

RECEIVED
IRRC

3119

2015 DEC -3 AM 11: 33

BEFORE THE
ENVIRONMENTAL QUALITY BOARD
OF
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

* * * * *

IN RE: REVISED TOTAL COLIFORM RULE -
PROPOSED RULEMAKING
PUBLIC HEARING

* * * * *

BEFORE: LISA DANIELS, CHAIR
BILL CUMMINGS, MEMBER
JEFF ALLGYER, MEMBER

HEARING: Thursday, November 5, 2015
1:00 p.m.

LOCATION: Department of Environmental Protection
Southeast Regional Office
Schuylkill Conference Room
2 East Main Street
Norristown, PA 19401

Reporter: Kimberly J. Dundas

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OPENING REMARKS

By Lisa Daniels, Chair 4 - 10

TESTIMONY

By Ms. Fillmann 10 - 15

By Mr. Crawshaw 15 - 19

By Mr. High 20 - 23

By Ms. Kopansky 23 - 28

By Mr. Hertz 29

CLOSING REMARKS

By Lisa Daniels, Chair 29

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>Number</u>	<u>Description</u>	<u>Page Offered</u>
---------------	--------------------	---------------------

NONE OFFERED

P R O C E E D I N G S

CHAIR:

Good afternoon. I want to welcome you to the Environmental Quality Board's public hearing on the proposed rulemaking for the Revised Total Coliform Rule. So is everybody in the right room? Good, okay. I'm Lisa Daniels. I'm Director for the Bureau of Safe Drinking Water with the Department of Environmental Protection. Today, though, I'm representing EQB at this hearing.

I officially call the hearing to order. It is one o'clock. In the event of an emergency, exits are located right outside into the H Room and back around the corner, so right where you came in is the closest exit out. And if I could ask at this time, please silence all cell phones if you haven't already.

So the purpose of this hearing is to formally accept testimony on the proposed regulations. This proposed rulemaking was included in a two-part proposal which was submitted to the EQB for consideration at its meeting on April 21st, 2015. One part contained regulations necessary to assume primacy with respect to the Federal Revised Total Coliform

1 Rule, and the other part of the proposal included
2 amendments to various other portions of Chapter 109.

3 In response to a motion made at the
4 meeting, the Board voted to approve the portion of the
5 proposed rulemaking regarding the RTCR, but to split
6 the other proposed amendments into a separate
7 rulemaking to provide an opportunity for further
8 stakeholder engagement. The other amendments will be
9 resubmitted to the Board at a future date. This
10 proposed rulemaking reflects the RTCR portion of the
11 proposal approved by the Board at its April 21st, 2015
12 meeting, so this is the RTCR portion of the
13 rulemaking.

14 The rulemaking proposes to amend
15 Pennsylvania's Safe Drinking Water Regulations to
16 incorporate federal requirements needed to obtain
17 primary enforcement authority, or primacy, for the
18 Revised Total Coliform Rule. The Pennsylvania Safe
19 Drinking Water Act obligates DEP to maintain primacy
20 for the Safe Drinking Water program. As such, Chapter
21 109 must be amended to incorporate the federal RTCR,
22 promulgated by EPA.

23 EPA adopted regulations to implement the
24 federal RTCR on February 13th, 2013, and the
25 compliance date for the federal RTCR is April 1st of

1 2016. In order to maintain primacy with respect to
2 the RTCR, Pennsylvania must have regulations in place
3 that are at least as stringent as those set forth in
4 the federal regulations.

5 According to the preamble to the federal
6 RTCR, the rule will increase public health protection
7 through the reduction of sanitary defects that could
8 provide potential pathways of entry for fecal
9 contamination into the distribution system, or could
10 indicate a failure or imminent failure of a barrier
11 that is already in place. Since fecal contamination
12 may contain waterborne pathogens that include
13 bacteria, viruses and parasitic protozoa, a decrease
14 in fecal contamination should reduce the risk from all
15 of these contaminants.

