

# Section 7

Summary of Public Comments

## MEMORANDUM

TO: Entities that Provided Comments on the Subject Amendments

FROM: Lori Mathieu, Public Health Section Chief  
Drinking Water Section

DATE: June 5, 2013

SUBJECT: Amendments to Public Drinking Water Quality Standards Regulation  
(RCSA 19-13-B102)

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Thank you for your comments on the proposed amendments to the public drinking water quality standards regulation. The comments we received are addressed in this document with our response. I have also enclosed a copy of the final revised regulation that reflects the resolution to the comments.

**MDC Comment #1, Section 19-13-B102(a)(43) [Section 19-13-B102(a)(43) in attached]:**

E.coli can be found in the fecal material of other mammals other than humans.

**Response:**

DPH amended the definition to take this suggestion into consideration. *See* section 19-13-B102(a)(43) in attached.

**MDC Comment #2, Section 19-13-B102(e)(7)(A) [Removed in attached]:**

The monitoring frequency for total and physical parameters for a community water system should be clarified pertaining to the population served. Is the frequency of samples required to be collected by the primary system on a monthly basis based on the total population of the primary public water system and the consecutive system, or is the frequency of samples required of the primary system each month only pertaining to the population served by the primary or wholesale system?

**Response:**

This amendment was in error, and therefore DPH has reverted back to the existing language in the regulation. The existing language clearly states that the frequency of samples is based only on the population served by the primary/wholesale system, as well as the frequency of samples required by the consecutive system is based on the consecutive system population.

**MDC Comment #3, Section 19-13-B102(e)(7)(E)(iv) [Section 19-13-B102(e)(7)(E)(iv) in attached]:**

Regulations versus "Regulaytions" as currently spelled within the paragraph.

Response:

DPH amended this paragraph to correct this typo. *See* section 19-13-B102(e)(7)(E)(iv) in attached.

**MDC Comment #4, Section 19-13-B102(e)(7)(K)(iv) [Removed in attached]:**

In this section specific amendments are cited to the CFR 40 CFR 141.23(k), 40 CFR 141.24(e) and 40 CFR 141.89 which would outdate the PHC if the CFR is amended at a future date. Therefore, a statement to allow the PHC to seamlessly be amended as the CFR is amended would be appropriate.

Response:

This section is no longer in the regulation package. DPH has, however, included "as amended from time to time" following any reference in the regulation package to a Federal regulation to insure the regulation incorporated includes any future amendments to the Federal regulation, unless systems have already complied with the Federal regulation referenced, in which case DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.,* section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #5, Section 19-13-B102(e)(11)(B)(iv) [Section 19-13-B102(e)(11)(A)(ii) in attached]:**

In this section a specific amendments is cited to the CFR 40 CFR 141.131, which would outdate the PHC if the CFR is amended at a future date. Therefore, a statement to allow the PHC to seamlessly be amended as the CFR is amended would be appropriate.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(e)(11)(A)(ii) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.,* section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #6, Section 19-13-B102(e)(11)(C)(i) [Section 19-13-B102(e)(11)(C)(ix) in attached]:**

In the third paragraph of this section reference is made to Section 19-13-B102(e)(11)(C)(ii) twice i.e. pursuant to the provisions of Section 19-13-B102(e)(11)(C)(ii) and Section 19-13-B102(e)(11)(C)(ii) of the Regulations of Connecticut State Agencies(.) shall remain on increased monitoring....

Response:

DPH amended section 19-13-B102(e)(11) and the suggested corrections were made. *See* section 19-13-B102(e)(11)(C)(ix) in attached.

**MDC Comment #7, Sections 19-13-B102(e)(11)(A)(i) and 19-13-B102(e)(11)(G)(iv) TTHM and HAA [Footnote 1 of Table 11-B1 of section 19-13-B102(e)(11)(B)(i) in attached]:**

The section 19-13-B102(e)(11)(A)(i), appears to require the immediate requirement of a Location Running Annual Average calculation pursuant to the schedule as detailed in section 19-13-B102(e)(11)(A)(iv) for each of the sample sites required under the regulation. The LRAA calculation is not an immediate requirement under the federal rule. The fourth paragraph of section 19-13-B102(e)(11)(G)(iv) appears to force compliance with the Location Running Annual Average (LRAA) prior to the collection of three consecutive quarters of data as it refers back to section 19-13-B102(e)(11)(A)(iv).

