estimated 2 \$128,000 annually. 3 Further we recognize 4 that many of these regulatory 5 changes reflect recently 6 adopted federal regulations 7 that Pennsylvania must enact in 8 order to maintain primacy under 9 the Safe Drinking Water Act. 10 We strongly support 11 Pennsylvania primacy for the 12 SDWA. However, consistent with 13 our position on SDWA 14 regulations we believe that the 15 proposed regulations should be 16 no more stringent than the 17 provisions of the federal 18 rules. We have several 19 comments on matters within 20 these regulations as follows. 21 First of all, the 22 Consumer Confidence Report. 23 These organizations strongly 24 support the requirement that 25 community water systems prepare</p>

<p>Page 150</p> <p>1 and provide an annual CCR to 2 customers allowing them to make 3 informed public health 4 decisions concerning the water 5 they are provided. Regarding 6 multi-lingual information the 7 Department has requested 8 comments on a threshold which 9 would trigger the provision of 10 multi-lingual information. The 11 proposed rule making cites EPA 12 guidance that suggest a 13 threshold of the lesser of ten 14 percent of the population or 15 1,000 people. We have several 16 suggestions in that regard. 17 First, we believe that ten 18 percent of the population or 19 any percentage criteria should 20 be dropped. The ten percent 21 requirement would be 22 particularly onerous for small 23 systems serving urban areas 24 where the ten percent threshold 25 could trigger multi-lingual</p>	<p>Page 152</p> <p>1 of a particular ethnic group 2 that is non-English speaking. 3 At best this is a gross 4 approximation. 5 Third we believe that 6 the information required to be 7 included in a multi-lingual 8 form in the CCR should be 9 limited to the notice of the 10 importance of the report, a 11 contact telephone number and 12 address where residents may 13 obtain additional assistance in 14 obtaining a multi-lingual copy. 15 Finally consistent with 16 our comment below regarding the 17 use of technology, software is 18 currently available for use 19 with web sites which allows 20 translation of English versions 21 to multi-lingual forms. Such 22 translation programs are 23 available on the Internet and 24 can be accessed along with the 25 CCR report on the World Wide</p>
<p>Page 151</p> <p>1 requirements for populations of 2 100 persons or less. Every 3 recent SDWA regulation 4 promulgated by EPA has 5 documented the impact of 6 regulations is felt 7 disproportionately by small 8 systems who have the fewest 9 resources, financial and 10 otherwise, available to comply 11 with such requirements. 12 Second, owing to the 13 difficulty of determining the 14 number of non-English speaking 15 residents, we believe that the 16 number of persons threshold 17 should be increased from 1,000 18 to 2,500 persons. While census 19 data provides information 20 regarding the ethnic background 21 of our population, it does not 22 document which portion of the 23 population is non-English 24 speaking. Thus we are left 25 estimating that portion if any</p>	<p>Page 153</p> <p>1 Web if the computer technology 2 used as we propose below is 3 pursued. 4 Regarding the 5 availability of certain 6 information, similar to the 7 recent action by DEP in 8 response to the September 11th, 9 2001 terrorist attacks which 10 deleted locational information 11 on Pennsylvania water supplies 12 from the DEP web site, we 13 believe that any requirement to 14 identify sources of supply and 15 other system facilities and 16 particularly their location or 17 vulnerability, should be 18 deleted from CCR requirements 19 in order to better maintain an 20 improved system security. 21 With regard to 22 technology as technology 23 continues to evolve we believe 24 that computer-based media 25 should be considered as an</p>

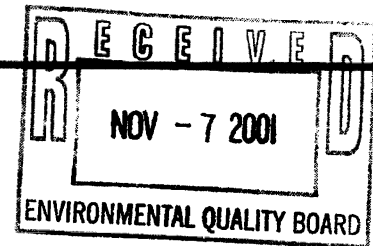
<p>Page 154</p> <p>1 acceptable means for 2 distribution of both CCR and 3 public notification information 4 other than Tier 1 and Tier 2 5 notices. We believe that 6 considerable cost could be 7 saved making funding available 8 for other safe drinking water 9 needs. We propose that 10 community water systems be 11 allowed to include a notice of 12 the availability of the CCR 13 report in billing inserts and 14 advertisement in a newspaper of 15 general circulation and posting 16 the CCR on a web site as an 17 alternative to mailing to all 18 customers. The notification 19 should include not only the 20 notice of availability of the 21 CCR but the system's web 22 address, phone number and also 23 the web addresses of DEP, the 24 Pennsylvania Public Utility 25 Commission and EPA for</p>	<p>Page 156</p> <p>1 for the notice. 2 With regard to multi- 3 lingual information we believe 4 that the provisions should 5 match those that are 6 established for the CCR to 7 simplify administration. 8 Consequently our comments above 9 regarding multi-lingual 10 information related to CCR as 11 we believe should also apply to 12 public notification. With 13 regard to the consultation, we 14 also are supportive of the 15 inclusion of a consultation 16 process as the Department has 17 suggested rather than a list of 18 more prescriptive state 19 requirements. However, in 20 order to make this process 21 workable, we believe that the 22 section regarding consultation 23 should specify that any 24 additional notice requirements 25 established pursuant to the</p>
<p>Page 155</p> <p>1 additional information about 2 CCRs and drinking water 3 programs. 4 To an increasing degree, 5 Pennsylvania residents have 6 accessed computers and the web 7 at home, work, school and 8 public libraries in their 9 neighborhoods. For those who 10 don't, written notification 11 would allow other means of 12 access including the mailing of 13 such reports pursuant to those 14 requests. 15 With regard to the 16 public notification rule, we 17 strongly support the recent 18 changes to the federal public 19 notification rule adopted by 20 EPA, particularly its approach 21 to establishing three tiers for 22 public notification which links 23 the timing of notices to the 24 significance of the matter 25 which gives rise to the need</p>	<p>Page 157</p> <p>1 consultation shall meet one of 2 two criteria. 3 Number one, it should 4 either make the public notice 5 process more effective than 6 measures specified in the 7 regulation or two, make the 8 process more efficient while 9 maintaining the same 10 effectiveness as the specified 11 requirements. 12 Further we believe that 13 consistent with the spirit of 14 consultation and cooperation, 15 any additional requirement 16 should be subject to agreement 17 of both the Department and the 18 public water supply system. We 19 believe those provisions will 20 better assure that supplemental 21 requirements will, in fact, 22 provide additional benefit and 23 avoid utilizing --- utilize 24 increasingly more resources for 25 little net effect.</p>

