

LEGISLATIVE AND REGULATORY UPDATE

WWOAP 91st ANNUAL CONFERENCE – 2018

Wyndham Garden at Mountain View Country Club

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LEGISLATIVE UPDATE

Federal Legislation – PFAS Contamination

- On August 24, 2018, U.S. Senators G. Peters (D-MI), D. Stabenow (D-MI) and M. Rounds (R-SD) introduced bipartisan legislation - PFAS Detection Act of 2018 (S.3382) to address contamination from PFAS. The bill provides \$45 million to the U.S. Geological Survey (USGS) to develop advanced technologies to detect PFAS and requires USGS to then conduct nationwide sampling for PFAS in the environment.
- There are more than 3,000 chemicals containing PFAS but less than 30 of these chemicals can be detected using current technology.
- A companion bipartisan bill – PFAS Accountability Act of 2018 was also introduced by Senator Peters (with bipartisan co-sponsors) that requires the Department of Defense to cooperate with states as PFAS contamination is detected in communities near Federal installations.

House Bill 705 – (Murt – R); Other PFOA Bills

- On August 28, 2018, HB 705 was introduced to lower the state standard for PFAS to nearly undetectable limit of five parts per trillion. The current health advisory level in PA for PFAS in water is 70 parts per trillion.
- Representative Dean has proposed two bills over concerns for PFOA and PFAS in drinking water. One bill creates a program to reimburse PA residents for the costs of water testing and the installation of in-home water filtration systems.
- Representative Dean's second bill would require school districts to perform annual testing for PFOA and PFOS in all school buildings before the start of the school year. If levels test above 5 parts per trillion, the school district would be required to inform parents and guardians, provide an alternate source of water and submit a remediation plan to the state.

Governor's Executive Order – No. 2018-08 - PFAS

- On September 19, 2018, Governor Wolf established the Perfluoroalkyl and Polyfluoroalkyl (PFAS) Action Team.
- The functions of the PFAS Action Team:
 - Ensure drinking water is safe. Identify impacted locations and resources. Create and implement an action plan to assist state and local authorities and public water systems in delivering safe water.
 - Manage environmental PFAS contamination. Develop and implement environmental response protocols for all positively identified sites.
 - Develop specialized site plans, engaging the public and other relevant stakeholders, where appropriate.
 - Reduce risks to drinking water and the environment from firefighting foam and other sources of PFAS. Identify PFAS uses that are most likely to pose a risk to human health and the environment, such as the use of firefighting foam, industrial releases, carpets, food packaging materials, and other uses. Develop recommendations, and actions that can be taken to limit or control these and other sources of PFAS.

Governor's Executive Order – continued

- Develop a clearinghouse of PFAS information. Establish a public information site and protocol to effectively inform and educate the public about PFAS.
- Establish a standard process for sharing pertinent information between all members of the Task Force.
- Explore avenues of funding for remediation efforts.
- Engage with academic institutions and experts in the fields such as public health and environmental remediation, among others, when necessary.

The PFAS Action Team shall consist of:

1. The Secretary of the Department of Environmental Protection, who will be the Chairperson of the Action Team
2. The Secretary of the Department of Health
3. The Secretary of the Department of Military and Veteran Affairs
4. The Secretary of the Department of Community and Economic Development
5. The Secretary of the Department of Transportation (PennDot)
6. The Secretary of Agriculture
7. The State Fire Commissioner

Governor's Executive Order – continued

The Secretary of the Department of Labor and Industry, the Executive Director of the Fish and Boat Commission, and the Chairperson of the Public Utility Commission may participate in the functions of the PFAS Action Team as requested by the Chair.

Each agency Secretary, Executive Director, and Chairperson on the PFAS Action Team may designate an appropriate member of their staff to participate on their behalf.

Effective Date: The Executive Order takes effect immediately and remains in effect until amended or rescinded by the Governor.

