

LEGISLATIVE AND REGULATORY UPDATE

**PA Section AWWA Southcentral & Northcentral District and WWOAP Central Section
Fall Joint Conference – November 20, 2019**

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LEGISLATIVE UPDATE

House and Senate Session Schedule

2019 HOUSE SESSION SCHEDULE

November	12, 13, 14, 18, 19 & 20
December	9, 10, 11, 16, 17 & 18

2019 SENATE SESSION SCHEDULE

November	18, 19 & 20
December	16, 17 & 18

House and Senate Session Schedule - Continued

2020

SESSION SCHEDULE

January	7 (Non-Voting), 13, 14, 15, 21 & 22
February	3, 4 & 5
March	16, 17, 18, 23, 24 & 25
April	6, 7, 8, 14, 15 & 16
May	4, 5, 6, 11, 12, 13, 18, 19 & 20
June	1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 25, 26, 29 & 30

Legislation – PFOA, PFOS

- **Rep. Ben Sanchez** (D-Montgomery) **House Bill 1667** amends the PA Safe Drinking Water Act providing for maximum contaminant levels for PFOA (perfluorononanoic acid) in drinking water at 13 parts per trillion (ppt).
- **Rep. Thomas Murt** (R-Montgomery) **House Bill 674** amends the PA Safe Drinking Water Act providing for maximum contaminant levels of PFOA and PFOS in drinking water in the Commonwealth to 5 ppt.
- **Sen. Maria Collett** (D-Montgomery) **House Bill 581** amends the PA Safe Drinking Water Act providing for maximum contaminant levels for PFAS, PFOA, PFOS (perfluorooctane sulfonate), PFNA (perfluoronanoic acid) and PFHxS (perfluorohexane sulfonic acid) to 10 ppt.
- **Rep. Todd Polinchock** (R-Bucks) **House Bill 1226** amends the Hazardous Sites Cleanup Act to add PFOA and PFOS to the list of hazardous substances.

Legislation – PFOA, PFOS (Continued)

- **Rep. Murt** (R-Montgomery) **House Bill 675** adds PFOA and PFOS to the Hazardous Sites Cleanup Act.
- **Sen. Maria Collett** (D-Montgomery) **Senate Bill 582** amends the Hazardous Sites Cleanup Act (HSCA) to protect communities from the dangers associated with contamination from the release of per- and polyfluoroalkyl substances (PFAS), including PFOA, PFOS, PFNA and PFHxS. If the release of these substances measure at or above 10 ppt, the Governor is permitted to declare an emergency, similar to natural disasters, in any community whose surface or groundwater resources used for public drinking water have been impacted and may establish safe drinking water and cleanup standards for the affected areas. Communities receiving the special emergency declaration would be eligible for PENNVEST grants to provide treatment to impacted public water supplies, extension of water lines, interconnection with other suppliers, or to procure alternative water supply resources.

PFOA and PFOS – Hazardous Substances – Continued

- **House Bill 1364** – (Murt – R) Amends the HSCA, and is directed to communities impacted by water contamination from the release of polyfluoroalkyl substances and perfluorinated chemicals, including PFOA and PFOS.
 - Would designate these substances, their equivalents, and any chemical substance or compound designated by executive order that poses a public health threat, safety or the environment, as a “hazardous substance” under HSCA. By adding PFOA and PFOS to the list of “hazardous substance” under HSCA, it will allow the ability to utilize the State Superfund program and provide local officials the ability to seek legal recourse for full recovery of costs to manage these compounds found in the water supply. The responsible party should pay for all the water contamination costs incurred by the local government, that ensures removal of the chemicals from their water supplies to the lowest detectable level. (New York finalized a rule adding PFOA and PFAS to that state’s list of hazardous substances.
 - Directs DEP to, within 12 months of the establishment of a maximum contaminant level, health advisory level or provisional health advisory level for any substance, determine whether the substance should be designated by regulation as a hazardous substance.