1 We thank the board for
2 this opportunity to make these
3 comments on the proposed
4 regulations and we'd be pleased
5 to answer any questions or
6 provide further information
7 related to our comments or
8 other matters that may arise as
9 this regulatory process is
10 pursued. Thank you very much.
11 MR. EVERETT:
12 Are there any other
13 people who wish to speak
14 tonight? Seeing none let me
15 reiterate that written comments
16 are due by the close of
17 business on November 7th. I
18 hereby adjourn this meeting at
19 8:50 p.m. Thank you.
20 * * * * *
21 HEARING ADJOURNED AT 8:50 P.M.
22 * * * * *
23
24
25

Original: 2214

Trostle, Sharon F. - DEP

From: kenneth j. jaros [kjaros+@pitt.edu]
Sent: Monday, November 05, 2001 3:40 PM
To: RegComments@state.pa.us
Cc: Clean Water Action - Pittsburgh
Subject: PN/CCR Rule



To the Environmental Quality Board:

Although I applaud many of the improvements to the Public Notification and Consumer Confidence Report Rules, I feel that the Rules could be improved further to promote the timely and responsible communication of information to the public. As a public health professional and educator, I am very much aware of the importance of these types of rules and regulations regarding the quality of drinking water and the public's right to know. I hope that when finalizing the rules, the Environmental Quality Board will review the comments and suggestions submitted by Clean Water Action (November 5, 2001 letter) and consider making appropriate and reasonable adjustments. Thank you very much and best wishes.

Kenneth J. Jaros

Public Health Social Work Training Program in
Maternal & Child Health
University of Pittsburgh
412.624.3161
FAX : 412 624-5510

RECEIVED
NOV - 9 AM 8:27
ENVIRONMENTAL QUALITY BOARD

To Whom it May Concern:

It is extremely important to myself and my community that RA's Right to know laws remain strong and continue to be strengthened further. Require utilities to notify the media within 24 hours when there is contamination of the water supply. They must also be free to reveal the names of corporate polluters without fear of being sued. Make it law.

Sincerely,
Leslie Rettig



Dear Environmental Quality Board,

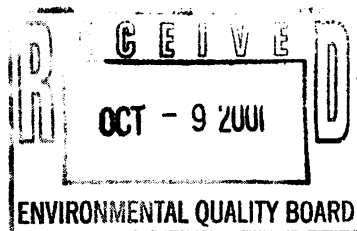
Original: 2214

I would like you to require utilities to notify the media within 24 hours anytime our water violates state standards and use multiple methods to inform us when our water is unsafe. I also think you should require that Consumer Confidence Reports list specific polluters by name when data is available.

Sincerely

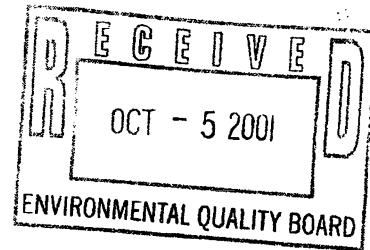
Victoria ann Long

Victoria ann Long
8014 Leon St
Phila PA 19136



Original: 2214

Sylvia Tolan
12 Llandillo Road
Havertown PA 19083



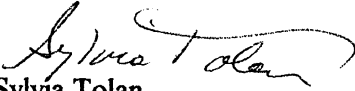
Environmental Quality Board
P.O. Box 8477
Harrisburg PA 17105 8477

To Whom It May Concern:

I want the following bills to be passed:

- utilities to notify the media within 24 hours any time our water violates state standards and use multiple methods to inform us when our water is unsafe.
- Consumer Confidence Reports to be sent to all consumers, not just bill-paying customers.

Sincerely,

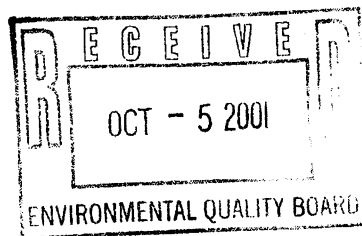

Sylvia Tolan

Dear Environmental Quality Board,

I am writing to you, to ask that you require utilities to notify the media with in 24 hours any time our water violates state standards, and use multiple methods to inform us when our water is unsafe. I would also like to ask you to require that Consumer Confidence Reports list specific polluters by name when data is available. Thank you for your time.

