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OFFICE OF CONSUMER ADVOCATE

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November 16, 2007

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ENVIRONMENTAL QUALITY BOARD

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

Re: Proposed Rulemaking: Revisions to Title 25,  
Pennsylvania Code Chapter 109, Safe Drinking  
Water, Subchapter D, Public Notification

Environmental Quality Board:

Enclosed please find the Comments of the Office of Consumer Advocate on proposed  
Public Notification Revisions and a one-page summary of those Comments.

Respectfully submitted,

*Erin L. Gannon / SMS*

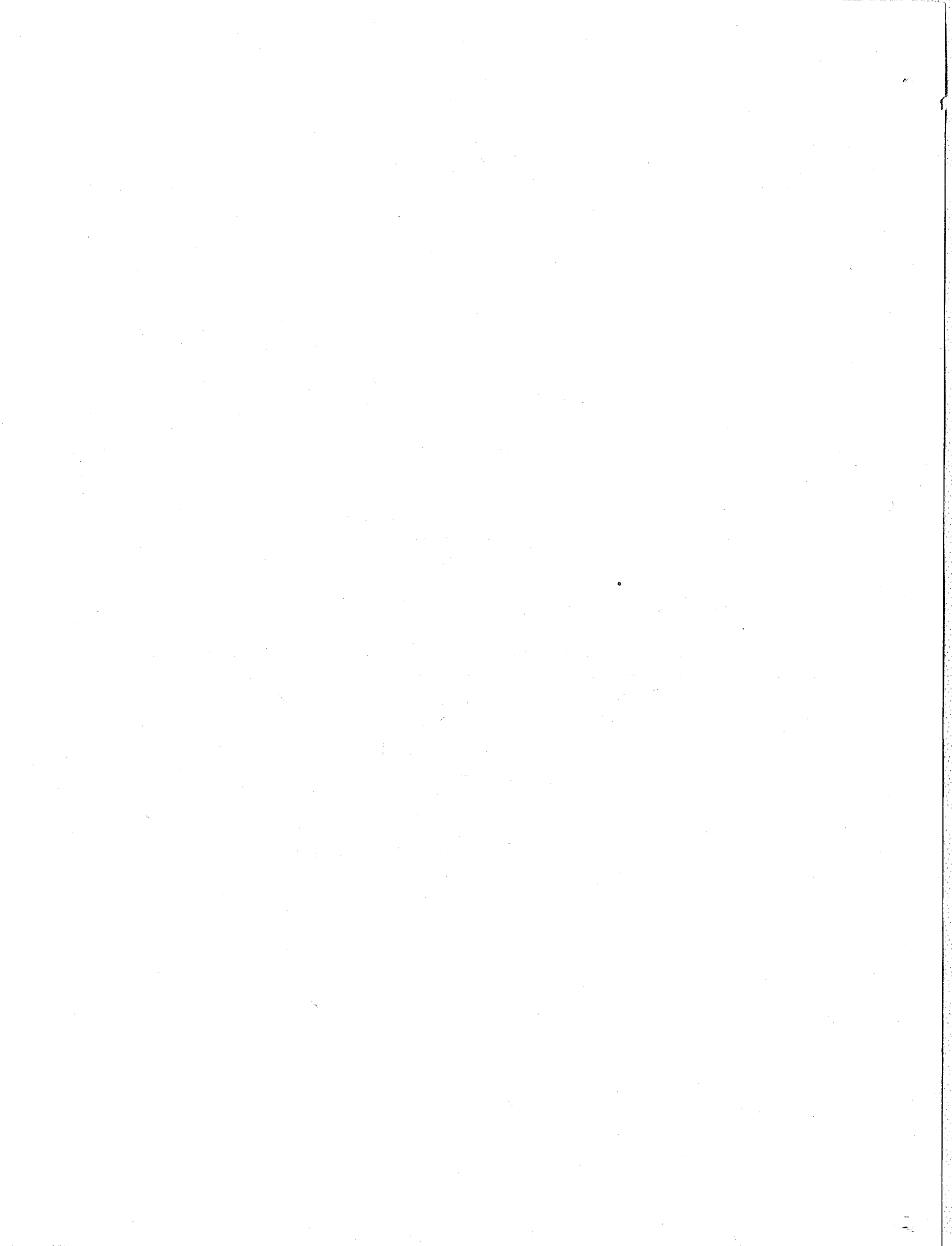
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Assistant Consumer Advocate  
PA Attorney I.D. #83487

ELG:slk  
Enclosures  
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INDEPENDENT REGULATORY  
BOARD OF PENNSYLVANIA

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BEFORE THE ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking: Revisions to Title 25, Pennsylvania Code Chapter 109, Safe Drinking Water, Subchapter D, Public Notification

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**SUMMARY OF THE COMMENTS OF THE OFFICE OF CONSUMER ADVOCATE  
ON PROPOSED PUBLIC NOTIFICATION REVISIONS**

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The OCA supports the Environmental Quality Board's proposed revisions to the Public Notification regulations and submits four additional changes to further improve the timeliness and quality of information received by the public during emergency situations.