House Bill 2545 and House Bill 2546 (A. Davis-D)

- Introduced on June 6, 2018 to address Single Water Meters Servicing Multiple Units.
- In reaction to a situation where several residents of a Clairton housing complex lost tap water for about six hours after the public utility suspended service, citing long-unpaid charges. One meter services the entire complex of hundreds of units. The homeowners association collected money from individual units and then allegedly paid the water and sewer bill on their behalf. In the meantime, the homeowner's association declared bankruptcy, due in part to the outstanding bill.
- HB 2545 amends the Public Utilities Title 66, by defining “private operating nonutility” by including a homeowners association and requires homeowners associations to be subject to PUC jurisdiction if the HOA collects money from unit owners or unit rental managers, then pays a water or sewage bill to a regulated water or wastewater utility on behalf of the unit owner or rental manager.

House Bill 2533 (T. Davis-D)

- Introduced on June 27, 2018 to establish a Municipal Water and Wastewater Authority Oversight Commission.
- Provide an outlet and assistance to municipal water and wastewater customers, including businesses.
- Provide oversight of the daily operations of municipal water and wastewater authorities.

House Bill 2533 (T. Davis-D) - cont'd.

- Ensure consumers that their complaints are handled efficiently and in a just and expeditious manner.
- Provide oversight similar to the PUC which oversees most public utilities in PA.
- Require reporting on all facets of authority duties.
- HB 2533 was referred to the House Local Government Committee on June 27, 2018.

House Bill 2075 (Charlton-R)

- Amends Title 66 (Public Utilities), to provide for water utility replacement of customer-owned lead service lines; places a cap on the number of customer-owned lines replaced annually; provides warranties and reimbursement to customers who replaced their lines within 4 years of a utility replacement project.
- Provides for the valuation of and return on the property of a public utility by adding that the value of the property of a public utility providing water service shall include the original cost incurred by the public utility for the replacement of customer-owned lead water service lines, even though the customer will hold legal title to the replacement water service line.
- The Public Utility Commission (PUC) may allocate the cost associated with the replacement among each customer, classes of customers and types of service.

House Bill 2075 (Charlton-R) - continued

- The public utility must obtain prior approval of the PUC for replacement of a customer-owned lead water service line by filing a new tariff or supplement to existing tariffs.
- The PUC by regulation or order, shall establish standards, processes and procedures to ensure the work performed by a public utility or the public utility's contractor to replace a customer-owned lead water service line is accompanied by a warranty of no less than 12 months from the date the work is completed and the public utility and public utility's contractor has access to the affected customer's property during the term of the warranty

House Bill 2075 (Charlton-R) - continued

- Provides reimbursement to a customer who has replaced the customer's lead water service line within four years of commencement of a project in accordance with a PUC approved tariff.
- The House passed HB 2075 on June 25, 2018 by a vote of 181 to 14. HB 2075 is now in the Senate for consideration.

House Bill 2025 (Boback-R) and (Harkins-D)

- Addresses the threat of lead in drinking water in PA schools.
- From 2012-2015 PA had the highest occurrence of elevated levels of lead in daycare and school drinking water.

The Legislature added language in HB 1448 (Public School Code) budget bill that requires schools to supply safe water if testing concludes the school supply is unsafe:

- Beginning in the 2018-19 school year and every school year thereafter, school facilities where children attend school may be tested for lead levels in the drinking water and any school facility whose testing shows lead levels in excess of the maximum contaminant level goal or milligrams per liter as set by the EPA's national primary drinking water regulations shall immediately implement a plan to ensure no child or adult is exposed to lead contaminated drinking water and that alternative sources of drinking water are made available.

House Bill 2025 (Boback-R) and (Harkins-D)

- If a school does not test lead levels, the school entity shall, at a public meeting, discuss lead issues in the school facilities.
- If a test of lead levels is elevated the level must be reported to the Department of Education and posted on the Department's publicly accessible website.
- Included in the legislation is language that requires schools to supply safe water if testing concludes that the supply is found unsuitable.
- HB 2025 was referred to the House Education Committee.

House Bill 1846 (Ellis-R)

- Amends the Breach of Personal Information Act to further define “breach of security of the system” and “personal information” for clarification.
- Requires notice to PA residents whenever there is a breach of security of the system.
- The notice must be in plain language, and include the date of breach, the type of information subject to the breach and toll free numbers to credit reporting agencies. The notice would have to be made within 45 days of learning of the breach.