Response:

DPH agrees and has amended the format of section 19-13-B102(e)(11) to clarify when the LRAA calculation is a requirement. *See* Footnote 1 of Table 11-B1 of section 19-13-B102(e)(11)(B)(i) in attached.

**MDC Comment #8, Section 19-13-B102(e)(11)(H)(vii) [Removed in attached]:**

In the paragraph the second sentence states that the "Monitoring results and analysis shall meet the criteria pursuant to the provisions of section 19-13-B102(e)(11)(H)(vii) of the Regulations of Connecticut State Agencies" which seems redundant.

Response:

DPH has removed the provisions regarding Initial Distribution System Evaluations (IDSE) because the dates relevant to those provisions have passed.

**MDC Comment #9, Section 19-13-B102(e)(11)(H)(xiii) [Removed in attached]:**

There is a missing (s) in the sentence; unless the department send(s) notification that ...

Response:

DPH has removed the provisions regarding Very Small System Waivers because the dates relevant to those provisions have passed.

**MDC Comment #10, Section 19-13-B102(e)(12)(D)(viii)(II) and (iii) [Section 19-13-B102(e)(7)(T)(v) in attached]:**

E. coli is incorrectly cited as E. Coli in 19-13-B102(e)(12)(D)(viii)(II) and both section reference specific references to the CFR (40 CFR 141.704 (b) and (c) which could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH amended this section and other sections when applicable to correct the spelling of E. coli, and has also included "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future

amendments to the Federal regulation. *See* section 19-13-B102(e)(7)(T)(v) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include “as amended from time to time” following the Federal regulation, *see, e.g.*, section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #11, Section 19-13-B102(e)(12)(E)(i) [Removed in attached]:**

E. coli is incorrectly cited as E. Coli in 19-13-B102(e)(12)(E)(i) and (ii).

Response:

DPH has removed the provisions regarding the grandfathering of previously collected data because the dates relevant to those provisions have passed. DPH has, however, corrected the spelling of E. coli throughout the regulation package.

**MDC Comment #12, Section 19-13-B102(e)(12)(E)(iii)(I) and (II) [Removed in attached]:**

Both section reference specific references to the CFR (40 CFR 141.707(c)(1)(i) through (vi) which could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH has removed the provisions regarding the grandfathering of previously collected data because the dates relevant to those provisions have passed. DPH has, however, included "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include “as amended from time to time” following the Federal regulation, *see, e.g.*, section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #13, Section 19-13-B102(e)(12)(G) [Section 19-13-B102(e)(7)(T)(viii) in attached]:**

The specific reference to the CFR (40 CFR 141.709) as amended could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH has included "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to the Federal regulation. *See* section 19-13-B102(e)(7)(T)(viii) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include “as amended from time to time” following the Federal regulation, *see, e.g.*, section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #14, Section 19-13-B102(e)(12)(B)(i)(IV) [Section 19-13-B102(e)(12)(E)(ii) in attached]:**

E. coli is incorrectly cited as E. Coli.

Response:

DPH amended this section and other sections when applicable to correct the spelling of E.coli. *See* section 19-13-B102(e)(12)(E)(ii) in attached.

**MDC Comment #15, Section 19-13-B102(e)(13)(B)(ii) [Sections 19-13-B102(e)(12)(C)(i)(I) and 19-13-B102(e)(12)(D)(i) in attached]:**

Any system that obtains a positive source water sample should incorporate “fecal indicator positive” if E. coli is not the fecal indicator required by the DPH.

Response:

DPH agrees and has added the language on fecal indicator. *See* sections 19-13-B102(e)(12)(C)(i)(I) and 19-13-B102(e)(12)(D)(i) in attached.

**MDC Comment #16, Section 19-13-B102(e)(13)(C) [Section 19-13-B102(e)(12)(C)(iv) in attached]:**

This section requires that a consecutive ground water system notify the wholesale system of a total coliform positive sample collected from the consecutive ground water system’s distribution system which would require the wholesale groundwater system to monitor those wells which could be hydraulically impacted by the groundwater consecutive system. If the consecutive system is supplied by a surface water system the section should cite that there is no requirement for the consecutive groundwater system to notify the wholesale (surface water) system of the positive coliform recovery in the consecutive system’s distribution system.