1. 25 Pa. Code § 109.408(c)(1)(iv)(B). Require public water suppliers to give callers an option to talk with a live person if they have questions about a recorded public notice:

Recorded on a dedicated phone line with the option for callers to speak to a live person.

2. 25 Pa. Code § 109.411(b)(4). Require suppliers to include both a telephone number and a website address in abbreviated Tier 1 notices, unless no website is available:

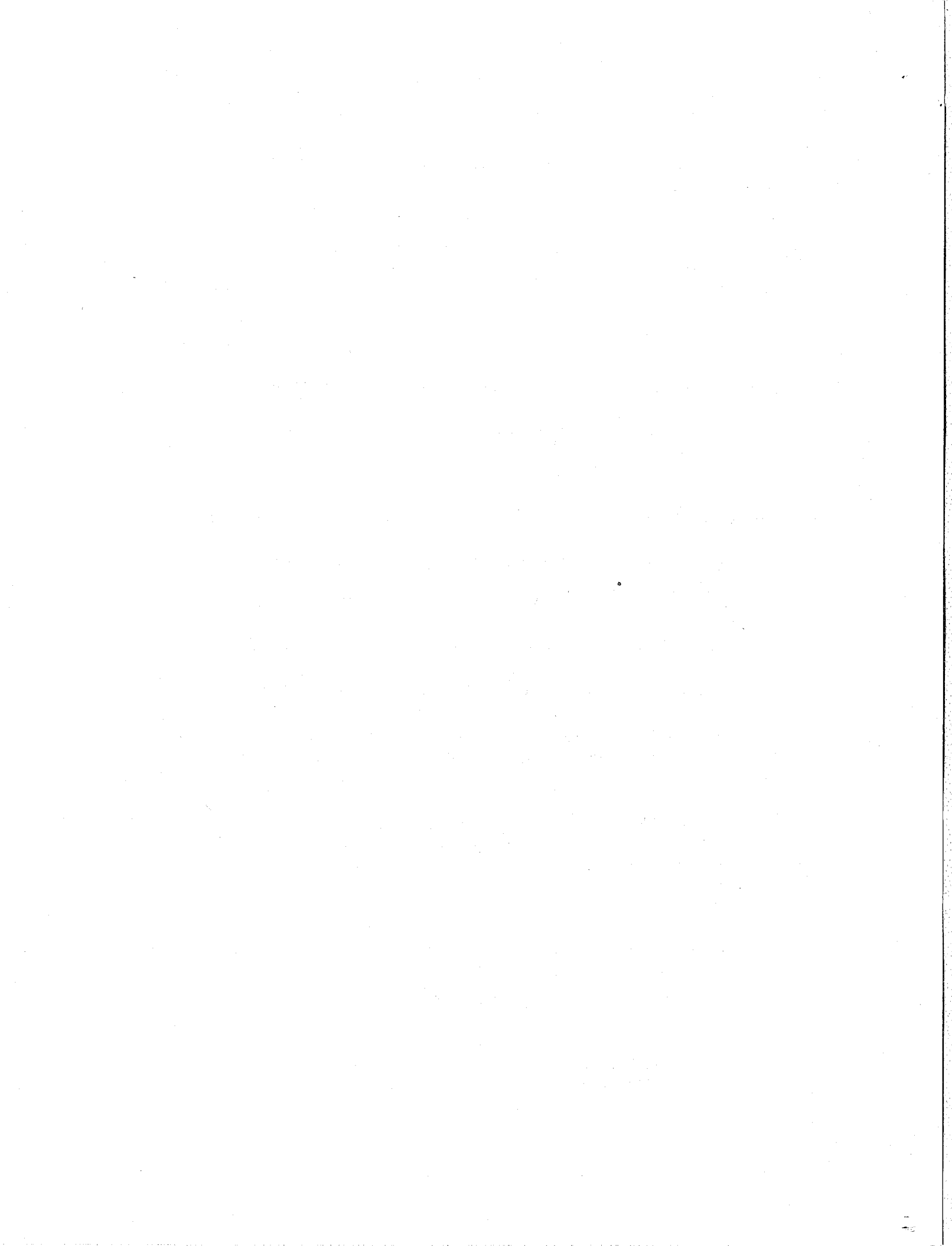
A telephone number and website address, if available, where consumers can obtain the entire notice.

3. 25 Pa. Code § 109.707(a). Require suppliers to include the date of last update to their emergency response plans:

Date of last update.

