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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

2016 APR 19 PM 3:07

April 19, 2016

Submitted Electronically to: RegComments@pa.gov
Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477

Re: Comments on the Proposed Disinfection Requirements Rule

Dear Environmental Quality Board:

The U.S. Environmental Protection Agency Region III Drinking Water Branch has reviewed the February 20, 2016 proposed changes to the safe drinking water regulations, specific to the Disinfection Requirements Rule. EPA offers the following comments regarding the proposed rule:

1. The Bottled Water, and Vended Water Systems, Retail Water Facilities and Bulk Water Hauling Systems (BVRB) monitoring requirements apply to some federally regulated public water systems, and as such these provisions must be no less stringent than the federal rule. These requirements established in 1992, set monitoring requirements via the following two mechanisms:

Specific requirements defined in §109.1003 that are different from §109.301:

- A. The current regulation in §109.1003 (a) (1) and §109.1003(c) establishes monitoring requirements for bottled, retail and bulk systems, which are different from the regulations in §109.301.
- B. The current regulation at §109.1003(a)(2) requires vended systems to satisfy §109.1003(a)(1) with the exception of vended systems qualifying for permit by rule.

Cross Reference to §109.301:

- C. The current regulation §109.1003 (d) requires Bulk systems serving >25 of the same people year round to satisfy the community water system monitoring requirements of §109.301.
- D. The proposed Disinfection Requirements Rule §109.1003(e), states that bulk, vended or retail water systems serving at least 25 of the same people for more than 6 months of the year comply with the non-transient non-community water system monitoring requirements in §109.301.

It is EPA's understanding that BVRB monitoring requirements are applied to water systems in the following order of precedence: if applicable D then C, otherwise A or B. Since the requirements of §109.301 are not specific to BVRB and are inconsistent with §109.1003, EPA would suggest revision of BVRB regulations for clarity and to be no less stringent than the federal rule that applies to these systems.



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The following comments identify situations where BVRB specific monitoring in §109.1003 are inconsistent with federal regulations. In order to receive primacy for the Stage 2 Disinfectant and Disinfection By-Products Rule, changes must occur.

2. The proposed BVRB monitoring requirement of §109.1003 (a)(1)(ix) does not include the compliance calculation and should clarify that Total Trihalomethanes (TTHM) or Haloacetic Acids 5 (HAA5) maximum contaminant level compliance is determined based the locational running annual average (LRAA) of quarterly samples.
3. The current analytical requirements applicable to BVRB as listed in §109.1003(b)(2) are not consistent with §109.304 (c) and should be. The current safe drinking water regulation at §109.1003(b)(2) for BVRB water systems has a shorter list of excepted analysis that may be performed by someone other than an accredited laboratory (e.g., daily chlorite monitoring by BVRB is not excepted from the requirement to be performed by an accredited lab).
4. The current BVRB monitoring requirement of §109.1003 (a)(1)(x) requires only chlorite monitoring on a daily basis and does not allow for monthly, reduced or additional monitoring. The federal chlorite monitoring requirements of 40 CFR §141.132(b)(2)(i)(B) and 40 CFR §141.132(b)(2)(ii & iii) should also be required for an entry point of BVRB water systems similar to the requirements in §109.301(12) (iii)(A)(II & III) and §109.301(12) (iii)(B).
5. The proposed BVRB monitoring requirement of §109.1003 (a)(1)(xi) requires additional chlorine dioxide monitoring at one location on a daily basis on the day following exceedance of the maximum residual disinfectant level (MRDL) and does not meet the intent of the federal requirement. The federal chlorine dioxide monitoring requirement of 40 CFR §141.132(c)(2)(ii) requires analysis of three additional chlorine dioxide samples, for systems with no booster chlorination, that are collected at one location at intervals of at least six hours on the day following exceedance of the MRDL.
6. The current BVRB monitoring requirement of §109.1003 (a)(1)(ix) lists the start date of Stage 2 monitoring as October 1, 2013 for BVRB systems and is inconsistent with federal Stage 2 monitoring start dates listed in 40 CFR §141.620(c).
7. The current BVRB monitoring requirement of §109.1003 (a)(1)(ix) lists the routine stage 2 monitoring schedule as one dual sample set per year which is inconsistent with the federal regulation and §109.301(12) (ii)(B). The federal regulation would require routine quarterly sampling for water systems (e.g., retail system) serving more than 500 people that use or obtain water from surface water or ground water under the influence of surface water sources.

Finally, we would like to note that there is a different value stated in §109.1003(a)(1)(xiv)(A) for bottled, vended, retail, and bulk systems' entry point residual of 0.2 mg/L. This is different from §109.202(c)(1)(ii)(B), which states the new residual at the entry point is 0.20 mg/L. While we understand that this could be the case, we wanted to insure that a typo had not occurred.

If you have any questions regarding these comments, please contact Kelly Moran, moran.kelly@epa.gov or 215-814-2331. Thank you for your consideration.

Sincerely,



Karen Crumlish, Chief
Drinking Water Branch