PFOA and PFOS – Hazardous Substances – Continued

- **House Bill 1364** – Continued

- Would permit the Governor to declare an emergency (similar to a natural disaster) where surface and groundwater resources used for public drinking water have been impacted by the release of hazardous substances including PFPA and PFOS which **measures at or above 15 ppt**.
 - By declaring an area as a “special drinking water resource-impacted community”, the Governor may establish alternative drinking water and cleanup standards for the included area to allow appropriate federal and state response efforts to protect health and safety of residents.
 - The standards would take effect immediately upon creation by the Governor and remain in effect for 24 months or until rescinded, amended, or the emergency condition and public health threat has been abated or a final rulemaking is published at the state level or federal level establishing a maximum contaminant level for the substance.
- Communities receiving a special emergency declaration shall be eligible for PENNVEST grants.
- A municipality, municipal authority or other public water supplier would be exempted as a responsible party as it relates to the presence of a polyfluoroalkyl substance or perfluorinated chemical in wastewater treatment plant sludge, water supply treatment residuals or other facility operational wastes.
- In the House Environmental Resources and Energy Committee, 5/29/2019

Legislation – House Bill 1410 for PFAS Remediation

- **Passed the House, 144-54 on 9/25/19 and Passed the Senate, 42-7 on November 18, 2019** – Rep. Todd Stephens (R – Montgomery) House Bill 1410 to redirect a portion of state tax revenue generated from the reuse of the Willow Grove Naval Air Station and some land surrounding the base to a newly created municipal authority to eliminate the local surcharges ratepayers have been paying for clean water; to remediate water contamination caused by the military installation; and for infrastructure to encourage redevelopment of the installation.
- HB 1410 would also direct PENNVEST to develop a program to address PFAS water contamination in communities across Pennsylvania. **NOTE:** There is no additional funding provided to PENNVEST under this legislation.
- The legislation now goes to the Governor for his consideration.

PFAS Issues in PA

- For more information on PFAS issues in PA, visit **DEP's PFAS: What They Are Webpage**: <https://www.dep.pa.gov/Citizens/My-Water/drinking-water/Perfluorinated%20Chemicals%20%-PFOA%20and%20PFOS%20%-20%in20%Pennsylvania/Pages/default.aspx>

Attorney General – Legal Action

- PA Attorney General Josh Shapiro announced his office will file legal action in coming months against companies that manufactured PFAS fire fighting foams that have contaminated Bucks and Montgomery County drinking water.
- Any proceeds from the suit would be used to combat the negative effects of contamination.
- Typical defendants are The 3M Company, Tyco Fire Products, Angus Fire, Buckeye Fire Protection Company, Chemguard, National Foam, Dupont (corporate spinoff Chemours) and Kidde-Fenwal.

Lead Testing in Schools

- **House Bill 930** – (Boback– R) amends the Public School Code of 1949, in grounds and buildings, repealing provisions relating to lead testing, and providing for testing and remediation of lead contamination.
 - Repeals Section 742 (Lead Testing). This is the language included in the Public School Code of 1949 in 2018.
 - No later than June 30, 2020, and each year thereafter, in accordance with the rules and regulations to be established by DEP no later than 60 days after the effective date, a school shall:
 - Conduct testing, within the school of all water outlets used for drinking and cooking to determine if there is lead contamination
 - Remediate any lead contamination identified
 - **“Lead Contamination”** The presence of lead equal to at least 5 parts per billion (ppb)
 - **“Remediation”** Steps taken to reduce a water outlet’s lead level to below 5 ppb, including the installation of filters certified to remove lead and the removal of lead-bearing fountains and other parts, if feasible.
 - **“School”** A public or private primary or secondary school.

Lead Testing in Schools – Continued

- Upon obtaining the results of testing, the school shall:
 - Within 24 hours of receiving the testing results, take the water outlets which are used for cooking or drinking and which have lead contamination out of service.
 - Within 10 days of receiving the testing results:
 - Provide written notice of the testing results:
 - To the parents or guardians of students of the school.
 - To the staff members of the school.
 - Display the testing results and remediation plan in a prominent location at the school.
 - Post the testing results and remediation plan on the school's publicly accessible Internet website.
 - Submit the testing results to DEP and PA Department of Education if lead contamination exists.

Lead Testing in Schools – Continued

- DEP in consultation with the Department of Education shall establish rules and regulations for schools regarding the following:
 - The testing of water outlets used for drinking and cooking to determine if there is lead contamination.
 - The remediation of water outlets used for drinking or cooking if lead contamination is present.
 - The testing of water outlets used for drinking and cooking, using best practices for testing as established by the EPA and the testing of the first and second draw of water from an outlet after the water system has not been used for at least eight (8) hours.
 - Procedures to ensure that students have access to water free of lead contamination before and during remediation.
 - Procedures for the remediation of water outlets used for drinking or cooking if lead contamination is present.
- In the House Education Committee, 4/2/2019

Reducing Lead in Drinking Water in Schools and Child Care Facilities – Memo of Understanding

- EPA and its numerous water industry partners including AWWA, NRWA, States and Others:
 - Agree to encourage schools and child care facilities to take such steps to reduce lead in drinking water:
 - Training on lead,
 - Testing drinking water for lead,
 - Disseminating results to parents, students, staff, and other interested stakeholders,
 - Facilitating appropriate corrective actions.
- Signatories also agree to encourage the drinking water community to assist schools and child care facilities in their efforts to understand and reduce lead exposure from drinking water.