Sincerely,

Nick Santoleri



Original: 2214

IRRC

From: Robert Wendelgass [bwendelgass@cleanwater.org]
Sent: Monday, December 03, 2001 8:49 PM
To: IRRC
Subject: IRRC #2214: Safe Drinking Water Amendments

Below are comments from Clean Water Action addressing more details about the regulatory packet currently being considered by the IRRC. Please contact me with questions.

Robert Wendelgass
 Clean Water Action
 1201 Chestnut St. #602
 Philadelphia PA 19107
 215-640-8800 p
 bwendelgass@cleanwater.org

RECEIVED
 2001 DEC -4 AM 8:43
 CLEAN WATER ACTION

=====

Comments on Public Notification/Consumer Confidence Report Rules
Clean Water Action
1201 Chestnut St. #602, Philadelphia PA 19107
215-640-8800

These comments are submitted on behalf of Clean Water Action, a statewide environmental group with 60,000 members throughout the state. Clean Water Action has worked extensively on drinking water issues, at the federal, state and local levels. We were active participants in the legislative process in 1995 that produced the new requirement for Consumer Confidence Reports (CCR's); and participated in the process during which EPA developed regulations for these reports. We have evaluated in excess of 250 CCR's from Pennsylvania water systems, issuing two studies reviewing these reports. We have also worked with several dozen utilities to review draft versions of their reports, providing suggestions to improve their readability and accuracy.

Clean Water Action's fundamental concern is that in several key areas, the new rules weaken, rather than strengthen, the public's right to know about the quality of their drinking water. In general, the regulations proposed by DEP follow the regulations or guidance issued by the EPA. However, Pennsylvania's existing Public Notification rules are already stronger than the current EPA rules. While the new proposal does include some improvements over the existing rules, there are several key areas in which the proposed rules weaken existing protections. We strongly oppose these weakening changes, and urge DEP to reverse them.

Former Governor Ridge's Executive Order gives state agencies the authority to adopt regulations stricter than federal minimums if they can demonstrate a clear reason for doing so. We believe there are a number of reasons to do so in this case.

- First, and foremost, Pennsylvania has a long history of problems with drinking water quality. For many years, we led the nation in the incidence of waterborne diseases. While this has dropped dramatically due to required improvements in filtration, that legacy has left a residue of public concern about drinking water that cannot be ignored. In addition, while the disease incidence has declined, problems with drinking water quality still persist. In 1999, 1,591 drinking water systems had 6,157 violations of MCL's or Treatment Techniques or had significant monitoring or reporting violations! While most of those were non-community systems, community water systems reported 140 violations of MCL's and Treatment Techniques and 309 had significant monitoring or reporting violations.
- Pennsylvania also has a significant portion of its population that is more vulnerable to waterborne illness. We are among the nation's leaders in the percent of our population who are elderly, and particularly, over 75 years of age. We have significant populations of people with compromised immune systems, including people with HIV/AIDS and those who have received organ transplants or undergone chemotherapy. And we have a significant population of small children and infants. All of these groups are at higher risk of waterborne illness and need fast, accurate information about problems with the quality of their water.
- Because of our industrial and mining heritage, and with the prominence of agricultural production in much of our state, much of the water we drink comes from sources that are polluted, not pristine. Millions of

12/4/2001

Pennsylvanians get their drinking water from rivers and streams that are considered "impaired" by pollution – by industrial or sewage discharges or by runoff from farms, mines or suburban developments. Others drink from aquifers that are contaminated by these same sources.

- Finally, adoption of regulations stronger than federal minimums would not be a new departure; it would be a continuation of existing practices. Pennsylvania's existing Public Notification Rule is stronger than the minimum EPA requirements in a number of areas. Given our history, our increased vulnerability and the existing threats to our water supplies, we believe that the rules should continue to exceed federal minimums in order to protect public health in the commonwealth.

Having outlined the reasons why we support strengthening of the proposed rules, let me indicate briefly the areas in which we believe changes should be made. I'll discuss the Public Notification Rule first, and then the Consumer Confidence Report rules.

Public Notification Rule:

We support several of the changes made in the PN rule. We support the requirement of a consultation with the state within 1 hour for conditions that could constitute an immediate danger to public health; and support inclusion of treatment technique violations for pathogenic bacteria in Tier 1. However, there are several areas in which the proposed rule should be strengthened.

Notification of the media within 24 hours: We believe very strongly that the public needs to be informed of violations of drinking water standards as soon as possible so that they may take action to protect their health. While we appreciate the reduction in time allowed for Tier 1 notices, we are concerned that the rule reduces the number of activities needed to notify the public. Under the existing rule, three methods of notification are required (notice to TV and radio and the print media within 72 hours, and mail to customers within 45 days). Under the new rule, just one form of notification must be used -- either notifying TV and radio outlets, posting notices or delivering notices within 24 hours.

There are similar changes in the rules regarding Tier 2 violations. Now utilities must notify the broadcast media within 7 days, print media within 14 days and then mail to customers within 45 days. Under the new rule, they must mail to customers within 30 days and notify the newspaper, post notices or provide copies of notices within 30 days.

