

2637

Tate, Michele

From: Liesel Adam [lieseladam@lehighcountyauthority.org]
Sent: Tuesday, November 20, 2007 3:06 PM
To: RegComments@state.pa.us
Subject: Comments on Proposed Rulemaking, DEP ID: 7-407 (#2637)

FROM: Lehigh County Authority

RE: 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. A one-page summary is included on page 1 of this document, and we ask that it 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

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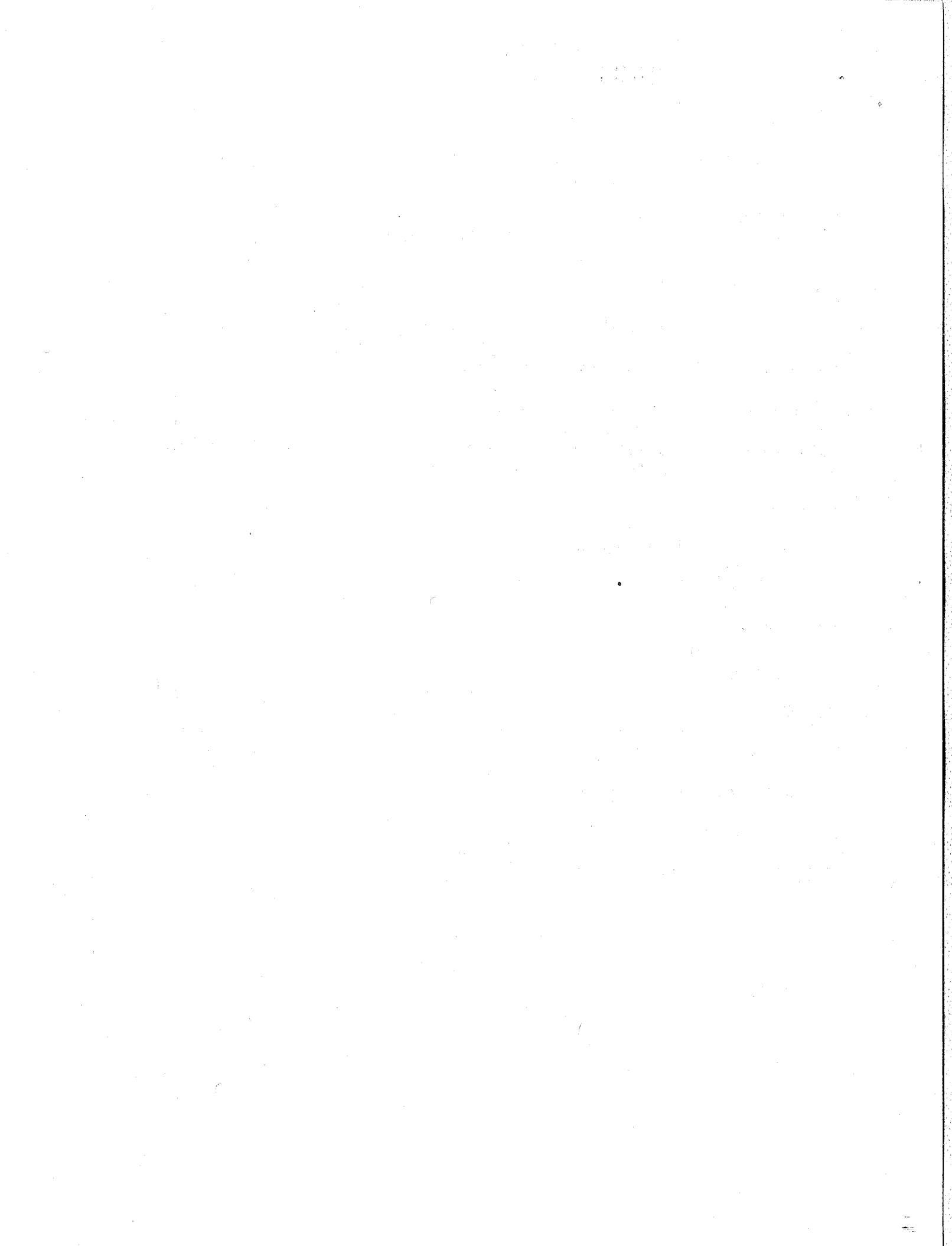
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<<[LCA-Comments-Public Notification.pdf](#)>>