House Bill 1846 (Ellis-R) continued

- The breach would have to be reported to the Bureau of Consumer Protection in the Office of the Attorney General.
- These requirements apply to state agencies, counties, school districts, and municipalities as well. A municipality would be required to notify the County District Attorney in which the breach occurred.
- The bill passed the House 191-0, and was referred to the Senate Communications and Technology Committee on 3/16/18.

House Bill 104 (Godshall-R)

- Amends Title 53 (Municipalities Generally)
- Requires authorities to file an annual report of its fiscal affairs for the preceding fiscal year within 180 days following the fiscal year.
- The report shall also be posted to the authority's website.
- Prevents authorities from acquiring through consolidation, merger, purchase or lease a facility constituting a project, unless the authority has discussed the acquisition at a public meeting and the written minutes of the meeting contain details relating to the anticipated or projected public benefit from the acquisition.

House Bill 104 (Godshall-R) - continued

- Prevents an authority from selling or transferring title to all or a portion of the water or sewer infrastructure of the authority, unless the authority has discussed the acquisition at a public meeting and the written minutes of the meeting contain details relating to the anticipated or projected public benefit that will be realized by the sale or transfer.
- Public benefit – may include rate reduction, improved service quality, rate stabilization, improved service reliability, action resulting from an agreement with a Federal or State regulatory agency or other clearly defined benefit to a ratepayer of the authority.
- Passed the House 191-0; Reported from the Senate Local Government Committee 1/30/18; Amended on second consideration June 22, 2018.

House Bill 104 (Godshall-R) - continued

- **NOTE**: On June 29 ,2018 PA Auditor General, Eugene De Pasquale said that he is open to scrutinizing PA's oversight of public drinking water systems and is eager to audit municipal authorities (a power which the auditor general does not currently have). Senate Bill 597 would allow the auditor general to do that; however, the bill has not gone further than first consideration.

Senate Resolution 33 (Yudichak-D)

- Establishes a task force on lead exposure and the hazards of lead poisoning.
- The Senate Task Force members are Senators Gene Yaw (R-Lycoming), John Yudichak (D-Luzerne), Lisa Baker (R-Luzerne), Judith Schwank (D-Berks), Thomas McGarrigle (R-Delaware) and Wayne Fontana (D-Allegheny).
- The Joint State Government Commission established an Advisory Committee to the Task Force which includes representatives of the water industry.

Senate Resolution 33 (Yudichak-D) - continued

- The Commission working with the Advisory Committee is required to conduct a comprehensive review and analysis of laws, regulations, policies and procedures in PA and an assessment of lead exposure as a public health concern.
- The Advisory Committee is currently doing research on universal screenings, lead service line replacement, private wells and the cost of lead testing. The assessment is also to include PA's approach to lead testing, abatement and remediation and how it compares to other states.
- The Commission is required to issue a report of the Task Force's findings and recommendations to the Senate within 18 months.

Senate Bill 114 (Eichelberger-R)

- Enables sewer authorities to obtain court orders for termination of sewer service to commercial customers who are at least 6 months delinquent in payment of bills.
- The bill was passed by the Senate with a vote of 49-0.
- The bill was sent to the House on 4/2/18 for consideration by the House Local Government Committee.

Senate Bill 1019 (Vulakovich-R)

- Amends Title 35 (Health and Safety) rewriting the emergency management sections. Further provides for the powers and duties of the PA Emergency Management Agency (PEMA) and the powers and duties of political subdivisions.
- Proposes to codify liability protection for PA's Water/Wastewater Agency Response Network (PaWARN) members temporarily deployed (individuals or equipment) by PEMA.
- Liability protections would be afforded to public utilities temporarily deployed by PEMA when assisting non-PaWARN members.

Senate Bill 1019 (Vulakovich-R) - continued

- Amendment A07527 which was adopted by the Senate Veterans Affairs and Emergency Preparedness Committee, revised the definition of “person” to include an “association” so PaWARN itself will have liability protection when loaning equipment or personnel.
- The bill now goes to the full Senate for consideration.

Study of a Pennsylvania Water Use Fee

- Joint Legislative Budget and Finance Committee Study to evaluate assessing fees for the consumptive use and the use-and-return of Commonwealth waters.
- Study Objectives:
 - Examine consumptive use and use-and-return fees assessed by other states, including any impact on the economies of those states.
 - Analyze any legislation introduced in the General Assembly that would impose a consumptive use or use-and-return fee or other vehicle to provide dedicated funding for water quality innovation and improvement.

