

2637

Tate, Michele

From: Liesel Adam [lieseladam@lehighcountyauthority.org]
Sent: Friday, November 16, 2007 5:26 PM
To: RegComments@state.pa.us
Subject: Comments on Proposed Rulemaking, DEP ID: 7-407 (#2637)

Comments on Proposed Rulemaking, DEP ID: 7-407 (#2637)

Safe Drinking Water – Public Notice Revisions (Title 25, Pa. Code Chapter 109)

Subject comments attached for submission to the Pa. Environmental Quality Board prior to the published November 21, 2007 comment deadline. As the attached comments are on one page, we ask that they be included in the agenda packet distributed to the Board members prior to the meeting at which the final regulation will be considered. Thank you.

Liesel M. Adam

Lehigh Valley Water Suppliers, Inc.

P.O. Box 3348

Allentown, PA 18106

610-398-2503

610-398-8413 (fax)

www.lvwater.org

[<<LVWS-Comments-Public Notification.pdf>>](#)

RECEIVED
2007 NOV 20 AM 11:01
INDEPENDENT REGULATORY
BOARD OF PENNSYLVANIA

Comments on Public Notice Proposed Rulemaking, DEP ID: 7-407 (#2637)

Lehigh Valley Water Suppliers, Inc. (LVWS) is a nonprofit organization made up of 18 public water utilities in the Lehigh Valley region of eastern Pennsylvania. Our mission is to conduct meaningful public outreach programs that enhance the public's understanding and support for the important issues that water utilities face, such as conservation, pollution prevention, source water protection and watershed awareness. More information about LVWS can be found online at www.lvwater.org.

LVWS recognizes that upgrading our member utilities' public notification methods will provide improvements in customer communication and public health protection, which is consistent with the LVWS mission. However, we have some concerns about the proposed rulemaking, particularly with respect to the cost of the new requirements, the need for a compliance period, and the handling of water main breaks. A description of LVWS members' concerns is provided below. Some individual member utilities may submit more extensive comments on behalf of their organization under separate cover.

Cost of New Public Notification Requirements

The strengthened public notice requirements for imminent threat violations and situations will help utilities to get their messages out to customers in a more direct manner through the use of telephone dialing system. However, it should be recognized that utilities will bear significant cost increases as a result of this requirement. Some small and medium-sized utilities may resort to deferring planned maintenance or capital improvements in order to meet this requirement, unless financial assistance is made available. Alternatively, utility customers may face rate increases to cover the ongoing, annual costs associated with this requirement.

A more rigorous cost-benefit analysis is recommended to determine if alternative cost-effective methods are available to achieve similar or greater public health benefits. LVWS notes that utilities will still be required to use traditional notification methods such as media broadcasting, door-to-door posting and web-site posting in order to reach transient populations. LVWS also notes that it is not possible to guarantee 100 percent notification, as some customers will not be reachable by phone or other methods. These factors should be included in a more rigorous cost-benefit analysis.

Need for a Compliance Period

The very broad cost estimates provided by PA-DEP offer minimal usefulness to utilities that will need to prepare new budgets or professional service authorizations as a result of these revisions. Likewise, some economies may be gained through the use of utility partnerships or combined service contracts. Therefore, given these unknown factors, a compliance period of six months is recommended to allow utilities to refine cost estimates, prepare new budgets, allocate costs, pursue partnerships, and review available technology.

Handling of Water Main Breaks

LVWS members are concerned about how PA-DEP intends to handle main breaks. Requiring notice of every main break is not necessary unless there is a real threat to public health. Issuing boil water advisories and "problem corrected" notices with each water main break may desensitize customers to the seriousness of water systems' public notices. Furthermore, this requirement adds compliance costs for the hand-delivery of multiple notices to small groups of customers throughout the year, as water main breaks are a common occurrence for some LVWS member utilities. Therefore, LVWS recommends language regarding notice in the event of water main breaks be revised to include only those situations that pose a real threat to public health, and guidance be developed to allow utilities and PA-DEP personnel to work from the same set of standards on this issue.