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From: DavidAKatz [davidakatz@aol.com]
Sent: Monday, January 19, 2009 12:27 PM
To: EP, RegComments
Cc: david.katz@phila.gov
Subject: Comments to proposed regs for LT2ESWTR and DDBP

INDEPENDENT REGULATORY
REVIEW COMMISSION

Attached please find the City of Philadelphia's comments to the Department's proposed rulemaking regarding the Long Term Enhanced Surface Water Treatment Rule (LT2ESWTR) and Disinfectants and Disinfection Byproducts Rule (DDBR).

Both rules were published for comment in the Pennsylvania Bulletin, Volume 38, No. 51, on December 20, 2008.

Thank you for your time and attention.

Sincerely,

David A. Katz
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INDEPENDENT REGULATORY
REVIEW COMMISSION

January 16, 2009

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

To Whom It May Concern:

The Philadelphia Water Department (PWD) is pleased to respond to the request for public comments on the proposed rulemaking cited in the Pennsylvania Bulletin, Volume 38, No. 51 published December 20, 2008. As an interested stakeholder PWD welcomes the opportunity to provide our comments and concerns regarding the Long-Term Enhanced Surface Water Treatment Rule; (Safe Drinking Water) and the Safe Drinking Water (Stage 2 Disinfectants and Disinfection Byproducts Rule).

Please refer to the attached documents for written comments. PWD looks forward to working with PADEP in their primary role for rulemaking and compliance.

Sincerely,

David A. Katz

Deputy Water Commissioner

City of Philadelphia

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**Comments from the Philadelphia Water Department
to Pennsylvania's Environmental Quality Board on the proposed rulemaking for the D/DBP Rule
(Disinfectants and Disinfection Byproducts Rule) from the Pennsylvania Bulletin, vol. 38, no. 51,
dated December 20, 2008**

Comments dated January 16, 2009

In the preamble introduction on page 7055, "Disinfection byproduct" and "disinfectant byproduct" are used interchangeably. It would be preferable to be consistent with terminology. "Disinfection byproduct" has been the conventional term to-date.

On page 7055, under D. Background and Purpose, some statements should be corrected. Health effects from DBPs have not been established conclusively. Federal regulations are designed to reduce potential risks from DBPs. Language about health effects in the State rule should not extend certainty to such risks. The second sentence in the first paragraph of this section (*.....DBPs, which pose health risks at certain levels.*) should be modified accordingly (*.....DBPs, which **may** pose health risks at certain levels.*)

On page 7056, a sentence in the sixth paragraph of this section needs correction (*.... accomplish an overall reduction in health risks due to both pathogens and D/DBPs.*). The tenth paragraph in this section has a typographical error (*chloromine.*)

On page 7058, the explanation under item 15 for operational evaluation level calculation is incorrect (see fourth paragraph of explanation.) It should read "*... plus **two times** the current quarter's TTHM or HAA5 result.*"

Also on page 7058, the amendments will affect CWSs and NTNCWSs (not NTHCWSs). How were State-level benefits and compliance costs derived? Are these analyses public record? Where can PWD get a copy ?

On page 7066, under (iii) Operational Evaluation Levels, (B), the subclause requirement that written OEL reports must be made available to the public upon request has the potential to present security concerns given the additional subclause (g)(2)(iii)(C) requirement that the evaluation must specifically include examination of storage tank operations, excess storage capacity, distribution system flushing, etc. Some of the relevant operational information may be considered sensitive by water utilities. PWD suggests that "if the water system has security concerns about supplying information about specific operations, then the OEL shall contain general information and specific operational details shall be provided to the Department under separate submittal, marked confidential due to security concern, and referenced to the appropriate section of the OEL. The confidential document shall not be shared with the public".