Study of a Pennsylvania Water Use Fee - continued

- Examine the practicality of a fixed-fee system or sliding scale system, based on per gallon withdrawal, per-gallon use, or other methodologies, for calculating a consumptive use or use-and-return fee on water.
- Project the potential of various fees assessments and methodologies to generate annual revenue options of \$500, \$300, and \$100 million.
- The Legislative Budget and Finance Committee (LBFC) released the Study Report on June 6, 2018. A copy of the Report (214 pages):
<http://lbfc.legis.state.pa.us/Resources/Documents/Reports/623.pdf>

Study of a Pennsylvania Water Use Fee - continued

Concerns: What happens with the Study and HB 20 is yet to be determined, but it could end up being a funding source for Growing Greener III.

HB 20 has a \$0.0001/gal fee on water that is withdrawn and returned and a \$0.001/gal fee on water consumed. The fee would apply to withdrawals greater than 10,000 gallons per day.

Agriculture, municipal purposes, community water systems, non-community water systems, and non-profit entities would be exempt. The revenue generated would be \$2.6 billion based on 25.4 trillion gallons of water used in 2015, which counts for the exemptions; 25.3 trillion gallons were withdrawn and returned while 128 million were consumed.

Municipal Water and Sewer Authority Reform

- Senator Ward and Senator Stefano are introducing legislation to amend Chapter 56 of the Municipality Authorities Act (Title 53). Their memorandum seeking co-sponsorship released March 2nd included the following provisions:
- Set a two-term limit on appointments to local authority boards with board members serving until their successor has been appointed.
- Prohibit local municipal officials and municipal employees from serving on the board of any authority which serves the municipality.

Municipal Water and Sewer Authority Reform – cont'd.

- Prohibit authority board members from being employed by their own authority or an authority's management company. Also prohibit employment by an authority of any elected municipal official from within its service area.
- Prohibit an authority's management company from employing certain family members of authority board members or the authority's management-level employees. Ban employment by the management company of certain family members of elected municipal officials from within the service area of the authority. Also restrict an authority from hiring certain family members of its management company's owners and employees.

Municipal Water and Sewer Authority Reform – cont'd.

- Require every authority to maintain a website that includes at a minimum: rate information; customer service information; board member names and terms; public meeting minutes; annual audits and reports; annual budget information; management company information; and current contracts and vendors of both the authority as well as any contracts for government functions executed by a management company hired by the authority.
- Establish penalties for failure to submit the annual report and audit to DCED.

Municipal Water and Sewer Authority Reform – cont'd.

- Subject expenditures by a management company performing government functions on behalf of an authority to disclosure on the annual audit and report the information the authority is currently required to submit to DCED.
- Subject management employees contracted by a local authority to the State Ethics Law. Require the State Ethics forms of all authority board members to be made available for viewing on the authority's website.
- Authorities who extend beyond their corporate limits by purchasing water or sewer utilities outside of their current boundaries will be regulated under the Public Utility Commission.

House Bills to Remove Permit Reviews from DEP, etc.

- House Bill 209 (Phillips-Hill-R) – establishes the Independent Office of the Repealer to undertake an ongoing review of existing regulations; makes recommendations to the General Assembly, Governor, and executive agencies for repeal. The legislation would also require that two existing regulations be eliminated for every new regulation that is created. The bill was passed by the House 108/83 on May 1, 2018.
- House Bill 1792 (Bennington-R) – gives the General Assembly the ability to initiate the repeal of any state regulation in effect by a concurrent resolution. The bill passed the House on May 1, 2018, vote 105/82.

House Bills to Remove Permit Reviews - continued

- House Bill 1237 (Keefer-R) – allows the General Assembly to kill an economically significant final regulation from any agency by doing nothing. The bill was passed by the House on May 1, 2018, vote 101/89.
- House Bill 1960 (Ellis-R) – requires each agency to appoint a Regulatory Compliance Officer with the authority to waive fines and penalties if a permit holder attempts to comply. The bill passed the House on May 1, 2018, vote 116/72.
- House Bill 1284 (Phillips-Hill, R) – establishes a one-stop online Permitting Portal to streamline and simplify permitting process, The bill was passed by the House Commerce Committee on March 19, 2018.

