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April 19, 2016

Environmental Quality Board
P. O. Box 8477
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Re: Comments on the proposed Disinfection Requirements Rule (25 PA. CODE CH. 109)

The National Association of Water Companies (NAWC), PA Chapter represents all aspects of the private water service industry including ownership of regulated drinking water and wastewater utilities and the many forms of public-private partnerships and management contract arrangements. The PA Chapter consists of 7 member companies that provide safe and reliable drinking water service to over 3.1 million Pennsylvanians in 492 communities over 39 counties. In addition, four of our member companies provide wastewater service to over 195,000 Pennsylvanians in 34 communities over 9 counties.

The Chapter and its member companies have worked with the Department of Environmental Protection (DEP); the Small Water Systems Technical Assistance Center (TAC); and the Disinfection Requirements Rule Stakeholder Workgroup (DRRSW) on this proposed rulemaking. Therefore, the presentations that are referenced below can be found on either the TAC website¹ or the DEP's webpage for "Proposed Disinfection Requirements Rule"ⁱⁱⁱ and are part of the public record.

The Chapter does **not** support the proposed Disinfection Requirements Rule and respectfully submits the following comments:

1. There is no direct public health issue being addressed by the proposed rule.^{iii iv}
2. Although the Chapter agrees with the stated goal of the Department to address the minimum detectable residual and low chlorine distribution disinfectant residuals, we do not agree that the minimum residual should be set at 0.2 mg/L.

NAWC Comments on the proposed Disinfection Requirements Rule

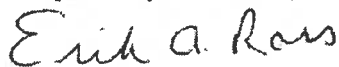
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3. The Chapter agrees that the current minimum distribution system detectable residual of 0.02 mg/L is not valid. Instead, we believe the minimum residual should be set at 0.1 mg/L. The current regulatory language should only change the 0.02 mg/L to 0.1 mg/L and keep all other existing language.^{v vi vii viii}
4. Increasing the minimum disinfectant level in the distribution system from the existing 0.02 mg/L to 0.1 mg/L (for both free & total chlorine) is a 5-fold increase from the current level. A minimum value of 0.1 mg/L is a responsible level given the Department's concerns regarding a detectable level. The 0.2 mg/L does not provide any additional health benefits to our customers, but it does require additional capital improvements & operating costs.
5. The Chapter agrees with the proposed rule that the compliance calculation for systems serving greater than 33,000 people is 95% in 2 consecutive months and the compliance calculation for systems serving 33,000 or fewer people is 75% in 2 consecutive months. However, we are concerned that the increased residual monitoring (from once/month to once/week) will increase small system operating costs.
6. The stated compliance benefits in the proposed rule are unfounded and the associated compliance costs are dramatically underestimated.^{ix x xi xii xiii xiv xv xvi xvii xviii xix}
7. Disinfection byproducts (DBPs) are likely to increase at some utilities as a result of increasing the distribution disinfection residual to 0.2 mg/L. Setting the minimum residual at 0.1 mg/L will allow time for utilities to assess impacts to DBPs.^{xx}
8. Taste & odor complaints will likely increase if the minimum distribution disinfection residual is set at 0.2 mg/L.
9. The option for Heterotrophic Plate Count (HPC) should be retained as an alternative compliance criteria for surface water systems when the distribution disinfectant residual is below the minimum required level. This is still allowed under the federal regulation and will reduce the number of instances where Public Notice (PN) is required.^{xxi}
10. Because no known health risks have been identified in this proposed rulemaking, requiring water utilities to issue Tier 2 PN for failing to meet 0.2 mg/L will unnecessarily erode public confidence in water quality. This is another justification for setting the minimum distribution disinfection residual at 0.1 mg/L and continuing to allow IIPC as an alternative compliance method.

The NAWC, PA Chapter appreciates the opportunity to present these comments on this proposed rulemaking and respectfully requests the EQB's consideration.