16 The proposed Pennsylvania RTCR would
17 establish a maximum contaminant level for E. coli, and
18 would use E. coli and total coliforms to initiate a
19 find and fix approach to address fecal contamination
20 that could enter into a public water distribution
21 system. It requires public water systems to perform
22 assessments to identify sanitary defects and
23 subsequently take action to correct them.

24 The Pennsylvania RTCR proposed
25 requirements differ slightly from the federal

1 regulations in order to accommodate existing
2 regulations and to account for implementation
3 experience for safe drinking water regulations. To be
4 consistent with exiting public notification
5 requirements, the proposed rule requires one-hour
6 notification for several circumstances, where the
7 federal rule requires notification within 24 hours.
8 The proposal would also require public water systems
9 to conduct an assessment for additional circumstances
10 which may adversely affect drinking water quality.
11 Also, if DEP determines an assessment to be
12 incomplete, the Public Water System would be required
13 to consult with DEP within 14 days.

14 The proposed amendments would affect all
15 8,868 public water systems serving approximately 12.75
16 million Pennsylvanians. The residents of the
17 Commonwealth would benefit from this proposed rule, as
18 safe drinking water is vital to maintaining healthy
19 and sustainable communities. Proactively avoiding
20 incidents such as waterborne disease outbreaks can
21 prevent loss of life, reduce the incidents of illness,
22 and reduce healthcare costs. Proper investment in
23 public water system infrastructure and operations
24 helps ensure a continuous supply of safe drinking
25 water, enables communities to plan and build future

1 capacity for economic growth and ensures their
2 long-term sustainability for years to come.

3 So in order to give everyone an equal
4 opportunity to comment on this proposal, I would like
5 to establish the following ground rules. So first, I
6 will call upon the witnesses who have preregistered to
7 testify at the hearing. And after hearing from those
8 witnesses, I will provide any other interested parties
9 with the opportunity to testify as time allows.
10 Testimony is limited to five minutes for each witness,
11 but please note --- and we'll say this a couple of
12 times today, please note that written and spoken
13 testimony both carry the same weight. So if you
14 should run out of time for your spoken testimony, we
15 will read the rest of your comments in your written
16 testimony, so please know that.

17 Organizations are requested to designate
18 one witness to present testimony on its behalf. Each
19 witness is asked to submit three written copies of his
20 or her testimony, and that's really to aide in
21 transcribing the hearing. That's really the purpose
22 for that. So if you brought those with you, please
23 hand two copies to me, and we'll provide one to the
24 stenographer as well.

25 When you come up to speak, we will ask

1 you to state your name, your address, and your
2 affiliation for the record prior to presenting your
3 testimony. And the EQB would appreciate your help, if
4 you could, by spelling names and terms that may not be
5 generally familiar. And again, it's so that the
6 transcript can be as accurate as possible.

7 Because the purpose of a hearing is to
8 receive comments on the proposal, EQB members or DEP
9 staff cannot address questions about the proposed
10 rulemaking during the duration of the hearing. So
11 this is for us to hear what you would like to share
12 with us about the rulemaking. In addition to or in
13 place of verbal testimony presented at today's
14 hearing, interested persons may also submit written
15 comments on the proposal. And again, written and
16 verbal comments hold the same weight when considered
17 in the finalization of the proposed rulemaking. All
18 comments provided become part of the official public
19 record.

20 All comments must be received by the EQB
21 on or before December 1st of 2015 for this proposed
22 rulemaking. Comments can be addressed to the
23 Environmental Quality Board at P.O. Box 8477 in
24 Harrisburg, 17105-8477. Comments may also be
25 submitted online through eComment, which is accessible

1 from the DEP's website. You can click on the eComment
2 button on DEP's homepage, or comments may be submitted
3 by e-mail at regcomments@pa.gov. And I can repeat
4 that later if anybody wants that information. A
5 subject heading of the proposed rulemaking and a
6 return name and address must be included in each
7 e-mail.

8 All comments received at this hearing as
9 well as written comments received by December 1st of
10 2015 will be considered by the EQB and will be
11 included in a comment and response document, which
12 will be prepared by the Department and reviewed by the
13 EQB prior to the Board taking its final action on the
14 regulation. And if there's anyone that's interested
15 in receiving a copy of this transcript from today's
16 hearing, you may contact EQB for further information
17 on how to obtain a copy.