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

Lehigh County Authority (LCA) is a medium-sized water and wastewater utilities providing service to about 18,000 households and businesses in Lehigh and Northampton counties in Eastern Pennsylvania. The comments LCA is providing here are specific to LCA, as more general comments have already been provided via associations representing water utilities in general, such as the Pennsylvania American Water Works Association's Water Utility Council, and the Lehigh Valley Water Suppliers, Inc.

General Comments

LCA supports the enhancement of public notification procedures. LCA also supports a consistent, industry-wide approach to developing operating and emergency response plans, and recommends that the Pennsylvania Department of Environmental Protection (PA-DEP) ensure these standards are aligned with the U.S. Environmental Protection Agency and National Incident Management System. LCA also recommends that PA-DEP provide assistance for utilities to comply with these standards, such as the development of templates and an online "clearinghouse" for the contaminant fact sheets and other resources that are required.

"Probable Emergency Situation" Definition

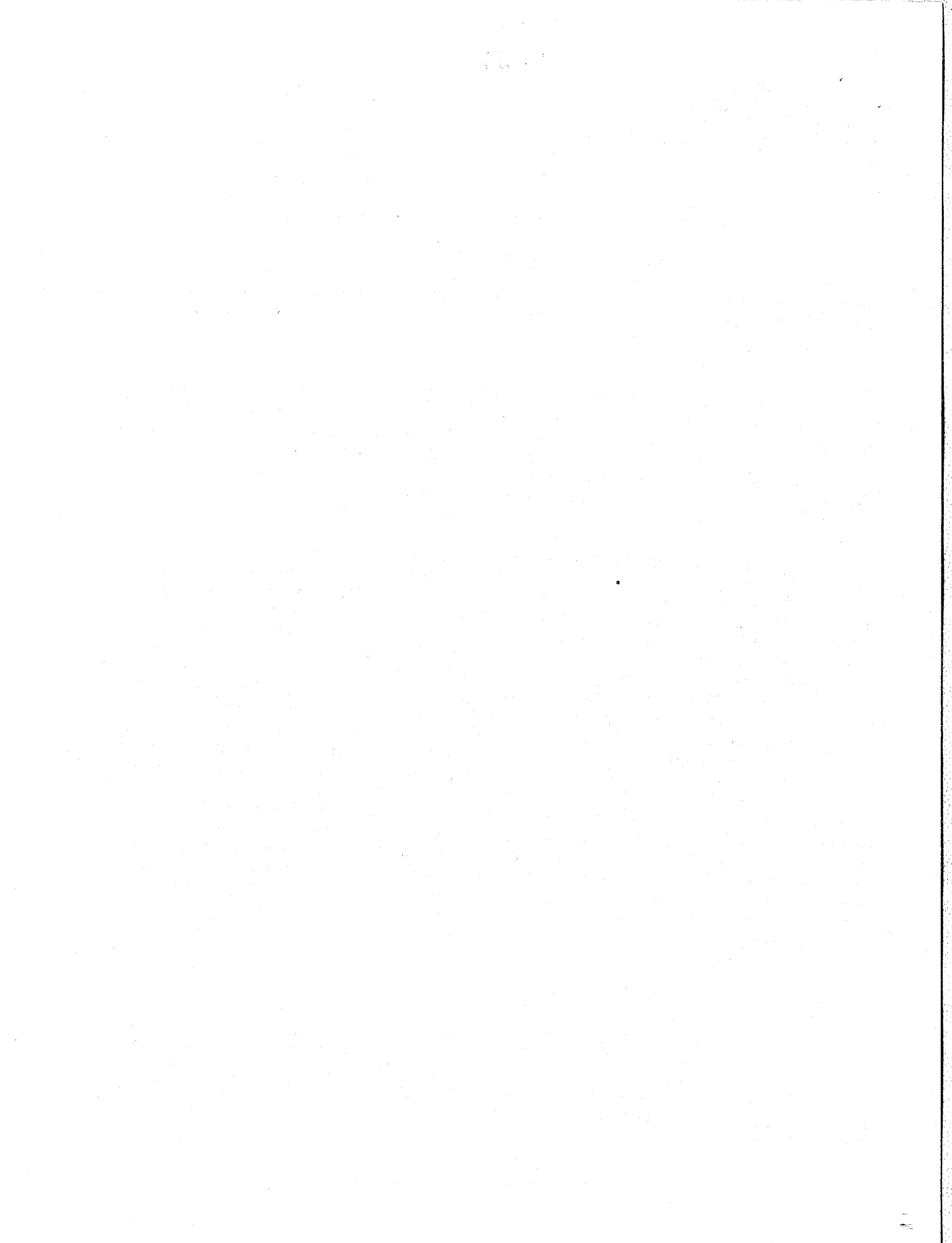
The definition for "probably emergency situations" is proposed to be revised to include "A situation that causes a negative water pressure in any portion of the distribution system." This language encompasses a wide range of possible situations, many of which will not adversely affect the quality or quantity of drinking water LCA provides to its customers. Situations that generate a water pressure alarm through existing monitoring systems include well pump failures, fire hydrant usage, power surges, and many other situations that are unlikely to adversely impact drinking water quality. Main breaks may not trigger a pressure alarm, however.