4. 25 Pa. Code § 109.411(c). Require suppliers to update emergency response plans whenever there are changes to communication procedures or contact information:

The community water supplier shall review and update the plan at least annually and as necessary to reflect changes to communications procedures and contact information.



BEFORE THE  
ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking: Revisions to Title 25, Pennsylvania Code Chapter 109, Safe Drinking Water, Subchapter D, Public Notification

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**COMMENTS OF THE OFFICE OF CONSUMER ADVOCATE ON  
PROPOSED PUBLIC NOTIFICATION REVISIONS**

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On May 16, 2007, the Environmental Quality Board (EQB) unanimously adopted a proposal to amend the public notice regulations contained in Title 25, Pa. Code Chapter 109, which was published in the Pennsylvania Bulletin on September 22, 2007. 37 Pa.B. 5158. The Office of Consumer Advocate (OCA) hereby submits its Comments to the proposed Public Notification Revisions.

**I. INTRODUCTION**

The OCA supports the EQB's proposal to revise the Public Notification regulations to strengthen the requirements for notice to the public about violations and situations affecting their water supply. Consumers' access to immediate and accurate information about such threats is critical and the OCA believes that the revisions contained in the proposed rulemaking will improve the flow of information from utilities. To that end, the OCA submits some additional changes that would go even further to improve the timeliness and quality of information received by customers during emergency situations.

## II. COMMENTS

### A. 25 Pa. Code § 109.408. Tier 1 public notice.

The EQB proposes to amend the public notice regulations to require certain public water suppliers who deliver an abbreviated public notice also to provide the entire public notice in one of three ways. 25 Pa. Code § 109.408 (c)(1)(iv). The second way listed is to record the entire public notice on a dedicated phone line. 25 Pa. Code § 109.408 (c)(1)(iv)(B). The OCA submits that it would be appropriate for callers to have the option to talk with a live person if, after listening to the recorded public notice, they have questions. The OCA thus proposes the following revision:

(B) Recorded on a dedicated phone line with the option for callers to speak to a live person.

### B. 25 Pa. Code § 109.411. Content of a public notice.

Where certain public water suppliers use an abbreviated Tier 1 public notice, the EQB has identified four minimum elements that must be included. 25 Pa. Code § 109.411(b)(1-4). The fourth element requires the abbreviated notice to include “a telephone number or website address or both where consumers can obtain the entire notice.” 25 Pa. Code § 109.411(b)(4). The OCA submits that this provision should require the public water supplier to provide both a telephone number and a website address, unless no website is available. Not all customers have access to the internet, so a phone number should always be provided. Publishing the notice on a website is also an important option because it would allow consumers with internet access to

read the entire notice and print or forward the notice to other affected consumers. Accordingly, the OCA proposes the following revision:

(4) A telephone number and website address, if available, where consumers can obtain the entire notice.

**C. 25 Pa. Code § 109.707. Emergency Response Plan.**

The existing regulations require community water suppliers to develop a plan for the provision of safe and adequate drinking water under emergency circumstances and to review and update the plan at least annually. 25 Pa. Code § 109.707(a),(c). The OCA proposes additions to these provisions. First, the EQB prescribes six elements for inclusion in the emergency response plan. 25 Pa. Code § 109.707(a)(1-6). The OCA proposes a seventh requirement, which mirrors the language proposed by EQB for operation and maintenance plans. 25 Pa. Code § 109.702(a)(13). Specifically, EQB proposes to require community water suppliers to include the date of last update to their operation and maintenance plan. Likewise, the OCA submits that suppliers should be required to include the date of last update to their emergency response plans. 25 Pa. Code § 109.408 (c)(1)(iv). The OCA proposes the following addition to 25 Pa. Code § 109.707(a):

(7) Date of last update.

Second, the OCA submits that – in addition to being updated annually – emergency response plans should be updated whenever there are changes to communication procedures or contact information. The existing regulations for emergency response plans require community water suppliers to list contact persons and phone numbers for certain groups of people. 25 Pa. Code § 109.411(a)(2). For the emergency response plan to be effective, it is critical that changes

to contact persons and phone numbers are promptly made in suppliers' emergency response plans. In view of this, the OCA submits the following proposed change to Section 109.411(c):

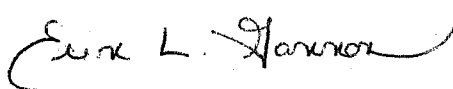
(c) The community water supplier shall review and update the plan at least annually and as necessary to reflect changes to communications procedures and contact information.



### III. CONCLUSION

The OCA supports the proposed revisions to the Department of Environmental Protection's Public Notification regulations and requests that the Environmental Quality Board consider the above Comments and adopt a rule consistent with the OCA's Comments.

Respectfully submitted,



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Dated: November 16, 2007  
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