While we support the reduced time for mailing to customers, we are very concerned that under the proposed rules, 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 would be particularly problematic for people with compromised immune systems (people with AIDS/HIV or people undergoing chemotherapy) and for pregnant women for whom 30 days of exposure to an endocrine disrupting chemical could cause serious long-term damage to their fetus.

The simplest way to resolve these problems and improve our right to know when our water is unsafe to drink is to require all utilities to notify local newspapers and the broadcast media of any Tier 1 or Tier 2 violation within 24 hours. This would be simple and inexpensive for utilities to do; and would give people notice as soon as possible, empowering them to take steps to protect their health.

Use multiple methods of notification to reach people: While immediate notification of the media is important, use of any one method 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 Tier 1 violations. In addition, posting notices 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 1 violations.

While the rule sets a performance goal of notifying all consumers, we are concerned that the Department and public water system will end up negotiating the specific list of activities to be conducted during the consultation process, and fear that systems may be unwilling to do more than the minimum activities prescribed in the regulations. We urge DEP to prevent this from happening by at least requiring medium and large systems to conduct multiple activities for Tier 1 violations, since in these cases, it is unlikely that any one activity will reach all consumers within 24 hours.

Send repeat notices of continued violations within 30 days: DEP's current proposal would allow utilities to wait up to 90 days before notifying consumers when violations of drinking water standards continue. Notices

that the water continues to be unsafe should be sent out at least every 30 days to ensure that people continue to take precautions to protect their health.

Provide translated notices: DEP's current proposal requires notices to include an announcement in a second language that a translated version of the announcement is available if an unspecified threshold of non-English speaking customers exists in a utility's service area. In the interests of getting information to consumers in a timely fashion, we suggest, if the threshold is exceeded, that the announcement sent to customers itself be translated into the additional languages.

This would provide the information more quickly than if a person had to call the utility to have a second announcement sent to them. Also, since the text of the announcement is relatively short, it should be possible to include versions in several languages in one mailing. We would further suggest that such notices should be required when 5% of the utility's service area speaks a language other than English.

Consumer Confidence Report Rule:

We are pleased that the proposed rules address some of the issues we have previously raised with DEP. In several years of reviewing reports, we have seen a number of problems, including type size and format that made reports unreadable; additional language that contradicted or detracted from the message of the report; or blanket statements that "our water is safe". However, we urge the EQB to include the following changes in the rule in order to ensure that these reports are accurate, readable and informative.

Distribute the reports to all consumers: The proposed rule only requires that reports be mailed to customers, with a "good faith effort" to reach non-bill paying consumers. Mailing reports just to bill-paying customers ignores a substantial portion of the population, particularly the elderly and lower income renters who are often more vulnerable to water related health problems. Our recent survey of the second round of Consumer Confidence Reports from across Pennsylvania found an increasing number of utilities 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 DEP to define "reliable" in order to give clearer direction to utilities. Currently, most utilities are unclear what "reliable" data means and consequently ignore the requirement to list these sources. This in turn deprives consumers of information about the sources of the pollution that affects their drinking water.

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.

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 specific exceptions). 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 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.

On behalf of our members, and the millions of Pennsylvanians who drink publicly-supplied tap water, we encourage the DEP to improve the proposed rules in the areas I have mentioned, strengthening, not weakening, the public's right to know about the quality of the water they drink.

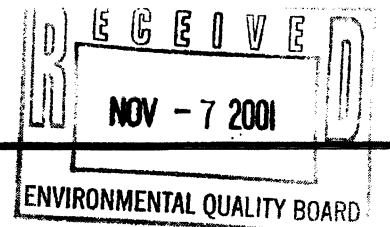
Robert Wendelgass

Pennsylvania State Director, Clean Water Action
11/6/01

12/4/2001

Original: 2214

Trostle, Sharon F. - DEP



From: Wisniewski.Patti-Kay@epamail.epa.gov
Sent: Tuesday, November 06, 2001 8:38 AM
To: RegComments@state.pa.us
Subject: Comments on Proposed Rulemaking to amend 25 PA Code, Chapter 109, Safe Drinking Water



one page summary of

EPA commen...

These comments are submitted electronically to the Environmental Quality Board at RegComments@state.pa.us concerning the September 8, 2001 Proposed amendments to 25 PA Code, Chapter 109. Safe Drinking Water. PLEASE ACKNOWLEDGE RECEIPT WITH A RETURN EMAIL.

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

The following comments are submitted by the U.S. 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 (vol.31, No.36, page 5089) on September 8, 2001.

Also included is a one page summary to be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

EPA appreciates the opportunity to comment on these proposed regulations. The Drinking Water Branch and Office of Regional Counsel of EPA, Region III reviewed the proposed rule in comparison to the Federal regulations to insure 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 recognizes the importance of PADEP maintaining primacy for these regulations.

EPA Region III offers the following comments and suggestions for wording changes. Where changes are necessary in order for EPA Region III to be able to approve the regulatory language upon future review of final regulations and a final Primacy revision request, this is so noted.

The proposed regulations involve several new or revised provisions, including the Consumer Confidence Report Rule, Public Notification Rule, Lead and Copper Rule Minor Revisions, and other minor corrections to clarify existing requirements. Our comments are separated by each of these major revision categories.