Many such alarms occur during non-business hours and are handled remotely through laptop connections to LCA's system from a technician's home. Requiring notice to PA-DEP within one hour of receiving such an alarm would significantly increase LCA's overtime payroll costs as each alarm is addressed and then reported to PA-DEP. In effect, this reporting requirement will significantly increase the number of after-hours notifications LCA makes to PA-DEP, many times for situations that will not adversely affect the quality or quantity of drinking water LCA provides to its customers. Further refinement of this requirement is necessary to ensure that only those situations that actually impact the quality or quantity of drinking water are reported to PA-DEP.

In addition, LCA recommends further review of the proposed requirement to issue Boil Water Notices during situations that cause negative water pressure in any portion of the distribution system. LCA is concerned that the requirement will treat all water main breaks as Tier 1 violations regardless of actual risk to consumers. Tier 1 notices should be limited to situations that absolutely affect the quality or quantity of finished water and have a significant potential to have serious adverse effects on human health as a result of short-term exposure. Few main breaks will meet these criteria. For systems that experience a higher incidence of leaks, customers may become desensitized to the frequent issuance of Boil Water Advisories and "problem corrected" notices, which detracts from the serious nature of a Tier 1 public notice.

Compliance Period & Compliance Assistance

The costs utilities will bear to meet the requirements of this rule revision are significant, and the decision about which auto-dialing system to implement requires research and time. Each auto-dialing system offers unique features and capabilities that must be paired up with the utility's existing customer database structure and cost threshold. Partnerships among water utilities will bring cost-savings to each partner, but time is required to allow utilities to develop agreements among partnering utilities. For these and many other reasons, a generous compliance period is recommended along with financial assistance for smaller utilities that may not be able to bear the annual cost associated with an auto-dialing system.