Governor Wolf's – Lead-Free PA Initiative

- In August, 2019, Governor Wolf announced his **Lead-Free Pennsylvania Initiative**: <https://www.governor.pa.gov/newsroom/gov-wolf-discusses-initiative-for-a-lead-free-Pennsylvania-with-focus-on-testing-and-abatement/>
 - As part of the initiative, a **Request for Information** (RFI) has been issued through the Department of Human Services to gather input on local efforts and needs to reduce lead exposure in PA: <https://www.governor.pa.gov/wp-content/uploads/2019/10/20191031-Request-for-Information-.pdf>
 - The goal is to expand efforts to have children tested for lead exposure and to help communities expand lead exposure prevention and mitigation strategies.
 - **RFI responses are due by December 2, 2019** and must be submitted electronically to: <mailto:RA-PWRFICOMMENTS@PA.GOV> with “Lead Exposure Reduction Program RFI” in the email subject line.

Legislation – House Bill 406 - Public Hearings Prior to Acquisitions

- **Rep. Cox** (R-Berks) - **House Bill 406** amends Title 53 (Municipalities Generally) providing for public notice and public meeting requirements.
- Prior to entering into an agreement to sell or lease a water or sewer system owned or operated by a municipal corporation or to sell or lease a water or sewer system currently operated by a municipal authority that would require dissolution by the municipal authority:
 - The municipal corporation shall hold at least one advertised public meeting, not more than 60 days nor fewer than seven days prior to entering into the agreement with the potential purchaser or lessee, and
 - Shall provide public notice of the meeting in all municipalities served by the water or sewer system. The potential purchaser or lessee shall attend the meeting. “Public Notice” shall be published once each week for two successive weeks in newspaper of general circulation.

Legislation – Intergovernmental Cooperation

- Signed by the Governor on November 7, 2019 and are now Act 80 of 2019, Act 81 of 2019, and Act 82 of 2019.
- Each Act is effective in 60 days or January 6, 2020.
- **Rep. Schemel - House Bill 510, House Bill 511, and House Bill 512** the bill package gives municipalities the option of using resolutions instead of ordinances when entering into intergovernmental cooperation agreements with other local governments, municipal authorities and school districts.

Legislation – Public Meeting Web Posting

- **Rep. Bernstine - House Bill 1069** amends the Sunshine Act to require a public agency to post public meeting agendas on its website no later than 24 hours prior to a meeting as well as prohibit an agency from taking official action on items not included on the meeting agenda. Changes may be made to the agenda during a meeting upon majority vote of the individuals present and voting. On September 19th, the bill was amended on the House floor requiring that an updated agenda must be posted on a publicly accessible website, if one is available, and at the agency's principal office location no later than the first business day following the meeting.
- The bill received Second Consideration and was re-referred to the House Appropriations Committee.

Legislation – Senate Bills DEP Permitting

- **Senator Bartolotta - Senate Bill 726** would create a new standard for the review for appeals of DEP permit actions before the Environmental Hearing Board (EHB). A company or citizens group would be limited to appealing permit decisions to only those issues raised in and information contained in a record of decision on each permit. DEP staff would be required to prepare a record of decision for each permit.
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syearch=2019&sinid=0&body=S&type=B&bn=726>
- **Senator Bartolotta – Senate Bill 727** a companion bill to SB 726, would limit the terms of an EHB judge from 6 to 5 years and limit judges to 2 terms. Any judge sitting on the Board on the effective date of the bill when it is signed into law who has served more than 10 years will have their term expire at the end of their current term.
<https://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=46889&SubjectID=215>

