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ENVIRONMENTAL QUALITY BOARD



MERCK
Manufacturing Division

November 5, 2007

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

Subject: Comments on Proposed Rulemaking, Safe Drinking Water; Public Notification Revisions

Ref: PA Bulletin, Vol. 37, No. 38, September 22, 2007

Dear Environmental Quality Board:

The West Point, PA site of Merck & Co., Inc. (Merck) appreciates the opportunity to submit comments on the Safe Drinking Water proposed rulemaking as published in the September 22, 2007 PA Bulletin.

The Merck - West Point, PA site operates a nontransient noncommunity public water supply, PWS ID No. 1461065, which maintains continued compliance with all state and federal drinking water standards and regulations.

Comments:

1. 109.701(a)(iii) – In this section, DEP proposes additional examples of situations that would require a one-hour notification to DEP. The additional examples include:
 - a. An overfeed of a drinking water treatment chemical
 - b. A situation that causes a negative water pressure in any portion of the distribution system
 - c. A lack of resources that affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

Merck's comment primarily addresses the first and third examples ("treatment chemical overfeed", and "lack of resources").

- a. Drinking water treatment chemical overfeed – The requirement to report, within one hour, a chemical overfeed, without any specific conditions, provisos, or limitations, is excessive and onerous to both the water supplier and to PA DEP. As proposed, this example will result in water suppliers calling DEP for increased chemical feed rates that are part of normal treatment operations. DEP should better define or clarify this requirement to report a chemical overfeed that results in an MCL/MRDL exceedence, or a situation that poses a health threat to the population served.

Safe drinking water regulations contain established criteria for drinking water that is compliant and safe for consumption. A well operated drinking water treatment plant will experience fluctuations in chemical feed addition rates during normal operations based on changing conditions. For example, chlorine feed rates fluctuate above (or conversely below) a certain median baseline due to changes in water demand flow, but with the final supply chlorine residual still within the required disinfectant residual range.

Further clarification and definition of this requirement will reduce unnecessary calls from water suppliers for chemical feed changes that are within their plants' normal operating parameters. This will also ensure DEP's regulatory management burden remains focused on significant situations which have potential human health impacts. In addition, further clarification of this example would be consistent with the current wording of 109.701(a)(3)(iii): "...a failure or significant interruption in key water treatment processes."

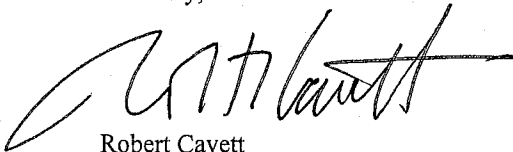
- b. Lack of resources that affect operations – Similar to the previous comment, this example should be better defined and clarified. DEP should clarify this example to require one hour notification for resource issues that could result in failure or significant interruption of the water treatment process.

Like any business or industry, public water suppliers experience personnel and material resource fluctuations. These fluctuations will impact a supplier's operations to some degree, but not necessarily to a point of affecting water supply quality or compliance. For example, an operator for a water supplier may resign, resulting in paying overtime, or using supervisory personnel to cover the former operator's duties. Although this results in an operational impact through increased costs or scheduling constraints, it does not result in an operational impact that effects water compliance. This same rationale follows for other resources such as chemical inventories. Proper management of resources, even during periods of higher than expected use, is part of running the business, but does not necessarily translate into a water supply compliance impact or health hazard.

Further clarification and definition of this example will minimize calls that do not impact human health or compliance, and will ensure DEP's resources remain focused on significant situations which could affect the population served by a public water supply.

Merck appreciates the opportunity to comment on this proposed regulation. If you have any questions, please do not hesitate to contact me at (215) 652-7973, or robert_cavett@merck.com.

Sincerely,



Robert Cavett
Senior Environmental Engineer

cc: Alice L. Lenthe, P.E., Director, West Point Safety and Environmental Management