18 So with that, I would like to go ahead
19 and call the first commenter if I could. And so we're
20 just going to go in order of folks that registered,
21 and so first up we have Sharon Fillmann. So if you
22 could, Sharon, go ahead and state your name, your
23 address, and your affiliation for us.

24 MS. FILLMANN:

25 My name is Sharon Fillmann. I am at 100

1 Ashville Road, Nottingham, Pennsylvania, 19362. I am
2 with Chester Water Authority, and I'm the Chief of
3 Treatment and Pumping at Chester Water Authority. And
4 today, Chester Water Authority would like to
5 acknowledge that we support DEP's efforts in adopting
6 the Revised Total Coliform Rule to further enhance and
7 protect public health, and we have some general
8 comments that we would like to make respectfully to
9 the Board.

10 The first thing we'd like to say is
11 Chester Water Authority is uncertain if DEP has
12 considered concurrent regulatory changes to the Public
13 Notification Rule, and also to the Consumer Confidence
14 Reporting requirements that would be impacted
15 concurrently with adoption of the Revised Total
16 Coliform Rule. We'd also like to mention that in
17 Chapter 109, DEP refers to repeat and check samples
18 interchangeably, and I do as well in the industry
19 because I'm predominantly working in the systems in
20 Pennsylvania. But we would suggest that there's
21 clarification to Chapter 109 consistently throughout
22 to record and report those samples as repeat samples
23 only and to dismiss using the word check sample going
24 forward.

25 Our biggest concern in comments are

1 going to be related to the sample citing plans, so
2 I'll leave those until the end. Some other specific
3 comments we have, Chapter 109, Section 202, State
4 MCLs, MRDLs and treatment technique requirements. We
5 disagree with DEP being able to direct a system to
6 perform assessments for water quality concerns that
7 are outside of Total Coliform and E. coli issues. We
8 recognize that the Department may have other water
9 quality concerns where they might warrant further
10 investigation, but we would suggest that the word
11 assessment is not used to prevent confusion.

12 Under 109.301, monitoring requirements
13 for coliforms, we believe that the Public Notification
14 Requirement is incorrect and is not required for every
15 single E. coli positive sample. And the example we
16 give is if the original routine sample is E. coli
17 positive, that doesn't necessarily result in an MCO
18 violation requiring public notification. And that is
19 a clarification we would suggest that the Board make.

20 Under 109.301, monitoring requirements
21 and frequency, we agree that we should have a sample
22 siting plan that lists the number of samples that we
23 plan to take on a routine basis. However, we would
24 advocate and appreciate flexibility in being able to
25 sample the number of samples above and beyond the

1 required when certain situations and circumstances
2 exist where the public water supplier believes that
3 that will better protect public health. So we would
4 just like that flexibility.

5 Under Section 109.303, sampling
6 requirements, we would like the sample siting plans to
7 be flexible to accommodate for operational business
8 efficiencies, customer service, require trainings for
9 public water systems, weather events and conditions,
10 and unusual circumstances and happenings. So we don't
11 want a lot of rigidity in the sample siting plans on
12 requiring us to sample, on example, the Tuesday of the
13 third week of the month. Most public water systems
14 may only have one or two personnel that are sampling.
15 Smaller public water systems may only have commercial
16 laboratory sampling for them, and we have to consider
17 flexibility given vacation, sick times, holidays,
18 things like that in addition to other emergency
19 situations. So we don't want to be locked into
20 stringent sampling requirements and sampling dates.

21 Section 109.409, tier two public notice,
22 we disagree with the requirement for a tier two public
23 notice for failure to report an E. coli positive
24 sample. Failing to report typically is a tier three
25 violation, and Chester Water believes there's not any

1 threat to public health if the failure to report is an
2 issue at that point in time. When we talk about
3 sample siting plans, we believe that DEP noted in the
4 proposed rulemaking that Section 40 CFR 141.853
5 supported the decisions to require the stringent
6 sample siting plans. And DEP's proposed rulemaking
7 states, and I quote, the TAC noted that identifying
8 specific addresses for check samples is unworkable for
9 some water systems, however the proposed amendment
10 reflects 40 CFR 141.853, unquote.