House Bills to Remove Permit Reviews - continued

- The House State Government Committee met March 13th to consider bills taking Permit Reviews from DEP and other state agencies; creating an Office of the Repealer and authorizing the repeal of any regulation by a House/Senate Resolution.
- House Bill 1959 (Rothman-R) – establishes the PA Permit Act which requires agencies to create and develop a navigable online permit tracking system; gives permit review to third-party reviewers. The bill passed the House on May 1, 2018, vote 112/75.

REGULATORY UPDATE

Regulatory Change in Manganese Limits

- Coal companies requested and received a water quality rule change that was placed in the omnibus state budget bill. The bill directs PA DEP to rewrite the regulations so that the legal limit for manganese will no longer need to be met at least 99% of the time everywhere in the Commonwealth's streams.
- The change allows coal companies (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 – cont'd.

- 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.

Water Industry Concerns - Manganese Limits – cont'd.

- Coal companies are not the sole significant dischargers of manganese. Others include chemical companies, metals manufacturers, coal-fired power plants and wastewater treatment plants to name a few.
- PA DEP has issued more than 900 NPDES permits with manganese limits for non-coal mining related dischargers.
- Water systems will be required to remove manganese in their treatment processes to meet the 0.05 mg/l drinking water standard and will incur the capital costs to install additional treatment systems and the increased annual operating costs for chemicals and monitoring associated with manganese removal.

Water Industry Concerns - Manganese Limits – cont'd.

- PA DEP is seeking input from public water suppliers regarding the impacts that suppliers will incur from the manganese rule change. Water suppliers need to put a dollar figure to the impacts and also apprise legislators of the costs associated with the budget bill change.
- The manganese water quality limit change is a significant deviation from the way in which regulators have established water quality standards. Clean Water Action and other environmental organizations are examining the legality of the manganese provision being inserted in the budget bill. The precedent is very concerning and could lead to additional changes in water quality standards occurring in a similar fashion.

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 is expected to go to the Environmental Quality Board (EQB) at the October 16, 2018 meeting.
- The proposed rule will be available at:
<https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/2018%20Meetings/Pages/default.aspx> Click on October 16, 2018

Chapter 109 General Update/Fees - Status

- The Safe Drinking Water General Update and Fees Final Rule was published in the PA Bulletin on August 18, 2018 and became effective as of that date.
- The final rulemaking is available on the PA Bulletin website at:
<https://www.pabulletin.com/secure/data/vol48/48-33/index.html>
- The final rule incorporates the general Chapter 109 update provisions that were separated from the proposed Revised Total Coliform Rule (RTCR) by the EQB on April 21, 2015.

Chapter 109 General Update/Fees - Provisions

- Amends existing permit fees and adds new annual fees to supplement DEP's costs and fill the funding gap of \$7.5 million:

Annual Fee Ranges for:

- Community Water Systems (CWSs) - \$250.00 to \$40,000.00
(Example: a system serving 5,001 to 10,000 population – Annual Fee is \$10,000) 100,000 population or more – Annual Fee is \$40,000)
- Non-Community Water Systems (NCWSs) - \$50.00 to \$1,000.00
- Bottled, Vended, Retail and Bulk Water Haulers (BVRB) - \$1,000.00 to \$2,500.00

NOTE: Fees are based on PWSID Number and Population.

Permit Fees

- | | |
|--------------------------|------------------|
| – Permit/Major Amendment | \$300 - \$10,000 |
| – Minor Amendment | \$100 - \$ 5,000 |

Chapter 109 General Update/Fees - Provisions - Cont'd.

- Provides for new requirements for the following:
 - Treatment plant alarm and shut-down capabilities
 - Auxiliary power requirements
- Revises disinfection profiling and benchmarking requirements and requires that all PWSs using filtered surface water or groundwater under the direct influence of surface water (GUDI) sources must consult with DEP prior to making changes to disinfection practices to ensure adequate inactivation is maintained.
- Revises treatment technique requirements for pathogens by adding specific turbidity performance requirements for membrane filtration.

