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November 21, 2007

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

INDEPENDENT REGULATORY  
REVIEW COMMISSION

**Subject: Comments to Proposed Rulemaking – Regulation ID#7-407 (#2637)  
Safe Drinking Water – Public Notice Revisions (Title 25, PA Code Chapter  
109)**

Dear Environmental Quality Board:

Enclosed are comments from the Erie Water Works located in Erie, Pennsylvania regarding the above referenced matter. EWW is a municipally owned water authority that serves 51,000 customers and a population of about 200,000 in Northwest Pennsylvania. Our daily demand for 2007 has hovered at the 24.5 MGD range and our sole source is Lake Erie. We have a proud history of routinely meeting or exceeding all of the many stringent federal, state, and local water quality regulations. We provide our customers with a consistently reliable, high quality product at a low cost.

If you have any questions regarding our comments on this matter, or wish to contact me further for any reason, my phone number is 814-870-8000 ext. 303 and my email address is [pvojteck@eriewaterworks.org](mailto:pvojteck@eriewaterworks.org).

Thank you for the opportunity to provide input on this subject.

Sincerely,

ERIE WATER WORKS

*Paul D. Vojtek*  
Paul D. Vojtek  
Chief Executive Officer

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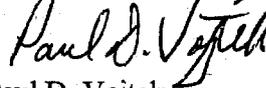
**Erie Water Works (EWW)—Erie, PA**  
**Summary of Comments – Regulation ID #7-407 (#2637)**  
**Safe Drinking Water – Public Notice Revisions – (Title 25, PA Code Chapter 109)**

- We feel the proposed language should not be approved in its current form.
- The proposed description of a Tier 1 violation would cause more damage than help.
- Increased “Boil Water Advisories” (BWA) and other notices will leave our customers in a quandary, not knowing when a real emergency exists. Water providers would be viewed as “crying wolf”.
- We agree with the use of today’s technology if a public notification is necessary due to a legitimate cause for concern.
- We don’t believe every negative pressure incident creates a threat to the public health and safety and a Tier 1 categorization of those events is unnecessary.
- Requiring testing on every main break would result in a minimum service interruption of 48 hours due to the incubation period for bacteria testing.
- We support the position of the AWWA Water Utility Council revision to Subsection (3) (iii)(6).
- The cost to implement all the proposed actions would be passed on to customers creating higher water rates with no improvement to service or water quality.
- The reputation of PA’s water utilities would suffer irreparable damage if the proposed language is approved.