11 Chester Water believes that DEP failed
12 to provide the regulatory language in this section for
13 transparency and comparison, and that DEP also failed
14 to acknowledge the federal rule allows flexibility for
15 water systems to do repeat sampling locations based on
16 a standard operating procedure. So 40 CFR, I will
17 read directly. It says that a system may elect to
18 specify either alternative fixed locations or criteria
19 for selecting repeat sampling sites on a situational
20 basis in a standard operating procedure in its sample
21 siting plan. And we would appreciate the Board's
22 reconsideration of the proposed amendment by DEP based
23 on the full citation from 40 CFR.

24 I have a summary testimony here, and I
25 would also appreciate if we can submit full testimony

1 to the Department at this time.

2 CHAIR:

3 Of course. Sure.

4 MS. FILLMANN:

5 Thank you.

6 OFF RECORD DISCUSSION

7 CHAIR:

8 Thank you so much. Next on our list is
9 Doug Crawshaw. And Doug, if you could just state your
10 name, your address and your affiliation?

11 MR. CRAWSHAW:

12 Sure. My name is Douglas Crawshaw. I'm
13 the Water Quality Manager for the York Water Company.
14 Address is 130 East Market Street, York, PA, 17401.
15 All right. So this testimony is an abridged version
16 of what our written testimony intends to be, so I'm
17 focusing primarily on the section regarding check
18 sample locations and alternative and repeat
19 monitoring.

20 So the York Water Company would
21 definitely request that an SOP be accepted for the
22 determination of repeat and alternative repeat
23 monitoring locations. Pardon me, I'm sorry. Public
24 speaking is not one of the things that I love.

25 CHAIR:

1 You're doing fine.

2 MR. CRAWSHAW:

3 Thank you. We don't see the benefit
4 necessarily of identifying these locations in advance,
5 and can actually see some chances that pre-identifying
6 these sample locations could actually cause some
7 challenges with utilities in properly identifying
8 problems and contamination actually in their system.
9 It presumes the knowledge of all of the water system's
10 potential operational conditions in advance of a
11 potential coliform event. So additionally, if we have
12 to specify all of these upstream and downstream
13 locations, it limits the utilities capability to
14 assess the conditions in real time using technology.
15 Most specifically, water system modeling to kind of
16 factor all of the variables that could be at play in
17 determining which direction the flow is actually going
18 in the distribution system.

19 So for a simple example, and
20 unfortunately we've got this entered in record, if you
21 just picture a T intersection, okay? You have a pump
22 at one end of the T, you've got a large customer at
23 the top end of the T, and at the far side of the T you
24 have a tank. Sample location near the intersection
25 when the pump is running and you have a total coliform

1 positive near your intersection, you've got an
2 upstream that's going to be on your pump's side. You
3 resample, and you've got a downstream that would be on
4 the tank's side. Now alternatively, when the pump is
5 off and the tank is feeding out to the system, you
6 have your upstream which would be on the tank side of
7 the sample location, and the downstream is going to be
8 on the far side of the intersection. So this is a one
9 customer, one pump, one tank system with one
10 intersection. And if we start taking into account how
11 normal distribution systems are set up, the pipes
12 typically follow the streets in kind of a grid
13 pattern.

14 So you've got multiple intersections,
15 you've got multiple pumps, you've got pressure zones,
16 regulators, different pipe sizes. All of these things
17 can kind of really impact the direction and flow rate
18 of the water through the system. Distribution
19 systems, as everybody here knows, are dynamic.
20 They're always changing. So setting a couple of
21 specific upstream and downstream locations, you know,
22 it's not going to necessarily help, per se, identify
23 the correct locations. It will provide a list for
24 somebody who isn't actively working to truly identify
25 these locations or the contamination. It'll help them

1 to go and choose a location in the heat of the moment,
2 but it won't necessarily provide the correct
3 locations.