Legislation – Senate Bills DEP Permitting - Continued

- **Senator Yaw - Senate Bill 891** would authorize third party review of Chapter 102 (erosion and sedimentation) and Chapter 105 (dam safety and encroachment) permit applications. Requires the DEP to establish an “Advanced Permit Review Program” which would give applicants the option of using DEP qualified licensed professionals to review Chapter 102 and 105 permit applications, excluding those related to abandoned mine reclamation. The ultimate decision on the permit application would be left to DEP.
- The cost of setting up the qualification program for licensed professionals and providing training would all come out of permit fees. It should be noted that those permit fees do not currently cover the DEP costs to operate the existing program.
- There are no separate appropriations to support this program in the bill, so existing fees would need to be increased even more dramatically to cover this program. Since DEP is the ultimate “decider” on the permit applications, DEP would need to conduct its own second review of the application and the licensed professional’s recommendation and any public comments within the 10 days allotted by the bill to make a decision. DEP is also the entity that must defend that decision in any subsequent legal challenges, even though it did not perform the technical review.
- More Information: <https://paenvironmentdaily.blogspot.com/2019/10/sen-yaw-introduces-bill-to-authorize.html>

Legislation – House Bills DEP Permitting

- **Rep. Puskaric - House Bill 1106** amends the Administrative Code to establish processes and timelines relating to applications for general and individual permits as well as general plan approvals required by an environmental law. It provides for a 30-day timeframe for approval. If timelines are not adhered to, the application is deemed approved. The bill was voted out of the House Appropriations Committee on September 24, 2019 and is currently on Third Consideration in the House.
- **Rep. O’Neal – House Bill 1107** amends Title 27 (Environmental Resources) to transfer PA DEP duties relating to the issuance, modification, renewal and transfer of individual permits and authorization to proceed under a general permit or plan approval to a newly created PA Permitting Commission. The bill received Second Consideration in the House on September 24, 2019 and was re-referred to the House Appropriations Committee.

Safety and Marking of Low Head Dams

- **House Bill 1003 – (Gillespie – R)** Amends Title 30 (Fish) to allow the Pennsylvania Fish and Boat Commission (PFBC) to directly issue citations to owners who fail to mark their dams. It also amends the definition of run-of-the-river dam.
- Under current law, failure to mark new and existing run-of-the-river dams is a civil penalty of not less than \$500 nor more than \$5,000. The penalty is recovered by civil suit or process in the name of the Commonwealth.
- Forty-nine individuals have been killed in dam-related boating accidents since 1989; most near low-head dams that span the entire width of a waterway. Currently there are 300 of these dams across the state.
- PFBC is charged with ensuring low head dams are properly marked both upstream and downstream with signage and buoys. PFBC has found the civil process prolonged, costly and ineffective in enforcing proper marking.

Safety and Marking of Low Head Dams - Continued

- HB 1300 requires/enforces the marking of new and existing “run-of-the-river” dams above and below the dam and on the banks immediately adjacent to the dam with signs and buoys. The signs and buoys are required to be of a design and content determined by PFBC to warn the swimming, fishing and boating public of the hazards posed by the dam.
- Any person who fails to mark new or existing run-of-the-river dams commits a summary offense of the first degree (\$250 fine or up to 90 days in jail) for the first offense and a misdemeanor of the third degree (\$250 to \$5,000 or up to 90 days in jail) for a subsequent offense. Similar penalties are in place with respect to the maintenance of signs and buoys.
- The definition of “Run-of-the-river dam” is revised and would still apply to a dam regulated by DEP, but amended to a dam built across a “watercourse and certain flows pass” over the entire dam structure, excluding abutments, to a natural channel downstream. DEP also determines the dam to have hydraulic characteristics such that at certain flows persons may be caught in the hydraulic roller (boil) immediately below the dam.
- Laid on the Table, 9/17/2019.

REGULATORY UPDATE

EPA Proposed Lead and Copper Rule

- EPA is proposing the first major overhaul of the Lead and Copper Rule (LCR) since 1991. The proposed LCR maintains the current Maximum Contaminant Level Goal (MCLG) of zero and the Action Level of 15 ppb and introduces a trigger level of 10 ppb.
- The proposal focuses on six key areas:
 1. **Identifying the Most Impacted Areas:**
 - Requires water systems to prepare and update a lead service line inventory (LSL)
 - LSL will be publicly available
 - Requires water systems to “find and fix” sources of lead when a sample exceeds 15 parts per billion (ppb).