Consumer Confidence Report Rule (CCR)

EPA Region III commends the PADEP for adoption of these new public right to know regulations. EPA reminds PADEP of the need to adopt final rules before the August 19, 2002 deadline established by the Extension Agreement entered into by PADEP and EPA Region III. This is the maximum time that can be offered to states for adoption of Federal Drinking Water Regulations.

PADEP's rule is similar to the Federal Rule in many ways; however, we find that certain provisions will not be considered to be as stringent as the Federal Rule. These provisions must be amended prior to finalization, if EPA is to be able to approve the Commonwealth's regulations for Primacy purposes.

First, it is unclear as to whether the regulations require bulk water haulers which meet the definition of a community water system to produce a CCR. In Subchapter J., 109.1004 states that bulk water haulers must comply with the public notification provisions of Subchapter D. The CCR provisions also apply to those bulk water haulers which meet the Federal definition of a community water system. The language in Chapter 109 must be amended to reflect this requirement.

Secondly, EPA is concerned about the approach taken by PADEP regarding the health effects language for Fluoride. PADEP adopts by reference the CCR rule Appendix A, which includes health effects language to be included in CCRs when violations of the maximum contaminant level occur. Since PADEP has a Fluoride MCL of 2 mg/L, the health effects language of Appendix A is insufficient. The health effects language of Appendix A addresses health effects when levels exceed the Federal MCL for Fluoride of 4 mg/L. We recommend that PADEP adopt the federal secondary MCL language (found at 40 C.F.R. Section 141.208(c)) for use in CCRs. (We also recommend this for public notices. See comment below for the Public Notification Rule.)

Lastly, we have a minor comment about the numbering format for the CCR provisions in Chapter 109. The numbering scheme does not match the remainder of Chapter 109 since the CCR provisions begin with numbers, rather than letters.

Public Notification Rule (PNR)

EPA commends PADEP for the timely adoption of the revisions to the Public Notification Rule and for maintaining many of the existing public notice provisions which are unique to the PA rule.

A key concern is the proposal to use the Federal health effects language for Fluoride MCL violations. PADEP has adopted an MCL of 2 mg/L, while the Federal rule has a Primary MCL of 4 mg/L and a SMCL of 2 mg/L. Federal health effects language exists for use when either of these levels is exceeded. The timing or Tier of the public notice under the Federal rule is Tier 2 for PMCL violations and Tier 3 for SMCL. EPA strongly believes that when a Fluoride MCL violation occurs in PA, the public notice must include all of the Federal SMCL health effects language to be considered as stringent as the federal rule. Using the limited health effects language of the proposed rule will not inform the public about what they should do, i.e. that parents should provide a child with alternative sources of drinking water or water that has been treated to remove the fluoride and to contact their dentist regarding proper use by young children of fluoride-containing products. Nor does the language inform the water system customers that older children and adults may safely drink the water.

More detailed information about the health effects (aesthetic or otherwise) relating to exceedances of 2 mg/L is necessary. It should not matter whether this is a PMCL or a SMCL, the health effects language is still required.

It is strongly recommended that the Department use the term "reasonably designed" rather than simply "designed" to be consistent with the intent of the Federal rule on the good faith efforts regarding distribution of all public notices.

Although we attempted to review Chapter 109 as thoroughly as possible, the Department is reminded of the need to edit any references to the old PN provisions of 109.401-406 and replace them with the appropriate new citations. Similarly, any Chapter 109 references to 40 C.F.R. Section 141.32 must be amended.

On a minor note, there is a formatting error in 109.415 (1) & (2). These should be (a) & (b).

Lead and Copper Rule Minor Revisions (LCRMR)

EPA has no specific comments at this time. Review of the amended provisions was labor and time intensive without a crosswalk. Numerous provisions of the revised Federal rule could not be located in the amendments to Chapter 109 during our review. It was not possible to determine if the Department has addressed all the requirements of the revised Federal rule either by provisions of Chapter 109 or by Department Guidance. If the Department would like to discuss this matter in more detail, EPA staff are available to do so.

Other minor corrections to clarify existing requirements (including the deletion of 109.302(f) Special Monitoring requirements for the Unregulated Contaminant Monitoring Regulation, and changes to the Lead and Copper Rule (LCR) to satisfy outstanding issues with EPA which have prevented PADEP from obtaining Primacy for the LCR.)

It appears that the proposed regulations have amended the Lead and Copper Rule to correct prior deficiencies which prevented PADEP from obtaining Primacy for this rule. PADEP must be commended for their untiring efforts to thoroughly discuss these issues at length with EPA. We hope that the same level of effort can continue as we move to resolve the outstanding issues related to the Phase II/V Rules which the Department does not have Primacy for.

However, we are seeking additional clarification and detail on one provision of the LCR. PADEP does not require the submission of all monitoring results to the Department, but rather allows the water suppliers to retain this information on their premises. The Department's regulatory scheme and guidance to the water suppliers is functionally equivalent to 40 C.F.R. Section 141.90. Our concern lies with public access to this information. Having the state request the materials if the water suppliers refused the public access is not sufficient. It is our understanding the PA Right to Know Law (65 P.S., Section 66.1-66.4) addresses this matter for publicly owned water systems, but not privately owned water systems. The public must be allowed to have access to this information. The Department must show that a privately owned water supplier would be required to furnish this information to the public upon request. If this authority does not currently exist, the Department will need to add this authority to their regulations, or change Chapter 109 to require water suppliers to submit this data to the Department as specified in 40 C.F.R. Section 141.90.