4 So secondly, identifying the up and
5 downstream locations is going to take quite a bit of
6 time and money. Okay? My system, I have to report
7 120 compliance sample locations or sample results per
8 month, so one could assume that I would have about 50
9 sample locations on my sampling plan. So if I now
10 need to have five upstream and five downstream sample
11 locations, that means I now need to take 50 that I'm
12 originally working with and add an extra 500 sample
13 locations to this. So to do this correctly, I would
14 need to pre-vet all of these sample locations. So
15 that means visiting these locations to make sure that
16 they actually exist, number one. Number two, that
17 they're in service. Number three, that the plumbing
18 fixtures are --- would fit the needs of a true and
19 good sampling location, separate hot water, hot and
20 cold water sampling taps. No appurtenances, no
21 softeners, no filters, et cetera, et cetera.

22 And once I've done all of this
23 pre-vetting and pre-evaluation, the day after, it's
24 basically worthless to me because I have no control
25 over those sampling locations. These business owners

1 and homeowners can put in a softener, can change their
2 plumbing and fixtures, that sort of thing, making it
3 necessary that in the heat of a moment when we have a
4 total coliform positive, we're going to need to assess
5 each of those viable sample locations and choose the
6 best one that's going to be most representative of the
7 water that's in our system. So it's going to have to
8 be redone anyways in the heat of the moment.

9 So based on these suggestions here, I
10 guess, and the commentary, we would definitely
11 encourage that the Department and the EQB support
12 systems developing an SOP to --- or as part of their
13 plan to --- thank you, that's it. That means I'm out
14 of time. All right, that's it.

15 CHAIR:

16 Thank you very much. Do we have David
17 Brubaker here?

18 MR. CUMMINGS:

19 No, he's not here.

20 CHAIR:

21 Okay, just wanted to make sure he didn't
22 step in while we --- okay. So next then we have Randy
23 High. Hi, Randy. You can go ahead and put them in
24 the box, if you would. Thank you so much. And Randy,
25 if you could state your name, and your address, and

1 your affiliation for us?

2 MR. HIGH:

3 Yes.

4 CHAIR:

5 Okay.

6 MR. HIGH:

7 Randall C. High, 233 Deep Run Road,
8 Myerstown, PA, 17067. Do you need me to repeat it?
9 Okay. And I represent Pure-Test Laboratory, we're a
10 commercial state certified lab.

11 CHAIR:

12 Thank you.

13 MR. HIGH:

14 And I have a prepared statement I'm
15 simply going to read, and I think I won't use up the
16 time, so we'll just --- but maybe I will. As I said,
17 I'm appearing on behalf of Pure-Test Laboratory in
18 Myerstown. We're a certified lab performing analysis
19 of potable and non-potable water. We are certified by
20 the Pennsylvania Department of Agriculture, as well as
21 the Maryland Department of Environment. Pure-Test
22 performs analytical services for nearly 500 public
23 water systems in Pennsylvania, which is more than five
24 percent of the PA systems. And I serve personally as
25 the Business Manager, which I've done for more than 20

1 years. And most of that time, I've also overseen the
2 sample collection, so the scheduling of all this is of
3 keen interest to me.

4 I'm here to comment on the proposed
5 rulemaking, and I'll just skip that part of that and
6 then go onto the next one. There's two items I just
7 want to raise today. And the one is based on the
8 instructions given in the sample siting plan, and that
9 is Sampling Information D. Sample interval
10 description, indicate the week of the month that
11 sampling will occur. And then number two is in regard
12 to the statement, these systems shall indicate the
13 week of the month in which that day will fall.

14 Under the RTCR and the proposed PA rule,
15 Pure-Test will collect samples from more than 400
16 public water suppliers each month. Forcing labs to
17 collect samples a specific week of each month creates
18 difficult logistics. Pure-Test collects samples in 25
19 PA counties, including rural areas such as Schuylkill,
20 Perry, Huntingdon and Somerset. To keep costs low for
21 our customers, Pure-Test tries to group sample
22 collections geographically. The proposal fails to
23 recognize that a given public water supplier may be
24 inaccessible during the week the siting plan requires
25 a sample collection due to system maintenance, weather

1 events, or limited access or other items as well,
2 business days and hours.