Under the current LCR

- **Systems are only required to conduct a materials inventory to identify enough sites for tap sampling. Currently do not include the entire system and are not public.**
- **Action only required if more than 10% of tap samples exceed the action level of 15 ppb. No follow-up samples are required at sites with individual tap samples greater than 15 ppb.**

EPA Proposed Lead and Copper Rule - Continued

2. Strengthening Treatment Requirements

- At the trigger level of 10 ppb, systems are required to re-evaluate existing corrosion control treatment or conduct a treatment study to allow a system to respond quickly when necessary.

Under the current LCR

- **Systems serving > 50,000 persons are required to have Corrosion Control Treatment (CCT); while systems serving \leq 50,000 are required to have CCT after an action level exceedance and may discontinue these requirements if the action level is no longer exceeded for two 6-month monitoring periods.**
- **Systems are not required to re-optimize CCT, unless directed to do so by the State, and may only be required to conduct a CCT study when there is an action level exceedance.**

EPA Proposed Lead and Copper Rule - Continued

3. Replacing Lead Service Lines:

- The trigger level is a new flexible provision designed to compel water systems to take proactive actions to plan upgrades to aging infrastructure and reduce levels of lead in drinking water.
- Systems above the proposed trigger level of 10 ppb are required to work with their state to set an annual goal for replacing lead service lines.
- Systems that are above 15 ppb will be required to replace a minimum of 3% of the number of LSLs annually.
- The proposal prevents systems from avoiding lead service line replacements (LSLR) by “testing out” through sampling.
- Partial LSLRs will no longer be allowed except in certain situations (e.g., emergency repair). Partial LSLRs may increase short-term lead exposure.
- Small systems that exceed the trigger and action levels will have flexibility with respect to treatment and lead service line replacement actions.

EPA Proposed Lead and Copper Rule - Continued

3. (Continued)

Under the current LCR

- **Systems are not required to replace their portion of an LSL when the customer-owned portion of the line is replaced.**
- **No LSLR plan is required. Systems are only required to implement an LSLR program when the lead action level of 15 ppb is exceeded.**
- **Systems can count partial LSLRs and LSLs that have been tested out (samples from the LSL do not exceed 15 ppb) as being replaced to meet the 7% mandatory annual replacement rate.**

EPA Proposed Lead and Copper Rule - Continued

4. Increasing Sampling Reliability

- Requires wide-mouth bottles for sample collection.
- Prohibits flushing and cleaning or removing faucet aerators before sampling.
- Changes the criteria for selecting homes where samples are taken to require sampling in homes with lead service lines.
- Systems with higher levels of lead will sample more frequently.

Under the current LCR

- **Systems are not prohibited from instructing samplers to flush before collecting a sample; removing and/or cleaning faucet aerators, and using narrow-mouthed collection bottles. All of which is thought to mask elevated lead levels.**
- **Systems with LSLs are only required to collect 50% of tap samples from sites served by LSLs.**

EPA Proposed Lead and Copper Rule - Continued

5. Improving Risk Communication

- Proposes to require systems to notify customers of an action level exceedance within 24 hours.
- Proposes to require that systems make the LSL inventory publicly available, and
- Conduct regular outreach to homeowners with LSLs.

Under the current LCR

- **Systems notify customers of their tap sampling results, regardless of whether there is an action level exceedance within 30 days of the system receiving the results.**
- **A materials evaluation is only required for sites used for tap monitoring and is not public. Systems are not required to inform customers if they have a known or potential LSL.**

EPA Proposed Lead and Copper Rule - Continued

6. Protecting Children in Schools:

- Systems will be required to test school and child care facilities.
- Proposes that community water systems sample drinking water outlets at each school and each child care facility served by the system.
- The system would be required to provide the results and information about the actions a school or child care facility can take to reduce lead in drinking water.

Under the current LCR

- **Systems are not currently required to test schools and child care facilities.**
- **Only Non-Transient Non-Community Water Systems must sample for lead and copper.**

EPA Proposed Lead and Copper Rule - Continued

For more information, go to:

www.epa.gov/safewater/LCRproposal

**The Proposed Rule has been published in the
Federal Register:**

<https://www.federalregister.gov/documents/current>

EPA is seeking comments on the Proposed LCR:

Comments are due by January 13, 2020.

