

**From:** ecomment@pa.gov  
**Sent:** Tuesday, April 19, 2016 2:09 PM  
**To:** Environment-Committee@pasenate.com; IRRC; eregop@pahousegop.com; environmentalcommittee@pahouse.net; gvitali@pahouse.net; regcomments@pa.gov; apankake@pasen.gov  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Comment received - Proposed Rulemaking: Disinfection Requirements Rule



**Re: eComment System**

**The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Disinfection Requirements Rule.**

Commenter Information:

Jamila Granger  
 Primo Water Corporation (jgranger@primowater.com)  
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 Winston-Salem, NC 27101 US

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 IRRC  
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Comments entered:

Environmental Quality Board  
 Rachel Carson State Office Building, 16th Floor  
 400 Market Street  
 Harrisburg, PA 17101

Subject: Pennsylvania Bulletin, Vol. 46, No. 8, February 20, 2016, Proposed Disinfections Requirements Rule

To: Environmental Quality Board

As two of the largest water dispensing unit ("Water Dispensing Unit" or "WDU") operators in the State of Pennsylvania and the independent association that guides the industry, we are writing to share our perspective on the scope of the proposed disinfection requirements (the "Proposed Rule"). As businesses that have been operating for a combined total of more than 40 years, our primary objective is to provide our consumers with high quality, great tasting and safe water. In so doing, we believe current regulatory requirements are sufficiently comprehensive and effective at ensuring public safety.

Our water dispensing units have been included within the scope of the proposed rules. We ask you to reconsider, as including WDUs in the scope of the proposed rules does not take into consideration the fundamental differences between a municipality treating non-potable water and what we do as an industry, which is filter and improve the taste and quality of already treated municipal water. As such, we believe that a WDU should not be required to measure chlorine residuals or HPC at the entry point. As a point of comparison, a drinking dispenser that has a carbon filter that removes the chlorine before dispensing cold water would not be subject to that type of requirement, because the nature of the water source of the system is such that

the treatment technique is not NECESSARY to protect the health of the persons served by the system.

A WDU operates essentially as a consecutive and supplemental filtration option to the municipal water supply. The filtration process includes multi-barrier treatment techniques such as micron filtration, activated carbon filtration, reverse osmosis, polishing carbon and ultraviolet light. The sequential performance of the carbon filtration, reverse osmosis and ultraviolet treatment have proven very effective at eliminating bacteria and viruses not to mention other public health issues like lead. The construction and design for WDUs is directed and monitored by an independent association NAMA (National Automatic Merchandising Association) and their Construction Standard and Model Code.

Upon review of the proposed changes, we offer the following;

- Requiring a WDU operator to measure chlorine residual at the entry point does not take into account the fact that every WDU already includes multiple filtration steps, including activated carbon filters, to remove the chlorine prior to human consumption, the taste of which consumers find undesirable. Testing for chlorine residual in a WDU will not provide any meaningful results. We also note, for the record, that the absence of a chlorine residual is not necessarily indicative of any safety threat or contamination.
  
- By definition, every WDU's last process must be a disinfection step, which in our case is passing filtered municipal water through an ultraviolet light. There is an added safeguard of shutting the WDU down should the ultraviolet light fail to operate. The effectiveness of UV on highly filtered RO water is materially better versus its effect on non-potable water and differentiates water from a WDU from the requirements of a public water supply. Moreover, trained service technicians visit all WDU locations to perform cleaning, water quality tests, replacement of filters and multiple checks to ensure that the system is functioning to specifications. We would welcome the opportunity to discuss our current service and testing protocols.
  
- As an industry, every WDU is already tested on a monthly basis for Total Coliforms through independent, EPA-certified labs. Total Coliform has long been acknowledged, by both the EPA and the scientific community, as the best predictor of effective sanitary conditions in drinking water. Adding the HPC test alongside the Total Coliform test is duplicative and simply adds costs to an industry working hard to provide a value-oriented drinking water alternative.
  
- If the goal is to further safeguard human health, it is unclear why HPC should play a role given it measures heterotrophs which are a range of bacteria that are naturally present in the environment and have no direct correlation with human health. The drinking water standard for HPC is geared towards public water systems treating non-potable surface water or groundwater under the influence of surface water, which is materially different from water from WDU's like ours, which receive already treated municipal water.
  
- As a corollary, heterotroph counts in food can reach the thousands and are not considered an indicator of a public health concern.
  
- Many studies have been conducted over the years trying to measure the efficacy of HPC as an indicator for water quality and the science has been unproven (e.g., Absence of Association between Total Heterotrophic and Total Coliform Bacteria from a Public Water Supply, By Stephen C. Edberg and Darrell B. Smith). Also, per the World Health Organization,
  - o "There is no evidence, either from epidemiological studies or from correlation with occurrence of waterborne pathogens that HPC values alone directly relate to health risk."
  - o "The available body of evidence supports the conclusion that, in the absence of faecal

contamination, there is no direct relationship between HPC values in ingested water and human health effects in the population at large. This conclusion is also supported indirectly by evidence from exposures to HPC in foodstuffs, where there is no evidence for a health effects link in the absence of pathogen contamination.” 1

- The quality of the WDU source water will also benefit from the recent increased chlorine residual requirements for the municipal water supply and is yet another reason the addition of HPC testing is unnecessary.

In closing, we believe current regulations in Pennsylvania prescribe extensive requirements around servicing and testing of WDUs. Included in these requirements is monthly Total Coliform testing to verify the sanitary condition of the water. We believe these requirements are more than adequate to ensure safe drinking water for our customers. We also note that other comments received in opposition to the Proposed Rule make reference to various points that we acknowledge and agree with, including specifically concerns regarding costs associated with compliance with the Proposed Rule; and the need for additional time for the regulated community to come into compliance with the Proposed Rule.

We welcome the opportunity to discuss the proposed changes in more detail and hope that, based on the “consecutive” nature of our filtration process and existing requirements to test monthly for Total Coliforms, WDUs will be removed or granted a waiver from the requirements proposed in section 109.1003 (a)(1)(xiv).

Respectfully,

Brian McInerney  
President & CEO  
Glacier Waters Services Inc.

Matthew Sheehan  
President & COO  
Primo Water Corporation

Larry Eils  
Director Technical Service  
National Automatic Merchandising Association

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These links provide access to the attachments provided as part of this comment.

Comments Attachment: [Public Comment to the Environmental Quality Board Regarding Proposed Rulemaking.docx](#)

Please contact me if you have any questions.

Sincerely,  
Patrick McDonnell