3 Proposed rulemaking F benefits, costs,
4 and compliance is not realistic, especially if a lab
5 must go to a rural area a specific week regardless of
6 cost effectiveness. Pre-Test's current standard
7 sample pickup charge is \$12 per public water supplier,
8 and that's based on when they're close together in a
9 given route, and the Total Coliform and E. coli
10 analysis is \$26. A transient noncommunity water
11 system will see an annual increase of \$304 at standard
12 rates, not the \$220 --- and that's the minimum, and
13 not the \$229 as listed in the proposal. This is
14 without considering surcharges for a special trip to
15 accommodate the specific week's sampling requirement.

16 In addition, if the goal of the proposed
17 rule is to bring about greater public health
18 protection, the requirement for collecting samples a
19 specific week of the month inhibits that goal. If a
20 public water supplier knows which weeks samples will
21 be collected, they may be more likely to make sure
22 that any treatment, chlorination system for example,
23 on their system --- any treatment on their system is
24 working properly during that sampling period, rather
25 than properly maintaining their system throughout the

1 month pending a random sample collection. If the
2 proposal seeks to spread out sample collection from a
3 given system, perhaps it should simply specify that
4 sample collections should be separated by at least
5 four dates. Sincerely, Randy High. Thank you.

6 CHAIR:

7 Thank you. And our last speaker that
8 preregistered is Rita Kopansky. And Rita, did you
9 have copies of your statement?

10 MS. KOPANSKY:

11 Yes, yeah, I just have to look at them.
12 Do you want them ---?

13 CHAIR:

14 I do. I'm likely to forget to ask you,
15 so --- thank you very much. And so Rita, could you
16 state your name and you address and affiliation?

17 MS. KOPANSKY:

18 Sure, it's Rita Kopansky. I'm with the
19 Philadelphia Water Department. I'm the Manager of
20 Regulatory Affairs at the Bureau of Lab Services in
21 Philadelphia. The address for me with the Department
22 is 1101 Market Street, Philadelphia, PA, 19107.

23 CHAIR:

24 Thank you.

25 MS. KOPANSKY:

1 So the Philadelphia Water Department is
2 in the process of reviewing the proposed rulemaking
3 and the changes to Chapter 109. And we're presenting
4 today would be a few issues that we will cover in the
5 form of written comments, and we will just want to
6 highlight a few of them that we are commenting on in
7 preparing comments by December 1st.

8 The first one, it's a general
9 recommendation that PADEP incorporate revisions of the
10 Total Coliform Rule as closely as possible to U.S. EPA
11 revisions. The U.S. EPA engaged national experts,
12 stakeholders and states, and spent considerable time
13 in reviewing the Revised Total Coliform Rule
14 Requirements with the science, best practices and real
15 experience from systems for more than two years. And
16 the Philadelphia Water Department actively supported
17 the EPA's Federal Advisory Committee process, and we
18 provided data, time and resources to the effort. As a
19 result, the revisions were carefully developed and all
20 stakeholders agreed that they move Public Water Supply
21 and regulatory oversight in a strong and positive
22 direction. That's our first comment for today.

23 The second deals with the background and
24 purpose section of the proposed rulemaking, and in
25 there the language states that the lack of a

1 disinfectant residual is a sanitary defect. And the
2 rule again references the EPA Assessment, RTRC
3 Assessment and Corrective Action Manual. The manual
4 does not identify disinfectant residual alone as being
5 a pathway for contamination. The language in the
6 proposed rulemaking, such as the lack of a
7 disinfectant residual is a sanitary defect or a
8 pathway for contamination for microbial pathogens
9 entering the distribution system. And we can provide
10 an example of a storage tank --- a hole in a storage
11 tank could be a pathway for contamination because that
12 contamination could access the storage tank, but the
13 level of the disinfectant residual may or may not
14 indicate that contamination gained access to the
15 distribution system.

