Columbia WATER Company

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Columbia Water Company's comments to the Environmental Quality Board

Proposed Rulemaking
[25 Pa. CODE Ch. 109]
Safe Drinking Water; Revised Total Coliform Rule
[45 Pa. B. 5943]

November 20, 2015

Summary Comments

1. The Columbia Water Company supports the Pa. Department of Environmental Protection's (PaDEP) actions to improve public health by adopting revisions to the Total Coliform Rule (TCR).
2. The Columbia Water Company believes the language in 109.202 (c) (4) (iii) allowing PaDEP to require a Level 1 or Level 2 assessment "... if circumstances exist which may adversely affect drinking water quality ..." is too broad and unnecessary. The federal rule meant for these assessments to be used as a tool to address the presence of Total Coliform and E. coli. The proposed language broadens the scope greatly and opens the door for assessments completely unrelated to Total Coliform and E. coli. If PaDEP is aware of other "circumstances" that will trigger an assessment then they should be enumerated in the regulation.
3. The Columbia Water Company believes the language in 109.409 requiring a Tier 2 Public Notice for failure to report a positive E. coli. *routine* sample within one hour as excessive and unnecessary. One of the driving forces behind revisions to the TCR was to eliminate unnecessarily alarming the public. We believe requiring a Tier 3 Public Notification instead of a Tier 2 Public Notification is consistent with the Federal RTCR reporting requirements.
4. The Columbia Water Company believes the language in 109.701 (a) (5) (D) and (G) requiring the identification of specific repeat monitoring sites and a description of the accessibility of the sample sites will be overly burdensome for water systems and provides no benefit to public health protection, and in fact may jeopardize public health protection. Water systems are dynamic by nature and the direction of flowing water changes constantly based upon water demands, tank levels and treatment methods/locations. Requiring water systems to identify the specific locations for check sample locations prevents water systems from using real time data to select the best locations for check samples based upon real-time conditions. Further, the long-term suitability of check sample locations is unpredictable especially in residential areas where there is no legal or practical way for water systems to monitor changes in premise plumbing, fixtures, maintenance or uses by changing residential populations.

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Detailed Comments

1. The Columbia Water Company believes the language in 109.202 (c) (4) (iii) allowing PaDEP to require a Level 1 or Level 2 assessment "... if circumstances exist which may adversely affect drinking water quality ..." is too broad and unnecessary. The federal rule meant for these assessments to be used as a tool to address the presence of Total Coliform and E. coli. The proposed language broadens the scope greatly and opens the door for assessments completely unrelated to Total Coliform and E. coli. The other "circumstances which may adversely affect drinking water quality" that would trigger a Level 1 or Level 2 assessment should be defined in this section and should also identify specifically which level of assessment it will trigger. If PaDEP is concerned about other circumstances then they should identify them so that they can reviewed and discussed. If other specific circumstances are not known at this time, then PaDEP can rely on existing regulations to require investigation and/or assessments to address some future, undefined circumstances. The proposed language goes into great detail defining how and when a Level 1 or Level 2 assessment will be triggered and then effectively erases that language by adding the and-for-any-other-reason language.
2. The Columbia Water Company believes the language in 109.409 requiring a Tier 2 Public Notice for failure to report a positive E. coli. *routine* sample within one hour as excessive and unnecessary. One of the driving forces behind revisions to the TCR was to eliminate unnecessarily alarming the public. Failure to report the routine positive sample does not pose any risk to public health, and similar to other failure to report violations, it should be classified as a Tier 3 Reporting violation. We believe requiring a Tier 3 public notification for this type of violation is consistent with the Federal RTCR reporting requirements.
3. The Columbia Water Company believes the language in 109.701 (a) (5) (D) and (G) requiring the identification of specific repeat monitoring sites and a description of the accessibility of the sample sites will be overly burdensome for water systems and

