



Pennsylvania AWWA

American Water Works Association

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December 15, 2021

Technical Guidance Coordinator
Policy Office
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
ecomment@pa.gov

RE: **DEP ID: 383-4200-003** - *Guidance on Notification Requirements for Spills, Discharges, and Other Incidents of a Substance Causing or Threatening Pollution to Waters of the Commonwealth Under Pennsylvania's Clean Streams Law*

Dear Technical Guidance Coordinator:

The Pennsylvania-Section, American Water Works Association (PA-AWWA) consists of 1,700 + members representing all classes of water utilities in Pennsylvania, including those owned by investors, authorities, and municipalities, plus regulators, vendors, contractors, engineers, and others dedicated to promoting the health and welfare of Pennsylvania by providing affordable drinking water of superior quality and sufficient quantity. The Water Utility Council of AWWA (WUC) includes representatives from the National Association of Water Companies, Pennsylvania Chapter; Pennsylvania Municipal Authorities Association; Pennsylvania Rural Water Association; and Water Works Operators' Association of Pennsylvania.

The WUC offers the following comments on the above referenced draft technical guidance on notification requirements for spills, discharges, and other incidents.

The purpose of the draft document is to provide guidance on the immediate notification requirements for spills, discharges and other incidents of a substance causing or threatening pollution to waters of this Commonwealth.

The WUC strongly supports the overall goal of this guidance, as source water protection is one of the first critical barriers to drinking water contamination. Water utilities rely on sustainable sources of water that can be treated to provide reliable, high-quality drinking water. Without proper notification to the Department of Environmental Protection (DEP) of any spill or unauthorized discharge leaves the downstream water utilities at risk and may threaten the public health. Proper notification to DEP of any

spill or unauthorized discharge protects downstream water utilities from risks that may contaminate the source water and threaten public health.

The DEP's notification requirements under 25 Pa. Code Chapters 91 and 92a "require immediate notification to DEP when a spill, discharge, or other incident results in a substance that would endanger downstream users, result in pollution, or damage property being discharged to waters of the Commonwealth or being placed such that the substance might discharge, flow, be washed, or fall into waters of the Commonwealth. DEP acknowledges that some spills or other unauthorized discharge incidents pose negligible risk of pollution of waters of the Commonwealth, endangering downstream users, or damaging property, and DEP does not expect notification of such incidents."

The WUC agrees with DEP's position that it is not tenable to define pre-established, quantitative criteria by which it can be determined if a particular spill or discharge constitutes or threatens pollution. Moreover, WUC appreciates the DEP's attempt to provide increased clarity and a basis for consistency as to which spills, or other unauthorized discharge incidents require notification, and which may not.

However, the WUC is concerned with the "Examples of Incidents That *May Require* Immediate Notification to DEP." Specifically, the WUC seeks clarification on the example regarding discharges of chlorinated water, particularly the "may" provisions regarding immediate notification.

Discharges of chlorinated water, such as from a swimming pool or spa, **a water main break**, or during pool or water system maintenance and other activities – These incidents **may require immediate notification to DEP if the discharge is not appropriately managed** as detailed in DEP's fact sheet [Planned and Unplanned Discharges of Chlorinated Water to Surface Water](#) (3830-FS-DEP4861). **Immediate notification to DEP may not be necessary where an aggressive Pollution Prevention and Contingency plan is in place and implemented, and where the discharge can be safely dechlorinated.**

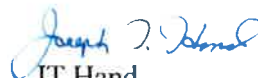
The WUC members have concerns regarding the **May Require Immediate Notification** as this has been interpreted by various DEP Regional Staff to mean that all incidents **MUST be reported, regardless of whether the discharge has been dechlorinated and/or poses no pollution risk to any storm sewer, or to any surface waters of the Commonwealth.** We do not believe immediate notification is required under all circumstances, particularly with respect to public water system discharges that are being appropriately dechlorinated, including, but not limited to, water main breaks and hydrant flushing.

The WUC appreciates the opportunity to comment on this technical guidance document.

Respectfully submitted,



Jim DeWolfe
PA-AWWA



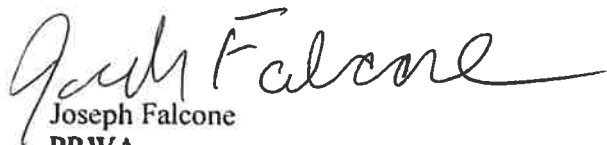
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