16 So in other words, the disinfectant
17 residual is an indicator that a pathway may exist, but
18 it's not the pathway for contamination. We think
19 there is no scientifically based research showing a
20 direct correlation between lack of disinfectant
21 residual and microbial contamination. This was noted
22 during some presentations that the --- from water
23 utilities and experts during special TAC meeting that
24 we have, in which there were often cases where we have
25 total coliform positives and E. coli positives despite

1 the presence of adequate chlorine residuals. So in
2 this, Philadelphia strongly recommends removing the
3 inaccurate language about lack of disinfection
4 residual being a pathway of contamination from this
5 proposed rulemaking.

6 The third issue we want to highlight
7 deals --- I think this was already mentioned by other
8 utilities, the monitoring requirement for coliform and
9 repeat monitoring. We feel that the proposed
10 rulemaking is limiting the use of advanced
11 technologies, like system modeling and other means to
12 better determine where to collect repeat samples
13 upstream and downstream after obtaining a positive
14 total coliform result. Some public water systems are
15 developing better practices and tools for maintaining
16 water qualities, and we feel like issues associated
17 with some system capabilities and regulator's
18 limitations should not become a disincentive to
19 systems who use those tools.

20 For example, at Philadelphia Water, we
21 use online sensors, hydraulic model, and we use event
22 detection and customer complaint surveillance for
23 water security again. This and other tools have
24 provided real benefits for us to help us understand
25 water quality changes. And I think that highlighted

1 some examples of how the water reaction changes, and
2 distribution system is being technologic. And we feel
3 that by using --- by limiting the use of more accurate
4 decision making tools, the proposed rulemaking will be
5 weakening public health protection.

6 So we strongly recommend that the PADEP
7 follow the EPA TCR revisions by allowing public water
8 systems utilizing advanced technologies to develop
9 better repeat sampling plans. A requirement to
10 collect samples within five upstream and downstream
11 collection is arbitrary and never had any
12 demonstrative scientific background. And the public
13 water system that can select in real time the most
14 valid upstream and downstream sample is better able to
15 meet the intent of the rule.

16 CHAIR:

17 Time.

18 MS. KOPANSKY:

19 And the last point deals with the public
20 notice.

21 CHAIR:

22 No, it's just time --- time.

23 MS. KOPANSKY:

24 I just mentioned that it's the tier two
25 public notice that was already mentioned in the other

1 statements. And it's about E. coli, a single E. coli
2 ---.

3 CHAIR:

4 And you can just give us your written
5 copy.

6 MS. KOPANSKY:

7 Right, right. The single E. coli
8 exception that would be tier two public notification
9 is more appropriate to be a tier three notification.
10 It has occasion to be a system two existing
11 notification on the systems reporting an occurrence.

12 CHAIR:

13 Thank you. Okay. That is it for the
14 folks that preregistered, but I do want to open the
15 floor at this point for any person attending the
16 hearing who wishes to provide testimony. So is there
17 anybody that's interested?

18 MS. KOPANSKY:

19 So can I finish my presentation?

20 CHAIR:

21 We have your written comment, and you
22 know, we will read everything that was provided to us,
23 so --- and a lot of folks were doing summaries of much
24 longer presentations, and we also understand that.
25 Absolutely. All right. Well, if no one else cares to

1 speak at this point with no other commenters present,
2 on behalf of --- Chuck, would you like to say
3 anything?

4 MR. HERTZ:

5 Not officially. I concur with
6 everything I heard. I'm sorry, I missed Rita's, but
7 ---.

8 CHAIR:

9 Okay.

10 MR. HERTZ:

11 Flexibility would be the key thing that
12 I would look for.

13 CHAIR:

14 Thank you. So if that's it, if we have
15 no other commenters, then on behalf of the EQB, I
16 hereby adjourn the hearing. And it is 1:35 p.m., so
17 thank you very much.

18 * * * * *

19 HEARING CONCLUDED AT 1:35 P.M.

20 * * * * *

21

22

23

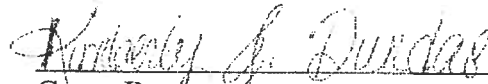
24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Daniels was reported by me on 11/5/15 and that I, Kimberly J. Dundas, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.


Court Reporter

Kimberly J. Dundas