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March 23, 2018

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477

**RE: Proposed Amendments to Storage Tank and Spill Prevention Program
Chapter 245 (48 Pa. B. 1101 (Feb. 24, 2018))**

We submit for your consideration the following comments on the proposed rulemaking published in the February 24, 2018 *Pennsylvania Bulletin*. Our comments are based not only as a regulated entity responsible for the operation and maintenance of 68 Aboveground Storage tanks (ASTs), but also as an organization proud of its efforts to improve and protect the Commonwealth's water supply. To that end, we offer the following for your consideration:

§245.235 Public Notice

Currently, owners of proposed new large aboveground storage tanks facilities or proposed aboveground storage tank system with greater than 21,000 gallons capacity or highly hazardous substance tank must provide written notice to local municipality and the county in which the proposed aboveground system or facility is to be located prior to submitting a permit application. The proposed regulation requires that the notice shall also inform the local municipality and county of the location, capacity and projected installation date of the proposed storage tank system and the substance to be stored in the tank.

Pennsylvania American Water Comment

As stewards of the environment, we welcome the transparency and the proposed changes. With that in mind, we request that water suppliers downstream of the proposed and existing storage tank systems also be provided with the same information afforded to the local municipality and the county. After all, access to this information will better help water utilities prepare and respond to a spill that contaminates drinking water.

Additionally, Pennsylvania American Water suggests that the Aboveground Storage Tank (AST) Public Notice provision apply to all tanks within 20 upstream miles of a water system that could be contaminated by a release. A 2014 chemical spill in West Virginia that prompted the state's governor to declare a state of emergency, leaving about 300,000 people without water, came from a 10,000 gallon tank. Pennsylvania American Water recommends that the proposed revisions adjust the threshold for notification accordingly.

§245.304 Investigation of Suspected Releases

Changes to the proposed subsection further clarifies and adds to required response to unusual level of vapors from a regulated substance outside of storage tank system components designed to routinely contain or convey product at or near a storage tank facility.

Pennsylvania American Water Comment

Pennsylvania American Water would like clarification on (a) (1) regarding 'unusual level of vapors' from a regulated substance outside of a storage tank system components designed to routinely contain or convey product at or near a storage tank facility.

Pennsylvania American Water operates 18 wastewater plants. While controlling the plants' odors are of paramount importance, it is one of the most challenging aspects of wastewater treatment. Although many naturally occurring odors are contained within the proximity of the plant, some odors drift to surrounding areas. Common odors lingering in and around treatment plans smell like rotten eggs, ammonia or garlic while others are described as earthy or organic. These odors originate from the decomposition of organic compounds and can vary in intensity depending upon factors such as the weather (eg wind, temperature, humidity) and even plant maintenance.

Pennsylvania American Water recommends that the proposed regulations take into account the unique 'vapor' qualities associated with wastewater plants. Naturally occurring 'vapors' or 'odors' do not indicate a 'suspected release' as vapors are part of the normal operation of the plant. However, because not all odors or 'vapors' are created equally and factors outside of human control can influence the intensity of those odors, Pennsylvania American Water requests further clarification and consideration for the unique odor qualities associated with wastewater treatment plants.

§245.307 Affected or Diminished Water Supplies

Requires the responsible party notify the Department by telephone or email within 24 hours of providing an alternate source of water to the owner of the affected or diminished water supply

Pennsylvania American Water Comment

Pennsylvania American Water would like further clarification on the alternate source of water to be provided to the owner of the affected or diminished water supply. When water supplies of public water utilities are contaminated, the burden falls on the public water supplier to find replacement water supplies as quickly as possible. Temporary water supplies may include emergency connections to other public water supply utilities or bottled water. Temporary measures must be accomplished by the public water supplier immediately and should not be delayed with notifications to the responsible party. The public water supplier is responsible for the provision of a permanent replacement water supply. The water supplier must be able to recover costs associated with these temporary and permanent water supply replacements from the responsible party.

Pennsylvania American Water thanks the members of the Environmental Quality Board for the opportunity to comment on this rulemaking. If you need further information about our comments, please contact me. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie R. Horvath". The signature is written in a cursive style with a large, prominent initial "M".

Melanie R. Horvath,
Director, Government & Regulatory Affairs.