**Before the
Pennsylvania Department of Environmental Protection**

In Re: Proposed Rulemaking: Public Notice
on Drinking Water Systems (Public
Notification Revisions to Title 25, Pa. Code
Chapter 109. Safe Drinking Water)

DEP ID: 7-407 (#2637)

**Comments of
Lehigh County Authority**

Lehigh County Authority (LCA) is a medium-sized water and wastewater utilities providing service to about 18,000 households and businesses in Lehigh and Northampton counties in Eastern Pennsylvania. LCA was incorporated in 1966 as a municipal authority for the purpose of providing water service to industrial customers in western Lehigh County. Since that time, LCA's service area has grown through residential housing growth and economic development in the Lehigh Valley region. Today, LCA's professional staff of 40 employees is dedicated solely the provision of high-quality water and wastewater service at affordable rates for its customers.

The comments LCA is providing here are specific to LCA, as more general comments have already been provided via associations representing water utilities in general, such as the Pennsylvania American Water Works Association's Water Utility Council, and the Lehigh Valley Water Suppliers, Inc. LCA's comments will focus on two primary areas of concern, including:

1. Expansion of "probable emergency situation" definition to include situations that create negative water pressure in any portion of the distribution system.
2. Need for a compliance period or compliance assistance for affected utilities.

Before expanding upon these concerns, however, LCA wishes to express general encouragement for the enhancement of public notification procedures, which will improve public access to important health information. Furthermore, the new requirements related to the minimum required content and form of utilities' Emergency Response Plans will provide a useful guideline for the development and maintenance of these plans. LCA supports a consistent, industry-wide approach to developing such procedures and plans, and recommends that the

Pennsylvania Department of Environmental Protection (PA-DEP) ensure these standards are aligned with those recommended by the U.S. Environmental Protection Agency and the National Incident Management System as appropriate. LCA also recommends that PA-DEP provide further assistance for utilities to comply with these standards, such as the development of templates and an online "clearinghouse" for the contaminant fact sheets and other resources that are required.

"Probable Emergency Situation" Definition:

In Subchapter G (System Management Responsibilities), § 109.701 (3) provides a revised definition for "probably emergency situations" that require utilities to notify PA-DEP within one hour of discovery. Added to this definition is "**A situation that causes a negative water pressure in any portion of the distribution system.**" This language encompasses a wide range of possible situations, many of which will not adversely affect the quality or quantity of drinking water LCA provides to its customers.

LCA employs a Supervisory Control and Data Acquisition (SCADA) system for remote monitoring and operation of its facilities, including 46 well stations and numerous other facilities such as pump stations and finished water storage reservoirs. Each of these facilities is equipped with auto-dialers and other alarm systems that alert LCA technicians of circumstances that may require their attention. Changes in pressure, including negative pressure situations, are just one of the many types of alarms that are relayed to LCA through the SCADA system. Situations that generate a water pressure alarm through the SCADA system include:

- Well pump failures
- Water main breaks
- Fire hydrant usage
- Power surges
- Well pumps engaging or disengaging (planned or unplanned)

Furthermore, due to the location of the pressure gauges at LCA well stations, only large water main breaks are likely to generate a water pressure alarm through the SCADA system. Smaller main breaks that occur at some distance from a well station may not generate any such alarm.

If LCA relies on guidance from this proposed rule revision, LCA will be required to create new internal notification protocols to facilitate the notification of PA-DEP within one hour of receiving a pressure alarm from the SCADA system. Many such alarms occur during non-business hours and are handled remotely through laptop connections to the SCADA system from a technician's home. Requiring notice to PA-DEP within one hour of receiving such an alarm would significantly increase LCA's overtime payroll costs as each alarm is addressed and then reported to PA-DEP.

In effect, this reporting requirement will significantly increase the number of after-hours notifications LCA makes to PA-DEP, many times for situations that will not adversely affect the quality or quantity of drinking water LCA provides to its customers. Further refinement of this requirement is necessary to ensure that only those situations that actually impact the quality or quantity of drinking water are reported to PA-DEP.