Chapter 109 General Update/Fees - Provisions - Cont'd.

- Deletes the provision that allowed a PWS to avoid corrective action after an *E. coli-positive triggered source water sample* by collecting five additional source water samples.
- Revises and clarifies the monitoring, calibration, recording and reporting requirements for the measurement of turbidity.
- Amends the disinfection profiling and benchmarking requirements to clarify that all PWSs using filtered surface water or groundwater under the direct influence of surface water (GUDI) must consult with PA DEP prior to making significant changes to disinfection practices to ensure adequate Giardia inactivation is maintained.

Chapter 109 General Update/Fees - Provisions - Cont'd.

- Clarifies permitting requirements for new sources by requiring:
 - Source water assessment
 - Pre-drilling plan
 - Evaluation of water quantity and quality
 - Hydrogeologic report
- Clarifies the source water assessment, source water protection area, and source water protection program elements and requirements.
- Clarifies system management responsibilities relating to source water assessments and sanitary surveys.
- Addresses concerns DEP had related to gaps in the monitoring, reporting, and tracking of back-up sources of supply. Requires that all entry points and permitted sources are monitored at least annually, or when in use.
- Adds new amendments to establish the regulatory basis for issuing general permits

Chapter 109 General Update/Fees - Implementation Dates

- The new annual fees will be required beginning **January 1, 2019** to allow systems to include the new fees in their 2019 budgets.
- Alarm and shut-down capability requirements will be required **one year after the effective date** (by August 18, 2019) **unless** an alternate compliance schedule is approved in writing by DEP.
- Amended monitoring requirements for reserve sources and entry points are required **one year after the effective date** (by August 18, 2019).
- New comprehensive monitoring plan requirements are required **one year after the effective date** (August 18, 2019).

Disinfection Requirements Rule (DRR) - Status

- The Disinfection Requirements Final-Form Rulemaking was published in the PA Bulletin on **April 28, 2018**. The Regulations became effective upon the publication date.
- **PROVISIONS EFFECTIVE NOW:**
- **Distribution System Residual Data** – All water systems reporting distribution system disinfectant residual data must begin reporting individual residual measurements instead of the average result value and number of measurements. Beginning May 2018, all **individual** disinfectant residual measurements (reported by June 10, 2018) should be reported using the SDWA-1 format. The following are specific reporting instructions:

Disinfection Requirements Rule (DRR) – Provisions cont'd.

- Minimum Entry Point Disinfectant Residual: Water systems using filtered surface water or GUDI (Groundwater Under Direct Influence) sources must maintain a minimum disinfectant residual at the entry point (EP) of at least 0.20 mg/l. (Previously the minimum residual was 0.2 mg/l). The minimum residual for water systems with 4-log disinfection of GW sources remains the same.
- Calculating and Reporting Log Inactivation: Water systems using filtered surface water or GUDI sources must calculate the *Giardia* log (%) inactivation at least once/day during the hour of expected peak flow. If the *Giardia* log inactivation is less than 1.0 log (90%), the *Giardia* log inactivation calculation should be continued to be calculated every 4 hours until the *Giardia* log inactivation is at least 1.0.
 - The *Giardia* log inactivation calculation components are not reported to DEP with the log inactivation value (except for the EP chlorine residuals) but the information needs to be made available to DEP upon request. Accurate records must be maintained for chlorine residual, pH, flow (gpm), tank volume (gal), and baffling factor, and temperature (°C).
 - If a disinfectant other than free chlorine is used to achieve some portion of the minimum *Giardia* log inactivation, the log inactivation value for viruses must also be calculated at the same time using the same data.

Disinfection Requirements Rule (DRR) – Provisions cont'd.

- Log inactivation must also be calculated whenever the EP disinfectant residual falls below 0.20 mg/l and continue to be calculated every 4 hours until the residual is ≥ 0.20 mg/l.
- The log inactivation values must be reported monthly, beginning with the May, 2018 compliance period. May, 2018 CT values needed to be reported by June 10, 2018.
- Failure to maintain the log inactivation for more than 4 hours is a breakdown in treatment requiring **Tier 1 Public Notification (Boil Water Advisory)**. Failure to maintain the EP residual of 0.20 mg/l for more than 4 hours is a treatment technique violation requiring **Tier 2 Public Notification**.