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provides no benefit to public health protection, and in fact may jeopardize public health protection. Water systems are dynamic by nature and the direction of flowing water changes constantly based upon water demands, tank levels and treatment methods/locations. Water could be flowing one direction in the morning while a treatment plant is on line and then a different direction in the afternoon if the treatment plant shuts down. The flow direction could change again should a nearby industry start-up a piece of equipment that uses a lot of water or change yet again if a satellite well is placed in service to meet system demands. Requiring water systems to identify the specific locations for check sample locations prevents operators from using real time data to select the best locations for check samples based upon real-time conditions. Further, the long-term suitability of check sample locations is unpredictable especially in residential areas where there is no legal or practical way for water systems to monitor changes in plumbing, fixtures, maintenance or uses by changing residential populations. Great care must be taken to make sure the sample being taken is representative of the water in the water system and is not inadvertently contaminated by the plumbing or fixtures at the sampling locations. Identifying the exact locations for check samples months, or more likely, years before they will be used forces water systems to collect check samples from locations that may have been modified or neglected by homeowners thereby significantly increasing the risk of obtaining false positive result. This situation will cause unnecessary public alarm and cause water systems to expend money addressing a problem that may not be representative of the actual situation. Water systems may be forced to collect check samples from locations that are no longer suitable for collecting samples simply because years early it was required to set fixed check sample locations with no flexibility to make important changes based upon current conditions. We strongly believe that water systems should be given the option of defining the criteria for selecting the repeat sampling sites on a situational basis using a standard operating procedure which is completely consistent with the federal rule.

Response to questions raised by the Board

Question: *Why alternative repeat monitoring locations should be allowed.*

Response: We believe the state regulation should follow the federal rule (40 CFR § 141.853 (a)(5)(i)) and allow water systems the flexibility to assess the real-time situation with real-time data in addition to using the default option of +/- 5 upstream/downstream requirement. See our additional discussion on this issue in our detailed comment #3 above.

Question: *How a PWS would demonstrate that an alternative repeat monitoring location represents the pathway for contamination that led to the original coliform-positive sample in the distribution system.*

Response: As discussed in our detailed comment #3 above, water systems are dynamic by their very nature and selecting repeat monitoring locations can only be effective using real-time data. Water suppliers will be able to demonstrate that an alternative repeat monitoring location represents the pathway for contamination that led to the original coliform-positive sample by

evaluating and identifying the open/close status of valves, tank levels, pump/treatment run schedules, construction status, system maintenance status and historic time-of-day system demands.

Question: *Whether only fixed alternative repeat monitoring locations should be allowed or if a standard operation procedure for choosing location may also be allowed and why.*

Response: We believe the state regulation should follow the federal rule (40 CFR § 141.853 (a)(5)(i)) and allow water systems the flexibility to assess the real-time situation with real-time data in addition to allowing the default option of +/- 5 upstream/downstream requirement. See our additional discussion on this issue in our detailed comment #3 above. The federal rule allows for selection of alternative repeat sampling locations by means of standard operation procedure (SOP) and we strongly recommend that the state rule should provide the same flexibility. Fixing check sampling locations months or years before using them would be irresponsible and could cause unnecessary public alarm since the water system would not be afforded the flexibility to address changing circumstances or undesirable changes to plumbing/fixtures which could lead to false positive results.

Question: *Whether alternative repeat monitoring location must be submitted under the signature of a certified operator.*

Response: We believe it is unnecessary for alternative repeat monitoring location to be submitted under the signature of a certified operator. Many other professionals within or associated with a water system may have the expertise to identify the appropriate alternative repeat monitoring locations including professional engineers, water quality personnel, distribution employees, system managers and consultants. If the approved SOP is followed and the required support data is provided, we strongly believe submitting it under the signature of a certified operator is unnecessary and an overly narrow approach to addressing the situation.

Question: *Whether alternative repeat monitoring location must be submitted under the seal of a professional engineer.*

Response: We believe it is unnecessary for alternative repeat monitoring location to be submitted under the seal of a professional engineer. Many other professionals within or associated with a water system may have the expertise to identify the appropriate alternative repeat monitoring locations including certified operators, water quality personnel, distribution employees, system managers and consultants. If the approved SOP is followed and the required support data is provided, we strongly believe submitting it under the seal of a professional engineer is unnecessary and an overly narrow approach to addressing the situation.

Question: *Whether alternative location should only be allowed for systems serving greater than 9,999 people.*

Response: We believe the state regulation should follow the federal rule (40 CFR § 141.853 (a)(5)(i)) and allow ALL water systems the flexibility to assess the real-time situation with real-

time data in addition to using the default option of +/- 5 upstream/downstream requirement. See our additional discussion on this issue in our detailed comment #3 above. If a water system is permitted to operate and is operated by a certified operator, we strongly believe a small water system should be afforded the same responsibilities and privileges as a larger system. Having the qualifications, tools and necessary skills to identify alternative sampling locations has absolutely NO dependence at all upon system size. If small systems are trusted to produce and distribute potable water each and every day to the public, then surely they can be trusted to identify alternative sampling locations using an approved SOP. There is no technical basis for suggesting smaller system would be unable to select alternative sample sites.