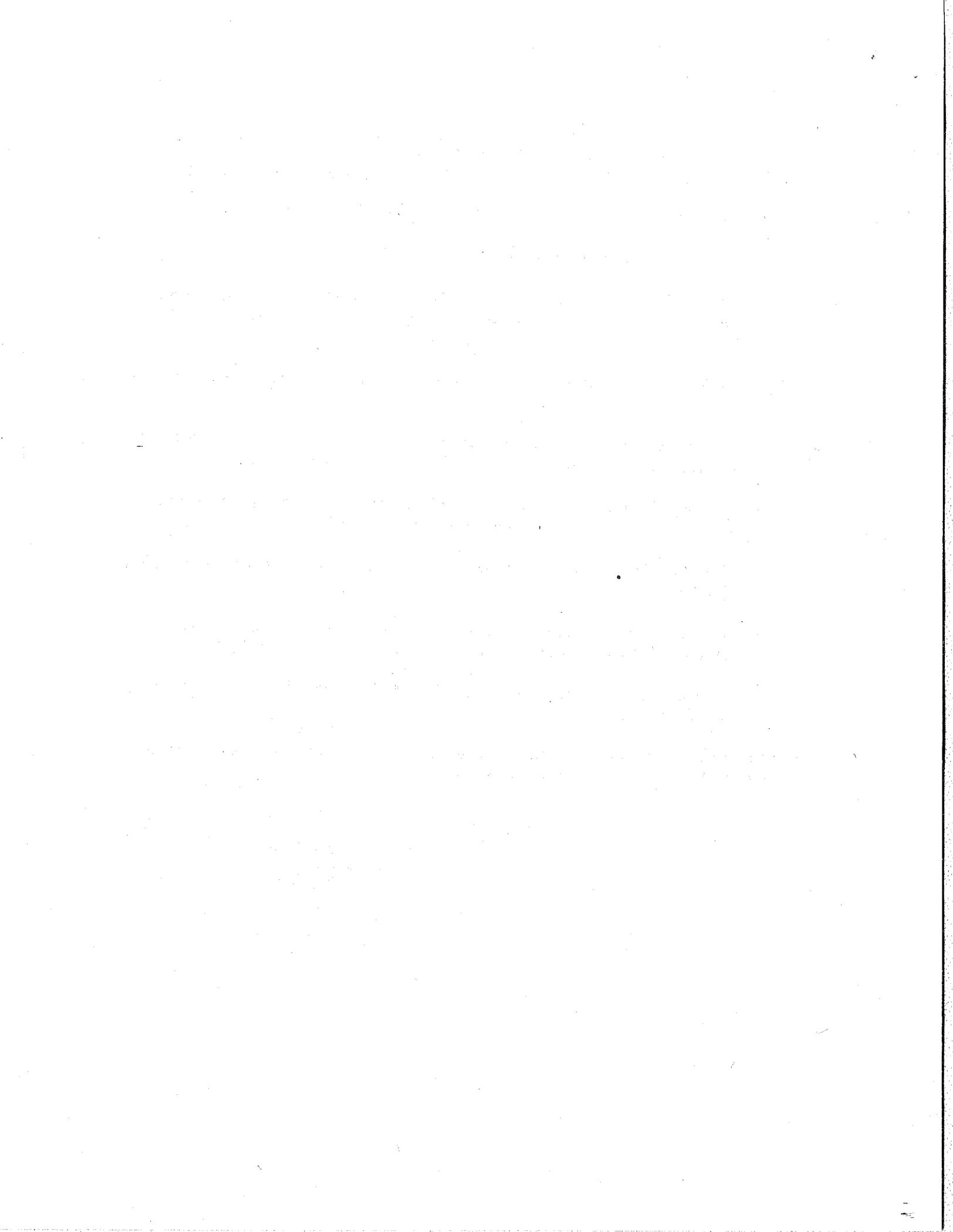
Please accept this summary of comments submitted by the Erie Water Works. A more detailed explanation of these comments is attached as well.

Respectfully Submitted,

ERIE WATER WORKS



Paul D. Vojtek  
Chief Executive Officer



**Erie Water Works (EWW) -- Erie, PA**  
**Comments to Proposed Rulemaking – Regulation ID #7-407 (#2637)**  
**Safe Drinking Water – Public Notice Revisions – (Title 25, PA Code Chapter 109)**

In response to an accidental release of fluoride by a water utility in the central part of the Commonwealth in 2005, Governor Rendell directed the Department of Environmental Protection (DEP) to review and amend the public notification procedures that public water suppliers must follow to alert residents when there is an imminent threat to their drinking water supply. DEP Secretary Kathleen McGinty has stated in a press release, “We need to update our public notification system so that timely, reliable information never leaves room for fear and confusion.”

If that indeed is the goal – and we agree that it should be – then the proposed new regulations must not be approved in its current state. Unfortunately, the way that the proposed regulations are presently drafted, the end result will be an increased level of fear and confusion for the public, not less.

The new regulations unnecessarily treat every water main break as a potential Tier 1 violation. The water industry’s experience has shown that most main breaks do not allow contamination to enter the distribution system through back-flow by back-pressure, or back-siphonage, and are not a health concern. Tier 1 violations should be limited to situations in which there is known contamination or a high risk of contamination.

In its present form, the proposed new regulations will require water utilities to issue many more boil water advisories (BWA’s) for a myriad of conditions that are part of daily routine operations of a water distribution system. Specifically regarding incidences of negative pressure, this is unnecessary, because in the vast majority of those instances, no real public health hazard exists. In actual practice, we have not found any documented cases of people getting sick from occasional instances of negative pressure or from routine water main breaks, as long as there is sufficient disinfectant residual in the piping system. The regulation is attempting to fix a health hazard that does not exist. We fear a “sky is falling” mentality will be adopted by our customers when explanations are rendered as to why there are increased numbers of BWAs.

Furthermore, we feel the legislation will require an increased level of public notification which will result in additional fear and confusion for the public, and will completely undermine public confidence in the quality of their drinking water as well as the competency of the water suppliers. The public will wonder what they have been consuming before these new public notifications became standard. Water utilities work hard to build a solid reputation for reliable, high quality service that we deliver to our customers on a 24/7 basis. Once that public confidence is lost, it would be extremely difficult, if not altogether impossible, to win it back.

