

**Summary of Comments to the Environmental Quality Board
Regarding Proposed Rulemaking
[25 PA Code Ch. 109] Disinfection Requirements Rule (46 Pa. B. 857)
April 18, 2016**

Suez Water appreciates the opportunity to offer comments and express our concerns regarding the proposed rulemaking for the Disinfection Requirements Rule. Suez Water serves a population of over 165,000 in 40 communities across Pennsylvania including small, medium and large public water system. Our company has been engaged in the rule making process for the proposed regulation since 2014 through our participation at TAC meetings, attendance at EQB, and serving on the Stakeholders Group. In summary we have the following concerns with the proposed rule:

- The PA DEP has not substantiated that there is a public health benefit from the proposed regulation. Scientific evidence presented through the stakeholder process has demonstrated that this proposed regulation will not eliminate risks for the waterborne pathogens stated in the preamble (Salmonellosis and Legionella).
- Suez Water estimates that the proposed rule will increase operating costs by \$400,000 per year and will require \$2.79 million in capital investments to bring all systems into compliance which would require an extended compliance schedule of approximately 5 years.
- Increasing chlorine residuals in the distribution system will lead to increased DBPs which have known health risks.
- Scientific studies presented during the stakeholder process have demonstrated that 0.1 mg/L chlorine residual does in fact represent a true detectable residual. As such if PA DEP's primary concern is that the current regulation is not valid this issue may be resolved by replacing 0.02 mg/L in the current regulation with 0.1 mg/L for detectable residual (Note this is 5 times the current requirement).
- HPCs are in the current federal regulation and continue to be a tool that water utilities use as an indicator of water quality and therefore should not be deleted from the current regulation.
- The proposed rule will increase unnecessary alarming public notifications degrading consumer confidence.

If the EQB is not amenable to the simplified approach to the rule by redefining detectable residual from 0.02 mg/L to 0.1 mg/L we recommend that following recommendations proposed by the TAC Board in July 2015 be incorporated into the final rule:

- Minimum disinfectant residual should be revised to 0.1 mg/L free or total chlorine (5 times the current requirement).
- Compliance based on 95% compliance criteria. For systems collecting less than 40 samples per month, no more than one sample per month is below the limit.
- HPC should be kept in the regulation as alternative compliance criteria.
- Monitoring and reporting of CT calculations for Giardia and viruses should be deleted
- Entry Point residual change from 0.2 to 0.20-mg/L should be eliminated.

In addition we recommend a deferred effective date of one year following promulgation of the rule to allow water systems to make necessary operational changes. We also recommend a provision to allow water systems to request extended compliance schedules when further evaluation of simultaneous compliance issues and/or construction of capital improvements are necessary to comply.