Respectfully submitted,



Erik A. Ross

Governmental Relations

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<http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Pages/default.aspx#.VxUGep3D-po>

ii

<http://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Proposed-Disinfection-Requirements-Rule-.aspx#.VxUJHp3D-pp>

iii Comments on Legionella & Legionnaires Disease and Microbiological Water Quality in the Distribution System and Premise Plumbing: Legionnaires' Disease – Dr. Jennifer Clancy, Corona Env. Consulting, March 9, 2016 Stakeholder Group Meeting

<http://files.dep.state.pa.us/Water/BSDW/DrinkingWaterManagement/Regulations/Legionella%20%20Comments%20Public%20Meeting%209%20March%202016.pdf>

iv Estimated Costs of Compliance with the Proposed Disinfection Requirements Rule - Jeff Hines, The York Water Co., April 15, 2016 Stakeholder Group Meeting (Not yet posted)

v Draft—Minimum Distribution System Disinfectant Residuals: Chlorine Residual Values Reported from Co Drinking Water Distribution Systems—Colorado Dept. Public Health & the Environment, March 30, 2016 Stakeholder Group Meeting (Not yet posted)

vi Aqua PA Disinfection Residual Measurements Presentation - Dr. Charles Hertz, Aqua PA, March 9, 2016 Stakeholder Group Meeting

<http://files.dep.state.pa.us/Water/BSDW/DrinkingWaterManagement/Regulations/Aqua%20PA%20disinfectant%20residual%20measurement%20MDL%20MRL%20presentation%20PADEP%20Stakeholder%20Meeting%20030916%20CDH.pdf>

vii The Meaning and Quantification of a Detectable Residual - Tim Bartrand, Corona Env. Consulting, March 30, 2016 Stakeholder Group Meeting (Not yet posted)

viii An Alternative Approach for Setting an Interim Chlorine Residual Requirement - Jeff Rosen, Corona Env. Consulting, Consulting, March 30, 2016 Stakeholder Group Meeting (Not yet posted)

ix Costs & Benefits for the Disinfection Requirements Rule - Philadelphia Water Dept, March 9, 2016 Stakeholder Group Meeting

http://files.dep.state.pa.us/Water/BSDW/DrinkingWaterManagement/Regulations/PADJIP%20Disinfection%20Requirements%20Rule%20Costs%20and%20Benefits_March%202016.pdf

x Cost Analysis of Increased Disinfection Residual – The York Water Co, April 15, 2016 Stakeholder Group Meeting (Not yet posted)

xi The RTCR and Chlorine Residual Standard and Its Operational Impacts on Lehigh County Authority Water Systems - Aurel Arndt, Lehigh County Authority, May 26, 2015 TAC Meeting

http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Documents/Lehigh_County_Authority_Presentation.pdf

xii Impact of the Proposed Chapter 109 Update to Disinfectant Residual Requirements – Mary Neutz, Suez (United) Water, May 26, 2015 TAC Meeting

http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Documents/United_Water_PA_Presentation.pdf

xiii The RTCR and Chlorine Residual Standard and its Operational Impacts on the Utility - Gary Burlingame, Philadelphia Water Department, May 26, 2015 TAC Meeting

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http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Documents/Philadelphia_Water_Department_Presentation.pdf

^{xv} Impact of Pre-Draft Chapter 109 Revisions: The Impacts are Complex and Require Proper Vetting - David Lewis, Columbia Water Company, May 26, 2015 TAC Meeting

^{xv} Chlorine Residual and Compliance Samples in Distribution Systems – Charles Hertz, Aqua PA, May 26, 2015 TAC Meeting

http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Documents/Aqua_PA_Disinfectant_Residual_Presentation.pdf

^{xvi} Western Berks Water Authority Presentation - Matthew Walborn, Western Berks Water Authority, May 26, 2015 TAC Meeting

http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/TAC/Western_Berks_Water_Authority_Presentation.pdf

^{xvii} Pre-Draft Chapter 109 Revisions: One Water Utility's Perspective – Dan Preston/Heidi Palmer, North Penn Water Authority, May 18, 2015 TAC Meeting

<http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/TAC/Pre-Draft%20Chapter%20109%20Revisions%20Presentation.pdf>

^{xviii} Chapter 109 Update, Water Supplier Challenges and Unintended Consequences – Jeff Hines, The York Water Company, May 18, 2015 TAC Meeting

<http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/TAC/York%20Water%20Company%20Presentation.pdf>

^{xix} RTCR and Chlorine Residuals – Overall Look From A Utility Perspective – Sharon Fillmann, Chester Water Authority, May 18, 2015 TAC Meeting

<http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Documents/RTCR%20and%20Chlorine%20Residuals%20Presentation.pdf>

^{xx} Reference: DBPs, HPCs and a shared goal of Optimized Distribution Systems - Tim Bartrand/Jeff Rosen, Corona Env. Consulting, April 15, 2016 Stakeholder Group Meeting (Not yet posted)

^{xxi} Reference: DBPs, HPCs and a shared goal of Optimized Distribution Systems - Tim Bartrand/Jeff Rosen, Corona Env. Consulting, April 15, 2016 Stakeholder Group Meeting (Not yet posted)