Send comments to EPA through the public docket,

Docket ID No. EPA-HQ-OW-2017-0300 at

<http://www.regulations.gov>

Reminder: America's Water Infrastructure Act (AWIA)

- **Community water system risk and resilience:** replaces the provisions in SDWA regarding anti-terrorism activities and instead, in line with existing water system practices, creates requirements for assessing risks from malevolent acts, including terrorism, and resilience to natural hazards and emergency response plans to those threats by community water systems serving more than 3,300 persons.
 - Requires certification to EPA that the assessment was completed. Due dates are phased in by water system size:
 - $\geq 100,000$ persons by March 31, 2020
 - 50,000 to $< 100,000$ by December 31, 2020
 - 3,300 to $< 50,000$ by June 30, 2021
 - Six months after the assessment certification, another certification is due to EPA that the Emergency Response Plan has been updated to incorporate findings of the assessment.
 - Assessments must be reviewed every 5 years and a certification that the review was conducted and the assessment revised, if applicable, is required to be submitted to EPA.
 - More Information: <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-risk-assessments-and-emergency-response-plans>

Regulatory Change in Manganese Limits

- A provision in the Administrative Code bill (HB 118 or Act 40 of 2017) directed the Environmental Quality Board to adopt a proposed manganese standard within 90 days (before January 29, 2018) that includes the 1 milligram/liter manganese standard established under 25 PA Code Chapter 93.7 and ensure the standard is met **at the point of intake for water suppliers** (25 PA Code Chapter 96.3).
- The change was requested by the coal industry and would allow the coal industry (and non-profits) to save millions of dollars in treatment of acid mine drainage.
- Coal interests claimed PA's standards were more stringent than neighboring states and required costly and unnecessary treatment to remove manganese from mine water before discharging it.

Regulatory Change in Manganese Limits – Continued

- Coal companies argued that dilution will protect drinking water sources and that the new standard of 1 milligram per liter (mg/l) will have no impact on drinking water systems.
- The 1 mg/l limit is 20 times the amount permitted in drinking water – 0.05 mg/l. It should be noted that EPA regulates manganese as a secondary water contaminant for aesthetic considerations. In PA, secondary contaminants, including manganese are regulated as enforceable limits.
- EPA is currently re-evaluating manganese limits due to concerns that elevated manganese levels may cause neurological harm to infants and children.

Regulatory Change in Manganese Limits – Continued

- Coal companies are not the sole significant dischargers of manganese. PA DEP has issued more than 900 NPDES permits with manganese limits for non-coal mining related dischargers, including chemical companies, metals manufacturers, coal-fired power plants and wastewater treatment plants.
- DEP published an **Advance Notice of Proposed Rulemaking** in the January 27, 2018 *Pennsylvania Bulletin*, with the Comment Period ended February 26, 2018.
- DEP provided an update and sought input from the PA Agriculture Advisory Board on October 25, 2018; to the Water Resources Advisory Committee (WRAC) on November 29, 2018 and the Small Water Systems Technical Assistance Center (TAC) on January 31, 2019.

Regulatory Change in Manganese Limits – Continued

- On March 29, 2019, Senate President Pro Tempore Joe Scarnati (R) and Senator Gene Yaw (R), Majority Chair of the Senate Environmental Resources and Energy Committee filed a petition asking Commonwealth Court for mandamus relief to compel DEP and the Environmental Quality Board (EQB) to set a water quality standard for manganese as required by an October 2017 rider to an Administrative Code budget bill. **On November 12th Commonwealth Court ruled that the Senators lacked standing to file for mandamus relief to compel DEP and the EQB to set a water quality standard for manganese.**
- On July 25, 2019, the Water Resources Advisory Committee voted to have DEP move forward with a proposal to set a new toxic substances health standard **water discharge limit for manganese of 0.3 mg/l, rather than the 1 mg/l**. **DEP reviewed the existing literature which determined the 1 mg/l standard is not protective of human health due to the neurotoxic impacts of manganese.** The new proposed 0.3 mg/l standard would apply to all discharges going into surface waters.