Disinfection Requirements Rule (DRR) – Provisions cont'd.

- Instructions and tools for calculating and reporting log inactivation values are available here:
 - Giardia Inactivation Calculation Instructions
<http://files.dep.state.pa.us/Water/BSDW/DrinkingWaterManagement/Regulations/Giardia%20Inactivation%20Calculation%20instructions.docx>
 - Giardia & Virus Log Inactivation Calculation Tool May 2018 (Excel)
http://files.dep.state.pa.us/Water/BSDW/DrinkingWaterManagement/Regulations/Giardia%20and%20Virus%20Log%20Inactivation%20Calculations%20Tool_May%202018.xls
 - DRR Log Inactivation Reporting Instructions (PDF)
<http://files.dep.state.pa.us/Water/BSDW/DrinkingWaterManagement/Regulations/DRR%20Log%20Inactivation%20Reporting%20Instructions.pdf>

Disinfection Requirements Rule (DRR) – Provisions cont'd.

- Bottled, Vended, Retail Bottlers (BVRBs): BVRB systems using surface water or GUDI sources or purchasing water from those sources will be required to comply with the federal and state Surface Water Treatment Rule requirements that mandate an EP & distribution system disinfectant residual of 0.20 mg/l or HPC sample if the residual is non-detect. Any BVRB system (including permit-by-rule) that removes residual chlorine must collect HPC samples at the same time as the weekly coliform samples. Compliance will begin with the June monitoring period.
- BVRBs with chlorine dioxide have a new MCL compliance determination.

Disinfection Requirements Rule (DRR)- Provisions cont'd.

DRR PROVISIONS WITH DELAYED IMPLEMENTATION:

- Sample Siting Plan: **By October 29, 2018**, all Community Water Systems (CWSs), any Non-Transient Non-Community (NTNC) system with filtration of surface water or GUDI sources or 4-log disinfection of GW sources must develop and submit a DRR sampling plan. The plan must include representative locations:
 - Dead ends
 - Storage facilities
 - Interconnections
 - Areas of high water age
 - Areas with previous RTCR detects
 - Mixing zones
 - Sample collection schedule
- The plan may be combined with the RTCR sampling plan if all content elements are included.

Disinfection Requirements Rule (DRR)- Provisions cont'd.

- Distribution System Minimum Residual: **Beginning April 29, 2019**, all CWSs, any NTNC system with chemical disinfection and any TNC (Transient Non-Community) water system with filtration of surface water or GUDI sources or 4-log disinfection of GW sources must maintain a minimum disinfectant residual concentration in the distribution system of at least 0.2 mg/l.
 - Disinfectant residual measurements must continue to be collected at representative locations at the same time and location(s) as coliform samples.
 - Disinfectant residual measurements must also be conducted at least once/week. Water systems that do not collect at least 1 coliform sample each week will need to conduct additional disinfectant residual measurements each week that a coliform sample is not collected.
 - Any location that has a disinfectant residual less than 0.2 mg/l in a month must also be sampled the following month. The HPC alternative compliance criteria is **eliminated**.

Disinfection Requirements Rule (DRR)- Provisions cont'd.

- Nitrification Control Plan: **By April 29, 2019**, any CWS or NTNC system using chloramines or purchasing water treated with chloramines must develop and implement a nitrification control plan. The plan must conform to industry standards (such as AWWA's M56 Manual on Nitrification) and contain a system-specific monitoring plan and a response plan with expected water quality ranges and action levels. The plan must be updated as necessary, retained on-site and made available to DEP upon request.

Underground Utility Line Protection Law (PA One Call Law)

- Act 50 became effective on April 28, 2018 which amends Act 287.
- PA One Call is now under the jurisdiction of the Public Utility Commission (PUC).
- There are significant changes that utilities need to be aware of:
- www.paonecall.org/userguide
- <http://commongroundalliance.com/programs/best-practices>

Helpful guide:

- You can obtain a copy of the ACT from PA One Call System, Inc. that shows changes in bold italics with PA One Call System clarifications listed in red.

QUESTIONS

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