In addition, LCA recommends further review of the proposed requirement to issue Boil Water Notices during situations that cause a negative water pressure in any portion of the distribution system. As noted above, many situations may cause negative pressure that will not adversely affect water quality, such as fire-fighting activities and system flushing in some instances. Water main breaks appear to be the intended primary target of this requirement. LCA is concerned that the requirement will treat all water main breaks as Tier 1 violations regardless of actual risk to consumers, which may be less severe than the requirement implies. Tier 1 notice should be limited to situations that absolutely affect the quality or quantity of finished water and have a significant potential to have serious adverse effects on human health as a result of short-term exposure. Few main breaks will meet these criteria. However, the requirement will result in a large volume of phone calls to PA-DEP to report these occurrences statewide. In addition, for systems that experience a higher incidence of leaks, customers may become desensitized to the frequent issuance of Boil Water Advisories and "problem corrected" notices, which detracts from the serious nature of a Tier 1 public notice.

LCA recommends removing the language related to negative pressure situations from this rule revision. The existing language ("Circumstances exist which may adversely affect the quality or quantity of drinking water") adequately encompasses probable threats to public health.

Compliance Period & Compliance Assistance

The costs utilities will bear to meet the requirements of this rule revision are significant. In addition to the administrative costs associated with ensuring proper notification procedures are met as described in the section above related to the one-hour reporting requirement, the auto-dialing system that is required of all medium and large utilities is an expense that most utilities will need to plan ahead for. The cost estimates published in the Pennsylvania Bulletin provide limited usefulness for utilities attempting to plan for future budgets, due to the broad range of costs associated with the various auto-dialing systems on the market.

LCA's initial review of two different auto-dialing service providers has provided a useful illustration of the options that are available and the difficult choices utilities will need to make. Some questions raised through this initial investigation include:

- If LCA doesn't have phone numbers for its customers, how will this information be gathered?
- Is there an additional cost for phone-number research?
- How accurate and complete will the results of the phone-number research be?
- Can LCA export its customer database into an electronic file that will be compatible with the service provider's system?
- If the customer database and phone number list is accessed via a web-based product, how secure is this information?
- Will LCA's existing computer software and hardware support and on-site system vs. the web-based system?
- How do the phone number lists get updated as LCA's system grows or customers turn over?
- Can the phone numbers

The cost associated with these two systems range from \$0 to \$24,000 in upfront fees and from \$5,400 to \$15,000 annually for a service contract. Each has different features and benefits that will make the decision more complex than a simple cost comparison can provide.

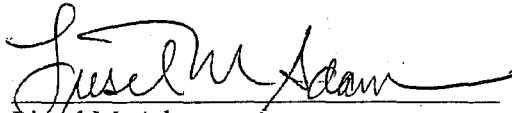
In addition, LCA has attempted to gain a perspective on the cost reductions that might be available if utilities work together on the implementation of an auto-dialing system. An initial review of this research shows that a cost savings of up to 50 percent may be available, assuming that a workable partnership agreement can be crafted.

Based on this initial research, LCA's ability to implement an auto-dialing system on a timely, cost-effective basis appears to be somewhat limited. To achieve the most cost-effective approach, a generous compliance period is recommended to allow utilities time to adequately research the many different system that are available and the potential partnership opportunities that might help them to reduce costs.

Finally, considering the magnitude of costs associated with the auto-dialing systems, it is reasonable to expect that some utilities, especially smaller systems, may face financial difficulties in complying with this requirement. LCA recommends financial assistance for set-up costs be considered, along with a generous compliance period that will allow utilities to budget accordingly and make the financial adjustments necessary to implement this costly program.

LCA appreciates the opportunity to present comments on this Proposed Rulemaking: Public Notice on Drinking Water Systems, and requests that the Department consider its comments on these issues.

Respectfully submitted, .

A handwritten signature in black ink, appearing to read "Liesel M. Adam", written over a horizontal line.

Liesel M. Adam

Customer Care & Communications Manager