Response:

This section is only applicable to ground water systems and not to surface water systems. DPH clarified this section to make clear it is only applicable to ground water systems. *See* section 19-13-B102(e)(12)(C)(iv) in attached.

**MDC Comment #17, Section 19-13-B102(e)(13)(E)(ix) [Section 19-13-B102(e)(12)(D)(iv) in attached]:**

There is a reference to the requirement to conduct assessment source water monitoring and corrective action if required pursuant to section 19-13-B102(i)(14) which I cannot locate in the proposed regulation nor the regulations already enacted.

Response:

DPH amended this section to reference the correct citation. *See* section 19-13-B102(e)(12)(D)(iv) in attached.

**MDC Comment #18, Section 19-13-B102(e)(13)(F)(ii) [See section 19-13-B102(e)(12)(E)(ii) in attached]:**

E. coli is incorrect being cited as e. coli. The specific references to the CFR (40 CFR 141.402(c)(2) and 40 CFR 141 Sub-Part C. Appendix A as amended) could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH amended this section to correct the typo, and also amended it to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(e)(12)(E)(ii) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.,* section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #19, Section 19-13-B102(e)(13)(J) [Section 19-13-B102(e)(12)(K) in attached]:**

Though the Groundwater Rule requires a "Tier 1" public notification for a source water fecal indicator positive sample recovery, it is imperative that the public notification template for this fecal indicator positive recovery be prepared in a manner that indicates the ramifications of the "Tier 1" notice versus a Tier 1 notice due to a distribution E. coli recovery.

Response:

Under the regulation and consistent with federal regulations, if a violation or situation requires a tier 1 notice, such notice must contain the minimum information required for tier 1 notices. *See* section 19-13-B102(e)(12)(K) in attached. (Same as AQUARION Comment #1)

**MDC Comment #20, Section 19-13-B102(h)(9)(A)(i) [Section 19-13-B102(h)(9)(A)(i) in attached]:**

Requiring that the results from the source water monitoring be reported to the state within 10 days of the end of the first month following the month when the sample is collected may not be possible to comply with considering the requirements of the EPA methods utilized for the cryptosporidium isolation and analysis. The State of CT DPH must also ensure that the DPH will be capable to accept the reporting of results (including the quality control information from the analytical laboratories) prior to the second round of source water monitoring as required under the regulations.

Response:

DPH is capable of accepting the reporting results and has been doing so successfully for the past two years. Also, based on the experience of the past two years, utilities have been adequately complying with this federal mandate per 40 CFR Section 141.706.

**MDC Comment #21, Section 19-13-B102(h)(9)(A)(iii) [Sections 19-13-B102(h)(9)(A)(ii) and (iii) in attached]:**

The reporting of the initial round of source water sampling was reported to the EPA via the CDX system.

Response:

DPH agrees, but systems serving fewer than 10,000 people are required to report the sample results only to DPH, not to both DPH & EPA. Also, since the date by which

systems were required to have conducted the initial round of source water monitoring has passed, this section now only requires the reporting of the results of the second round of source water monitoring. *See* sections 19-13-B102(h)(9)(A)(ii) and (iii) in attached.

**MDC Comment #22, Section 19-13-B102(h)(9)(B)(ii)(III) [Removed in attached]:**

The systems with grandfathered data could not certify, in a form provided by the Department, that the samples were representative of the plant's source water(s) and the source water(s) have not changed, due the fact that no form was available.

Response:

DPH has removed the provisions regarding grandfathered data because the dates relevant to those provisions have passed.

**MDC Comment #23, Section 19-13-B102(i)(4)(A)(ii) [Section 19-13-B102(i)(4)(A)(ii) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(i)(4)(A)(ii) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.*, section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #24, Section 19-13-B102(i)(10)(A) [Section 19-13-B102(i)(10)(A) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(i)(10)(A) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.*, section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #25, Section 19-13-B102(j)(4)(B) [Section 19-13-B102(j)(4)(B) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(j)(4)(B) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.*, section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #26, Section 19-13-B102(j)(12)(C)(i) [Section 19-13-B102(j)(12)(C)(i) in attached]:**

The reference in this section to Section 19-13-B102(j)(12)(C)(II) should be referencing Section 19-13-B102(j)(12)(C)(ii).