With frequent issuances of BWA’s for negative pressure situations, or routine water main breaks, or fire hydrant usage, a new norm would be established in the public mindset that the quality of the water supply is generally unreliable and cannot be trusted on a regular basis. This is just not true about the public water supply in the state of Pennsylvania, as we are already a very heavily regulated industry with an excellent compliance record for health and safety.

Notification to DEP of every water main break is also impractical and unnecessary. Breaks occur – and timely repairs completed without incident – on a routine basis around the clock as a normal part of the operations of all water distribution systems. In Erie, the number of breaks generally increases dramatically during the winter months, to the point that the Erie Water Works establishes

round the clock work shifts for our Distribution crews in order to respond to breaks in a most efficient manner. Will officials be prepared to make decisions in the middle of the night, or continuously, 24/7 for a few months? Rather, we feel the notification should be reserved for "out of the ordinary" water main breaks that impact a large number of customers over a long period of time. As has been suggested in previous comments from the AWWA Water Utility Council, we support that subsection (3) (iii) (G) should be revised as follows:

*"An unscheduled water service interruption in a single incident for 6 or more projected consecutive hours affecting 2,500 or 5% (whichever is less) of the total customers of the distribution system."*

Also, we support that Section 109.701 (3) should be revised as follows:

*A public water supplier shall report the circumstances to the Department within 1 hour of discovery, after a preliminary assessment of conditions, for the following violations.*

Also, in Section 109.707, we support that the Emergency Response Plan should require an annual review and update instead of annual drills and testing.

As custodians of the water systems across Pennsylvania, we take pride in service we provide for our customers. That service includes the provision of safe, healthy water, and as professionals, we would never put a price tag on the health and safety of our customers. However, the proposed regulations would cause such an increase in operational expenses in an effort to fix something that is not broken. The result would be higher rates for our customers for water service that they may see unjustly, as sub-standard.

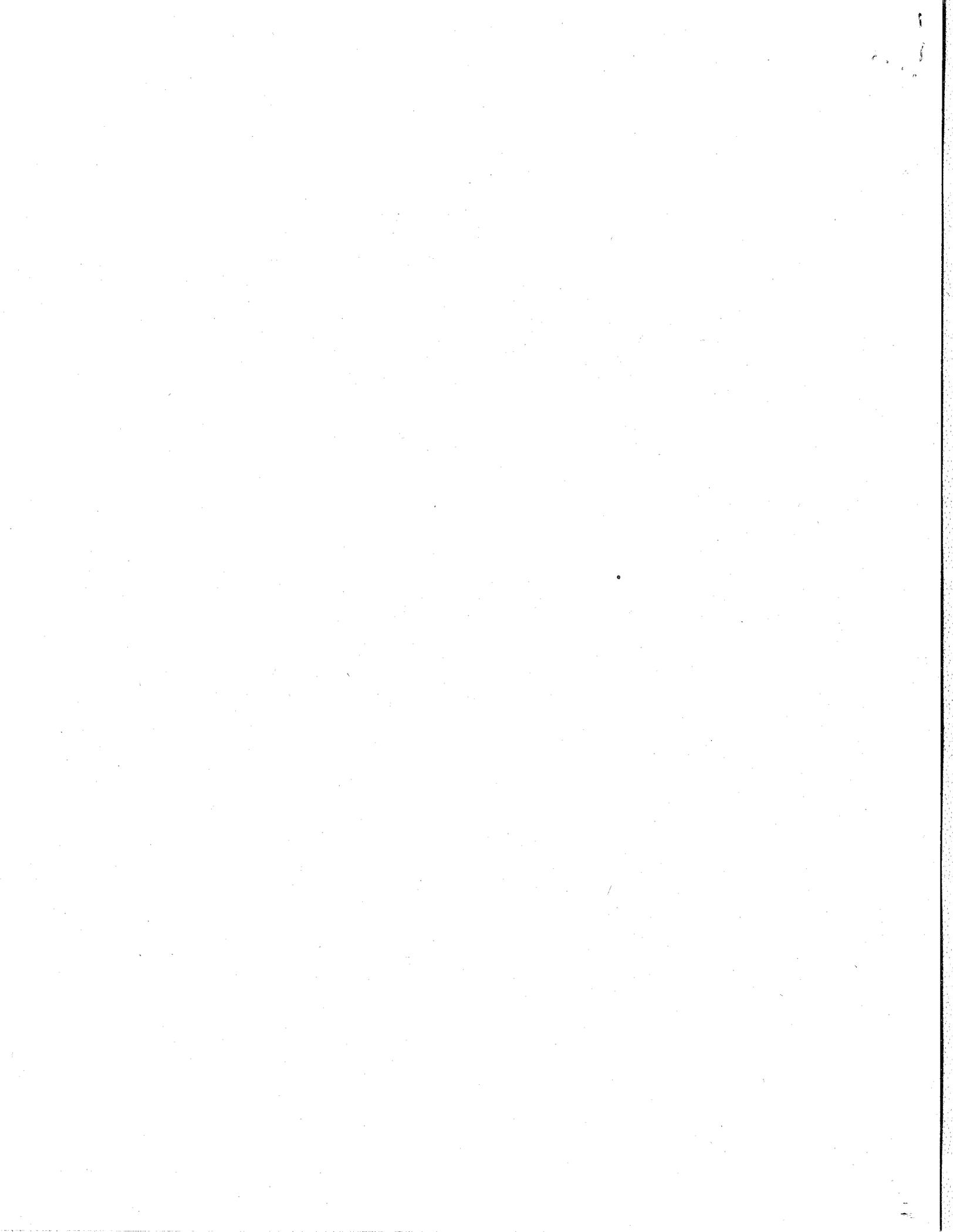
Specifically regarding the subject of water main breaks, we still have the following questions regarding the proposed regulations:

1. Will every water main break require sampling, or only those ones that require DEP contact? It is impractical to expect large numbers of customers to have to wait for the water to be turned back on after an emergency water main break repair, while waiting for sampling results to come back from the lab. **Incubation periods for bacteria tests are a minimum of 48 hours.**
2. Will every contact with DEP initiate a BWA? The decision tree indicates that an assessment will be conducted and then a determination made, which sounds like a subjective process without firm criteria. Too many BWA's will undermine public confidence in the water supply.
3. Why should curb boxes be shut in all instances? In practice, curb boxes are not routinely turned off when responding to a water main break. This is unnecessary in situations with no contamination risk and would be quite time consuming. It would further divert the repair crew away from the primary job of repairing the break. Also, this requirement is completely impractical when the ground is covered with snow and ice for long periods of time, and/or during the night, when the curb boxes cannot be found easily.

Another unfortunate result of BWA's that are issued too frequently for situations that are part of normal, routine operations of a water system is that the public will eventually tune out the warnings and will think we are "crying wolf," so to speak, when a real emergency might exist, like an overfeed of a hazardous chemical or some other truly dangerous situation that we want the public to be aware of. We as an industry should be required to warn the public only about real problems if we want them

to respond, rather than desensitizing the public with an overabundance of warnings that will collectively become almost meaningless.

In conclusion, we are in agreement regarding the proposed method of public notification. We have found that situations involving real hazards to the public health that would require a BWA or "Do Not Use" or "Do Not Consume" order are quite rare in the public water supply industry in the Commonwealth of Pennsylvania. For such true emergencies, we are in favor of using the best available technology to notify the impacted customers in the fastest, most efficient way possible. New autodialing software is now readily available that will give a water utility the capability to place several thousand phone calls, if necessary, in a short period of time. This would help in notifying our customers of dangerous situations they should be informed about. Public notification that is limited to only TV, radio, newspapers, and websites will, in reality, not reach all impacted customers as expeditiously as phone calls will. In such true emergencies, response time is the critical element.



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**Tate, Michele**

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**From:** Paul Vojtek [pvojte@eriewaterworks.org]

**Sent:** Wednesday, November 21, 2007 12:23 PM

**To:** regcomments@state.pa.us

**Subject:** Comments on Proposed Rulemaking: Public Notification Revisions to Title 25, PA Code Chapter 109

To Whom it May Concern:

The attached files contain comments from the Erie Water Works, located in Erie Pennsylvania, on the proposed revisions to the Public Notification requirements associated with proposed changes to Title 25, PA Code Chapter 109....Safe Drinking Water.

Should you have any problems with the attachments, or have any questions concerning their content, please contact me at 814.870.8000, ext. 303 at your convenience.

Sincerely,  
Erie Water Works

Paul D. Vojtek  
Chief Executive Officer

11/26/2007