Finally, PADEP is reminded that final Agency approval and Primacy determinations for these rules will be based on a review of final, adopted regulations and the submission of a Primacy Revision Request document which must include an Attorney General (AG) statement and crosswalks for all rules. Part of the AG's opinion needs to address the enforceability of the guidance documents that the PADEP is using to comply with our regulatory requirements. Crosswalks are an invaluable tool in the Agency's review. The Department is encouraged to compare its final rule with these crosswalks to ensure that each required Federal provision has been adopted. The Primacy Revision Request must also address the Special Primacy requirements of 40 C.F.R. Part 142 associated with each of these rules.

Thank you for this opportunity to comment. Should you have any questions, my contact information can be found below.

Patti Kay Wisniewski
PWSS Team Leader
Drinking Water Branch (3WP22)
US EPA
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-5668/215-814-2318 FAX

REVIEW COMMISSION

2001 NOV -9 AM 8:31

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

REVIEW/COMMISSION
The following is a summary of the comments submitted by the U.S. 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 (vol.31, No.36, page 5089) on September 8, 2001.

EPA appreciates the opportunity to comment on these proposed regulations. The Drinking Water Branch and Office of Regional Counsel of EPA, Region III reviewed the proposed rule in comparison to the Federal regulations to insure 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 recognizes the importance of PADEP maintaining primacy for these regulations.

PADEP's Consumer Confidence Report rule is similar to the Federal Rule in many ways; however, we find that certain provisions will not be considered to be as stringent as the Federal Rule. These provisions must be amended prior to finalization, if EPA is to be able to approve the Commonwealth's regulations for Primacy purposes.

First, it is unclear as to whether the regulations require bulk water haulers which meet the definition of a community water system to produce a CCR. The CCR provisions must also apply to those bulk water haulers which meet the Federal definition of a community water system. The language in Chapter 109 must be amended to reflect this requirement.

Secondly, EPA is concerned about the approach taken by PADEP regarding the health effects language for Fluoride. Since PADEP has a Fluoride MCL of 2 mg/L, the health effects language of Appendix A is insufficient. The health effects language of Appendix A addresses health effects when levels exceed the Federal MCL for Fluoride of 4 mg/L. We recommend that PADEP adopt the federal secondary MCL language (found at 40 C.F.R. Section 141.208(c)) for use in CCRs. (Also see similar comment below for the Public Notification Rule.)

A key concern of the Public Notification Rule is the proposal to use the Federal health effects language for Fluoride MCL violations. EPA strongly believes that when a Fluoride MCL violation occurs in PA, the public notice must include all of the Federal SMCL health effects language to be considered as stringent as the federal rule. Using the limited health effects language of the proposed rule will not inform the public about what they should do, i.e. that parents should provide a child with alternative sources of drinking water or water that has been treated to remove the fluoride and to contact their dentist regarding proper use by young children of fluoride-containing products. Nor does the language inform the water system customers that older children and adults may safely drink the water.

It appears that the proposed regulations have amended the Lead and Copper Rule to correct prior deficiencies which prevented PADEP from obtaining Primacy for this rule. PADEP must be commended for their untiring efforts to thoroughly discuss these issues at length with EPA. We hope that the same level of effort can continue as we move to resolve the outstanding issues related to the Phase II/V Rules which the Department does not have Primacy for.

However, we are seeking additional clarification and detail on one provision of the LCR. The Department's regulatory scheme and guidance to the water suppliers is functionally equivalent to 40 C.F.R. Section 141.90. Our concern lies with public access to this information. Having the state request the materials if the water suppliers refused the public access is not sufficient. It is our understanding the PA Right to Know Law (65 P.S., Section 66.1-66.4) addresses this matter for publicly owned water systems, but not privately owned water systems. The public must be allowed to have access to this information. The Department must show that a privately owned water supplier would be required to furnish this information to the public upon request. If this authority does not currently exist, the Department will need to add this authority to their regulations, or change Chapter 109 to require water suppliers to submit this data to the Department as specified in 40 C.F.R. Section 141.90.

Submitted by Patti Kay Wisniewski, Team Leader, Drinking Water Branch, U.S. EPA Region III
November 6, 2001

Original: 2214

IRRC

From: Robert Wendelgass [bwendelgass@cleanwater.org]
Sent: Friday, November 30, 2001 9:47 PM
To: IRRC
Subject: IRRC#2214: Safe Drinking Water Amendments

Below are comments on Regulatory Package 2214, Safe Drinking Water Amendments. With any questions or for more information, contact Robert Wendelgass at 215-640-8800.

Robert Wendelgass
Clean Water Action
1201 Chestnut St. #602
Philadelphia PA 19107

November 5, 2001

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477

Dear Friends:

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 current proposal would allow utilities to wait up to 90 days before notifying consumers when violations of drinking water standards continue. Notices that the water continues to be unsafe should 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 urge the EQB to include the following changes in the rule governing the annual water quality reports sent to customers.

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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 from 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 DEP 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.

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, and we look forward to a positive response from the Board and Department.

