

#2736

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Sent: Tuesday, January 20, 2009 3:42 PM
To: EP, RegComments
Cc: Yeany.Philip@EPA.GOV; Meadows.Anthony@epamail.epa.gov;
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Subject: Comments on Proposed Rulemaking Safe Drinking Water (Stage 2 Disinfectants/Disinfection By-products Rule)

Earlier today, US EPA Region III submitted comments on the Proposed Stage 2 Disinfectants/Disinfection By-products Rule. These were submitted by Anthony Meadows, Drinking Water Branch.

At this time, we would like to clarify one of our comments and offer a recommendation.

The comment made by US EPA Region III reads: "The following treatment technique requirements need to be added: 40 CFR 141.2 definitions of GAC10 and GAC20, 40 CFR 141.64(a)(2), 40 CFR 141.64(b)(1)(ii), 40 CFR 141.64(b)(2)(ii - iii)".

The 40 CFR Section 141.2 definitions of GAC10 and GAC20 when related to BAT brought to our attention an issue concerning the adoption by reference in Chapter 109 of BAT. While BAT is defined in Chapter 109, this term is not used in the chapter except for its use in the definition of "innovative technology." Because we have not been able to find BAT used elsewhere in Chapter 109, we are concerned that the adoption by reference of the term might not be effective. Since there are numerous technologies defined as BAT in 40 CFR Part 141, it is highly recommended that Chapter 109 explicitly adopt by reference those best available technologies as defined in the Federal regulations. We recognize that this comment was more appropriate for the recently proposed Variance and Exemption revisions to Chapter 109. Therefore, if at all possible, we encourage Pennsylvania to capture this incorporation by reference as those regulations are finalized. The need for such a clear statement is applicable to many parameters and the corresponding BATs under the drinking water regulations, and not solely the Stage 2 Disinfectants/Disinfection By-products Rule.

Should you have any questions, please contact Phil Yeany, Office of Regional Counsel at 215-814-2495 or myself at the number provided below.

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