Response:

DPH amended this section to correct the referenced citation. *See* section 19-13-B102(j)(12)(C)(i) in attached.

**MDC Comment #27, Section 19-13-B102(j)(13)(M)(iii)(I) [Sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached]:**

The section references Section 19-13-B102(j)(13)(N)(ii) which is not in the proposed regulations.

Response:

DPH amended section 19-13-B102(j)(13)(F)(iii) to correct the referenced citation. *See* sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached. (Same as AQUARION Comment #15)

**MDC Comment #28, Section 19-13-B102(j)(13)(M)(iii)(II) [Section 19-13-B102(j)(13)(F)(iii) in attached]:**

The section references Section 19-13-B102(j)(13)(N)(i), Section 19-13-B102(j)(13)(N)(ii) and Section 19-13-B102(j)(13)(N)(iii) which are not in the proposed regulations.

Response:

DPH amended section 19-13-B102(j)(13)(F)(iii) to correct the referenced citation. *See* section 19-13-B102(j)(13)(F)(iii) in attached.

**MDC Comment #29, Section 19-13-B102(j)(14)(G)(i) and (ii) [Section 19-13-B102(j)(14)(B)(iii)(I)(1) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section and other sections to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(j)(14)(B)(iii)(I)(1) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.,* section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #30, Section 19-13-B102(j)(14)(G)(v) [Section 19-13-B102(j)(14)(C) and (D) in attached]:**

There are two sections labeled (v). The second section labeled (v) cites paragraph (b) of this section which does not appear to exist.

Response:

DPH amended section 19-13-B102(j)(14) to provide the correct label and the correct reference. *See* section 19-13-B102(j)(14)(C) and (D) in attached. (Same as AQUARION Comment #13)

**MDC Comment #31, Section 19-13-B102(l)(7) [Section 19-13-B102(l)(1) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(l)(1) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.,* section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #32, Section 19-13-B102(l)(7)(I) [Section 19-13-B102(l)(1) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(l)(1) in attached. Please note that if systems have already complied with the Federal regulation referenced, DPH did not include "as amended from time to time" following the Federal regulation, *see, e.g.,* section 19-13-B102(e)(7)(T)(i)(III)(1)(A).

**MDC Comment #33, General Comment:**

The use of the “guidance document” for the eight categories of significant deficiencies as required under the groundwater rule as a possible enforcement tool during sanitary surveys has not been addressed within the proposed regulations. The guidance document has the potential to have a large impact on the public water supply companies which provide potable water to their Connecticut consumers both through a surface water and or a groundwater system.

**Response:**

DPH will continue to work with the stakeholders, especially the already established Technical Discussion Workgroup, to amend as necessary the “guidance document” which is to be utilized by the Department to aid in its application of the regulation to the situation presented. (Same as AQUARION Comment #2 & CTWC Comment #2)

**MDC Comment #34, 19-13-B102(t) Sampling Taps [Section 19-13-B102(v) in attached]:**

This new section should be amended to distinguish the requirements between ground water and surface water sources.

**Response:**

This section was amended as suggested. *See* section 19-13-B102(v) in attached.

**AQUARION Comment #1, General Comment:**

One provision that we are especially concerned about is the federal requirement for Tier 1 public notification when a single E.Coli positive sample is obtained from the source water. We believe that Tier 1 notification should be reserved for occasions where there is an actual acute health risk present in the water being delivered to customers. Our concern is that requiring Tier 1 public notice for a potential risk in the source, when that risk has already been mitigated by an existing treatment barrier, will dilute the impact on customers of future Tier 1 notices that do apply to situations where an acute health risk actually exists in the delivered water.

**Response:**

Under the regulation and consistent with federal regulations, if a violation or situation requires a tier 1 notice, such notice must contain the minimum information required for tier 1 notices. (SAME AS MDC Comment #19)

**AQUARION Comment #2, General Comment:**

We would appreciate the opportunity to discuss questions and concerns regarding the Significant Deficiencies Guidance Document.

