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INDEPENDENT REGULATORY
REVIEW COMMISSION

09656-025

November 21, 2007

VIA EMAIL RegComments@state.pa.us
And FIRST CLASS U.S. MAIL

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

Re: Proposed Rulemaking: Safe Drinking Water, Public Notification:
(DEP ID: 7-407 (#2637)) - Proposed Rulemaking published in the
Pennsylvania Bulletin on September 22, 2007

Dear Sir/Madam:

The Horsham Water & Sewer Authority ("Authority") prides itself on providing the highest quality water service to its customers and recognizes the importance of public notification requirements for those situations that present an imminent threat to a water supply, and offers the following comments to the above-referenced proposed rulemaking:

1. Section 109.701(3) of the proposed regulation is ambiguous and lacks specificity with respect to the "within one hour of discovery" notice requirement to DEP for certain violations or situations. The Authority suggests that the "within one hour of discovery" clock should only start after the public water supplier has had an opportunity to fully investigate the potential violation or situation that may give rise to the one hour reporting requirement. Otherwise, DEP will likely be provided notice of numerous inconsequential events.

2. The proposed regulation apparently requires boil water advisories in "negative pressure" situations, when, in fact, most of these situations do not result in a public health risk. Is this the intent of the proposed regulation?

3. Under Section 109.408(a)(ii)(A) of the proposed regulation, one option for delivery of a Tier I public notice is by automated telephone. There are a number of issues that must be evaluated prior to considering this mode of delivery, specifically the cost of obtaining and implementing such a system and the extent to which a public water supplier will be required to notify customers that refuse to provide their telephone numbers (e.g., unlisted numbers) or use cell phones exclusively. Furthermore, maintaining an up-to-date phone data bank may be burdensome and costly on the public water supplier.

(00108432;v1)

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4. Although Section 109.408(c) of the current regulation provides that delivery of a Tier I public notice is required to be given to "all persons served," this portion of the regulation should also be reviewed, particularly in light of the proposed regulation. It is unclear whether "all persons served" requires that notice be given to all customers of the public water supplier or, rather, only to those affected by the situation giving rise to the notice. The Authority suggests that notice should only be given to those persons affected by the particular situation (e.g., if a portion of a distribution system is affected by an event giving rise to the notice requirement, a separate, isolated part of the distribution system unaffected by the event should not likewise be subject to the notice requirement). The Authority is concerned that continued notification to customers that are not affected by a particular event will trigger undue alarm and may cause such customers to ignore a future notification if a situation arises which actually requires that action be taken.

Thank you in advance for considering these comments.

Very truly yours,

HAMBURG, RUBIN, MULLIN,
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