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Tate, Michele

From: Meadows.Anthony@epamail.epa.gov
Sent: Tuesday, January 20, 2009 1:25 PM
To: EP, RegComments
Cc: Arguto.William@epamail.epa.gov; Gray.Wendy@epamail.epa.gov; Maduka, Geoffrey; Daniels, Lisa
Subject: Fw: Comments on PA Proposed Rulemaking (Stage 2 Disinfectants/Disinfection By-products Rule and Long-Term 2 Enhanced Surface Water Treatment Rule)

Region III has reviewed the draft proposals and offers the following comments:

Stage 2 Disinfectants/Disinfection By-products Rule

The U.S. Environmental Protection Agency hereby provides comment on the Proposed Rulemaking for the Safe Drinking Water Stage 2 Disinfection and Disinfection Byproducts Rule as published in the Pennsylvania Bulletin on Saturday, December 20, 2008.

Major Changes

109.1 Definition of consecutive water system - Existing definition is less stringent than federal definition of consecutive system, because it does not include PWS that obtain some, not all, water from wholesaler. Please also note that 109.701 references consecutive system rather than consecutive water system.

109.301(12)(i) - The proposed regulation does not clearly specify that Stage 1 MCL requirements are applicable only until the Stage 2 effective dates, as described by the last sentence of 141.64 (b)(1)(i).

109.301(12)(ii)(B)(III) - The proposed state regulation does not include the Stage 2 Rule correction of 141.621(a)(2) as proposed in the Nov. 14, 2008 Federal Register. The correction states that "ground water systems serving 500-9,999 people on annual monitoring must take dual sample sets at each monitoring location."

109.701(a)(9) - The proposed regulation is not clear as to specifically whether RAA or LRAA are to be reported. The proposed regulation also does not differentiate how the RAA and LRAA reporting process will change after the Stage 2 effective date.

The proposed regulation does not include the source water TOC reporting requirements of 141.629(a)(2) similar to the other disinfection byproduct reporting requirements in 109.701(a)(9).

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).

Minor Changes

109.301(8)(ii)(A) - Cross references to vacated sections 141.12 and 141.30 need to be removed.

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109.301(8)(vi) – The proposed regulation should be changed to cross reference to paragraphs (i -v) instead of (i – iv).

109.301(12)(i)(B)(I)(c) – The proposed regulation, when compared to 141.132(b)(1)(iii), should refer to disinfection byproduct precursors as listed in subparagraph (v) not subparagraph (ii) for Stage 2 DBP monitoring.

109.301(12)(ii)(B)(I) – The last sentence of the proposed regulation is confusing as to which monitoring plan that it refers. The federal regulation refers to the Stage 1 monitoring plan.)

The proposed regulation 109.301(12)(ii)(D)(IV) seems as if it should be included in paragraph C not D as it relates to reduced monitoring.

The federal regulations include specific references to Stage 1 and Stage 2 analytical methods and minimum reporting levels in 141.131 which could be incorporated by reference into 109.304(a) by referencing all analytical methods as listed in 40 CFR 141.

109.701(g)(2)(ii)(A) – The proposed regulation should not refer “this subpart” but should refer to 109.301(12)(ii)(A).

141.622(a)(2) has a statement “If you have more subpart L (Stage 1) monitoring locations than required for subpart V (Stage 2) compliance monitoring in § 141.605(b).” The corresponding statement in the proposed version of 109.701(g)(2)(ii)(B) is confusing because it does not describe or cross reference the monitoring locations as Stage 1 and 2.

109.701(g)(2)(iii)(C)(II) – The proposed regulation cross reference about schedule needs to be changed from subclause (I) to paragraph (B).

141.131(b)(2)(iii) requires specific quantitative results required for performance evaluations. These requirements are not included in the drinking water chapter 109 or performance test regulations 252.501.

Other Changes

A few changes to citations in the regulatory crosswalk were identified.

In the proposed rule preamble, the description of Operational Evaluation Level should define OEL as the sum of the two previous quarters results plus two times the current quarter result.

Long-Term 2 Enhanced Surface Water Treatment Rule

Provided separately.

Drinking Water Branch (3WP21)
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-5442