Regulatory Change in Manganese Limits – Continued

- On August 8, 2019, DEP presented the same proposal to the Small Systems Technical Advisory Committee (TAC) and the TAC Board unanimously approved a motion to support the proposed manganese standard of 0.3 mg/l.
- DEP expects to bring the proposal to the Environmental Quality Board in the 4th Quarter of 2019.
- **For more detailed information and to view the DEP presentation on the proposed 0.3 mg/l manganese standard, go to: PA DEP website, Public Participation, Advisory Committees, and click on the Agendas and Meetings for the Water Resources Advisory Committee (July 25, 2019) and for the Small Systems Technical Advisory Committee (August 8, 2019).**

PA DEP – PFOS and PFOA MCL

- On February 15, 2019, PA DEP announced that the Department will begin the process to set an MCL for PFOS and PFOA. On April 12, 2019 PA DEP announced a statewide sampling plan to identify impacted drinking water supplies.
- PA DEP as part of the Phase 1 Sampling Plan will collect samples from 360 targeted water supplies and from 40 baseline water supplies. Sampling began in June, 2019. Results from the first sampling is expected to be released in conjunction with the Governor's PFAS Action Team. Check the website listed below for further information and sampling data.
- PA DEP is currently reviewing Proposals in order to hire a consulting toxicologist to evaluate existing health studies with the ultimate goal of establishing a protective MCL for the state.
- https://dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20PFOS%20%E2%80%93%20in%20Pennsylvania/Pages/default.aspx

Chapter 91 & 92a Fee Amendments – Proposed Rule

- Chapter 91 (Water Quality Management (WQM) Permits - Existing Fees from \$250.00 – \$7,500 are proposed to increase to \$500.00 - \$15,000.
- Chapter 92a NPDES Permits – Existing Fees from \$50 - \$500 are proposed to increase to \$50.00 - \$1500.00
- The proposed fee package **was adopted on December 18, 2018** by the Environmental Quality Board, with a 45 day comment period and one public hearing scheduled.
- The purpose of the rule is to raise approximately \$8 million in increased fees annually for the PA DEP Bureau of Clean Water and statewide Clean Water Programs.

Chapter 91 & 92a – Proposed Rule – Continued

- On December 18, 2018 the EQB adopted the proposed rulemakings: ***Water Quality Management (WQM) and National Pollutant Discharge Elimination System (NPDES) Permit Application Fees and Annual Fees (25 PA Code Chapters 91 and 92a)***.
- It was published in the *Pennsylvania Bulletin* on March 30, 2019 with a 45-day comment period ending May 14, 2019.
- The Independent Regulatory Review Commission (IRRC) submitted comments to the EQB on June 13, 2019.
- Next step: PA DEP needs to prepare the final rulemaking package (including the Comment and Response Document) and submit to the EQB.

Updated DEP Draft Technical Guidance Documents

- ***Public Water Supply Manual, Part II – Community Design Standards***
- ***Filter Rules Reporting Instructions for Public Water Systems Using Filtered Surface Water or Groundwater Under the Direct Influence of Surface Water (GUDI) Sources***
- ***Laboratory Reporting Instructions for Total Coliform and E. coli in Public Water Systems***
- ***Laboratory Reporting Instructions for Chemical Contaminants in Drinking Water***
- ***Laboratory Reporting Instructions for Disinfection Byproducts and Precursors***

Updated DEP Draft Technical Guidance Documents

- ***The previous referenced updated Draft DEP Technical Guidance Documents can be found at the following website:***

<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Pages/default.aspx#>

- ***See the August 8, 2019 TAC Board Agenda and Handouts***

Updated DEP Draft Technical Guidance Documents

The Public Water Supply Manual, Part II – Community System Design Standards has been completely revised and rewritten from the 2006 version and contains significant changes. Some changes are related to the revisions to Chapter 109, Safe Drinking Water Regulations and revisions to the Ten States Standards.

There will be a Public Comment Period after publication in the *Pennsylvania Bulletin*.

PLEASE REVIEW AND PROVIDE COMMENTS DURING THE PUBLIC COMMENT PERIOD.

Additional Updated DEP Draft Technical Guidance Documents

November 14, 2019 TAC Board Meeting AGENDA

- *Disinfectant Residual Reporting Instructions (Technical Guidance 1)*
- *Public Water Supply Manual Part IV – Noncommunity System Design Standards (Technical Guidance 3)*
- These Draft Technical Guidance Documents can be found at:
<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Pages/default.aspx#>

See the Agenda and Handouts for November 14, 2019 TAC Board Meeting.

Susquehanna River Basin Commission (SRBC)

Business Meeting on December 5, 2019 at the SRBC Offices, 4423 North Front Street, Harrisburg, PA at 9:00 a.m.

- ***Proposed FY 2020 Fee Changes***
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol49/49-46/1727.html>
- ***Questions should be directed to Jason E. Oyler, General Counsel and Secretary by calling 717-238-0423.***

QUESTIONS

Speaker Contact Information

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