Sincerely,

ORGANIZATIONS:

Clean Water Action
Robert Wendelgass
1201 Chestnut Street #602
Philadelphia, PA 19107

Clean Water Fund
Robert Wendelgass
1201 Chestnut Street, Suite #602
Philadelphia, PA 19107

Action AIDS
Kevin R. Conare
1216 Arch St., 6th Floor
Philadelphia, PA 19107

Action Alliance of Senior Citizens of Greater Philadelphia
1201 Chestnut Street, 5th floor
Philadelphia, PA 19107

AIDS Outreach
Linda S. Gallagher

12/3/2001

112 N. Fifth St.
Allentown, PA 18102

Alice Water Protection Association
RD #5 Box 111-A
Mt. Pleasant, PA 15666

Allegheny Unitarian Universalist Church
Rev. Art McDonald
1110 Resaca Place
Pittsburgh, PA 15212

Alliance for Progressive Action
Linda Wambaugh
PO Box 5294
Pittsburgh, PA 15206

Association of Community Organizations for Reform Now (ACORN)
846 N. Broad Street
Philadelphia, PA 19130

Berks Chemical Sensitivity Network
Beth Litvin
20 Ptarmigan Drive
Reading, PA 19606

Butler Natural Living
Barbara Songer
819 Madison St
Clarion, PA 16214

CATA (Committee to Support Farmworkers)
Nelson Carrasquillo
PO Box 246
102-104 E. State St.
Kennett Square, PA 19348

Cancer Patients Legal Advocacy
Nancy T. Wimmer
P.O. Box 0245
Merion, PA 19066

Citizens for Good Government
Larry Arata
1204 Edgewood Rd.
Havertown, PA 19083

Citizens for Pennsylvania's Future
Jan Jarrett
212 Locust Street, #410
Harrisburg, PA 17101

Clean Air Council
Joseph Otis Minott, Esq.
135 S. 19th Street, Suite 300
Philadelphia, PA 19103

Community/Labor Refinery Tracking Committee
Joanne Rossi
2631 S. 66th Street
Philadelphia, PA 19142

Darby Creek Valley Association
Fritz Thornton
Box 732
Drexel Hill, PA 19026

Delaware RiverKeeper Network
Tracy Carluccio
PO Box 326
Washington Crossing, PA 18977

East End Food Co-op
Susan Richter
7516 Meade St.
Pittsburgh, PA 15208

Earth Concerns Organization of the Main Line Unitarian Church
Mary Kane
2103 Quail Ridge Drive
Paoli, PA 19301

Eastwick Project Area Committee
8509 Eastwick Place
Philadelphia, PA 19155

Green Valleys Association
John Hoekstra
1368 Prizer Road
Pottstown, PA 19465

Juniata Valley Audubon
Stan Kotala
P.O. Box 32
Tyrone, PA 16686

Lehigh Valley Greens
Guy Gray
801 Vernon Street
Bethlehem, PA 18015

Local Environmental Awareness and Development (LEAD) Group
Nancy L. Tobias
P.O. Box 13033
Reading, PA 19612

Little Lehigh Watershed Coalition
Jan Keim
11 Pine Street
Emmaus, PA 18049

Little Lehigh Trout Unlimited
Linc Palmer, President
Trexlerstown, PA 18087

Maternity Care Coalition
Heidi Worley
2000 Hamilton Street #205
Philadelphia, PA 19103

Mountain Watershed Association
Beverly Braverman

P.O. Box 408
Melcroft, PA 15462

Neshaminy Watershed Association
Richard Myers
P.O. Box 633
Rushland, PA 18956

North Area Environmental Council
Bill Moul
P.O. Box 71
Ingomar, PA 15127

Pennsylvania Alliance for Retired Americans
Martin Berger, President
2331 State Street
Harrisburg, PA 17101

Pennsylvania Council of Churches
Rev. K Joy Kaufmann
900 S. Arlington Avenue, Suite 100
Harrisburg, PA 17109

Pennsylvania Chapter Sierra Club
Jeff Schmidt
P.O. Box 663
Harrisburg, PA 17108

Pennsylvania Environmental Network
Vicki Smedley
P.O. Box 92
Fombell, PA 16123

Pennsylvania PIRG
David Masur
1334 Walnut Street, 6th Floor
Philadelphia, PA 19107

Pennsylvania Trout Unlimited
Ken Undercoffer
RD4
Box 140 AA, Kennan Drive
Greensburg, PA 15601

The Philadelphia AIDS Consortium
Ignacio Yesiaki Yamasaks
260 S. Broad Street
Suite #1320
Philadelphia, PA 19102

Philadelphia Citizens for Children & Youth
Shelly Yanoff
7 Benjamin Franklin Parkway
Philadelphia, PA 19103

Philadelphia Community Health Alternatives
Nurit Shein
1201 Chestnut Street
Philadelphia, PA 19107

Philadelphia Corporation for Aging

Harry B. Steward
642 North Broad Street
Philadelphia, PA 19130

Philadelphia Physicians for Social Responsibility
Joel L. Chinitz, MD, MPH
704 N. 23rd St.
Philadelphia, PA 19130

Pittsburgh Physicians for Social Responsibility
Julian Eligator
P.O. Box 7241
Pittsburgh, PA 15213

Pittsburgh AIDS Task Force
Nancy Commella
905 West Street, 4th Floor
Pittsburgh, PA 15221

Pittsburgh Area Stand for Children
Wanda Guthrie
5125 Penn Avenue
Pittsburgh, PA 15224

Providence Family Support Center
Tish Donze-Howard
3113 Brighton Rd.
Pittsburgh, PA 15212

Raymond Proffitt Foundation
P.O. Box 723
Langhorne, PA 19047

Save Open Space, Newtown Square
John Custer
4022 Goshen Rd.
Newtown Square, PA 19073

Sierra Club, Allegheny Group
Peter Wray
110 Royal Oak Avenue
Pittsburgh, PA 15235

Sierra Club, Berks Group
Phila Back
30 Pine Street
Kutztown, PA 19530

Sierra Club, Lehigh Valley Group
815 Beverly Avenue
Bethlehem, PA 18018

Slippery Rock StreamKeepers
Bruce Hazen
P.O. Box 97
Portersville, PA 16051

Springton Lake Crum Creek Conservancy
Jack Eliason
3714 Gradyville Road
Newtown Square, PA 19073

3 RiversKeeper
John Stephen
95 Pius Street
Pittsburgh, PA 15203

Thomas Merton Center
Tim Vining
5125 Penn Avenue
Pittsburgh, PA 15224

Unitarian Universalist Fellowship of Pottstown
Amanda Miller
1565 South Keim Street
Pottstown, PA 19465

Valley Forge Trout Unlimited
Pete McCoy
PO Box 1356
West Chester, PA 19380

West Chester Fish, Game & Wildlife Association
M. John Johnson
P.O. Box 511
West Chester, PA 19381-0511

Women's Health & Environmental Network
Julie Becker, PhD, MPH
704 N. 23rd St.
Philadelphia, PA 19130

INDIVIDUALS (organizational affiliation for identification purposes):

Joseph Colosi, Professor of Biology and Environmental Science, DeSales University
1671 Pleasant View Road
Bethlehem, PA 18015

State Representative Dan Frankel
23rd Legislative District
4225 Murray Avenue
Pittsburgh, PA 15217

State Representative Robert L. Freeman
136th Legislative District
215 Northampton Street
Easton, PA 18042

Steven Halbert, MD
1442 Ashbourne Road
Wyncote, PA 19095

Michael Heiman
Environmental Studies Department
Dickinson College
Carlisle, PA 17013

Barbara Kline, CRNA (certified registered nurse anesthetist), UPMC
1100 Normahill Drive
Pittsburgh, PA 15201

Mary Kostalos, PhD

Biology Department, Chatham College
Woodland Road
Pittsburgh, PA 15232

Lara J. Kunschner, MD
Allegheny General Hospital
Allegheny Neurological Associates
420 E. North Avenue, Suite 206
Pittsburgh, PA 15212-4746

State Representative David Levdansky
39th Legislative District
122 Second Avenue
Elizabeth, PA 15037

State Representative Jennifer Mann
132nd Legislative District
1227 Liberty Street, Suite #202
Allentown, PA 18102

Sean McBride
Anderson Medical Research
225 Penn Avenue
Pittsburgh, PA 15221

Herbert L. Needleman, MD
Director, Lead Research Group
University of Pittsburgh
3520 Fifth Avenue, Suite 310
Pittsburgh, PA 15213

David McGuire, PhD, Chemist
815 Beverly Drive
Bethlehem, PA 18018

Nancy Niemczyk, CNM
1229 Resaca Place
Pittsburgh, PA 15212

Grace Paranzino, MS RN,
MCP Hahnemann School of Medicine
2900 Queen Lane
Philadelphia, PA 19129

State Representative T.J. Rooney
133rd Legislative District
7 West 4th Street
Bethlehem, PA 18015

Gary M. Santel
Public Health Administrator
Allegheny County WIC Program
349 Cape May Avenue
Pittsburgh, PA 15216

Karin Sergel, Professor of Speech and Communication, Kutztown University
145 Hummels Hill Road
Kutztown, PA 19530

Randa Shannon, CRNA,
UPMC

1100 Normahill Drive.
Pittsburgh, PA 15201

Elizabeth N. Stifel, MD
2979 Clearview Road
Allison Park, PA 15101

State Representative Sara Steelman
62nd Legislative District
665 Philadelphia Street
Indiana, PA 15701

James Stuhltrager, Esq.
448 Post Road
Holmes, PA 19043

State Representative Dan Surra
Legislative District 75
6 Shawmut Square
St. Marys, PA 15857

Evelyn O. Talbott, Dr. PH
Professor of Epidemiology,
Graduate School of Public Health
University of Pittsburgh
544 Crabtree Hall
Pittsburgh, PA 15261

Mark A. Thoma, MD
1151 Race Street
McKees Rocks, PA 15136

State Representative Curtis Thomas
181st Legislative District
1348 W. Girard Avenue
Philadelphia, PA 19123

David Tollerud, MD
524 Baird Road
Merion Station, PA 19066

Stephen J. Tonsor, PhD
Department of Biological Sciences
University of Pittsburgh
P.O. Box 7241
Pittsburgh, PA 15213

State Representative Jim Wansacz
114th Legislative District
108 S. Main Street
Old Forge, PA 18518

Albert Wurth, PhD
Political Science Department
Lehigh University 525 6th Avenue
Bethlehem, PA 18018