**Response:**

DPH will continue to work with the stakeholders, especially the already established Technical Discussion Workgroup, to amend as necessary the “guidance document” which

is to be utilized by the Department to aid in its application of the regulation to the situation presented. (Same as MDC Comment #33 & CTWC Comment #2)

**AQUARION Comment #3, Section 19-13-B102(a)(117)(H) [Section 19-13-B102(i)(1)(A)(viii) in attached]:**

The definition should be modified as follows: "Detection of E.coli ...pursuant to Section 19-13 – B102 (e)(13)(A) through (D) of the Regulations of Connecticut State Agencies, except where approved 4 log inactivation disinfection treatment is demonstrated." This will clarify that the Tier 1 Notice provisions only apply to the results of Triggered and Assessment monitoring, and do not apply when DPH approved 4-log treatment is in place.

Response:

Under the regulation and consistent with the federal rule, tier 1 notice is required if E. coli, enterococci, or coliphage is detected in a sample collected using triggered or assessment source water monitoring. A ground water system that has received department-approval of the system's treatment because the system provides at least 4 log treatment of viruses is not required under the regulation to conduct triggered or assessment source water monitoring for the specified ground water source for which the treatment was approved. If a system is not required to conduct triggered or assessment source water monitoring and therefore does not conduct such monitoring, it will not collect a sample using triggered or assessment source water monitoring in which E. coli, enterococci, or coliphage is detected and therefore will not be required to conduct tier 1 notice for that particular situation. DPH also believes that it's abundantly clear throughout this regulation that systems with an approved 4-log treatment are not subject to source water monitoring. *See* section 19-13-B102(i)(1)(A)(viii) in attached.

**AQUARION Comment #4, Section 19-13-B102(c) [Section 19-13-B102(c)(2)(A) in attached]:**

Amend the new paragraph as follows: "For the purposes of these analyses, reasonable grounds means any information that is known by the department, and deemed to be credible, that indicates ..."

Response:

DPH amended this section to reflect to a great extent the suggested modification. *See* section 19-13-B102(c)(2)(A) in attached.

**AQUARION Comment #5, Section 19-13-B102(e)(13)(B)(iii) [Section 19-13-B102(e)(12)(C)(ii)(II) in attached]:**

Rephrase the second and last sentences to improve clarity as follows: "Systems shall submit for department approval a triggered source water monitoring plan (Representative Monitoring Plan) that identifies every ground water source that is representative of each distribution system monitoring site..." "Systems will be eligible for this representative provision only after obtaining department approval of the plan."

Response:

DPH amended and reformatted the regulation to clarify its intent as suggested. *See* section 19-13-B102(e)(12)(C)(ii)(II) in attached.

**AQUARION Comment #6, Section 19-13-B102(e)(13)(D)(ii) [Sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached]:**

Remove or reword this section. The existence of disinfection treatment that does not meet the 4-log CT requirements should only be a criterion for triggering assessment monitoring when one or more of the other listed criteria that indicate the presence of source contamination risk are also involved. It is the intent of EPA's reg that the level of treatment be commensurate with source contamination risk. The presence of any level of disinfection treatment provides a second barrier to contamination risk in delivered water that does not exist in water that has no treatment and relies only on the source protection barrier.

**Response:**

DPH amended the regulation and reworded it to exempt systems that have an acceptable monitoring plan *See* sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached.

**AQUARION Comment #7, Section 19-13-B102(e)(13)(E)(i) [Sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached]:**

Further to the main point made above in the previous comment, this section would have a system with a ground water source that has disinfection treatment in place, but not at the 4-log CT level, doing assessment monitoring forever, because the "condition" in "...(13)(D)(ii)" still exists. This provision as currently written can be viewed as trying to force systems to install 4-log treatment, regardless of source contamination risk, and I don't think that this is your intention.

**Response:**

DPH believes that the amendment made to sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) will alleviate and resolve this concern. *See* sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached.

**AQUARION Comment #8, Section 19-13-B102(e)(13)(j) [Section 19-13-B102(e)(12)(K) in attached]:**

Amend this section by adding a final sentence as follows: "Public Notification is not required when the system employs department approved 4-log treatment of viruses."

**Response:**

Under the regulation and consistent with the federal rule, tier 1 notice is required if *E. coli*, enterococci, or coliphage is detected in a sample collected using triggered or assessment source water monitoring. A ground water system that has received department-approval of the system's treatment because the system provides at least 4 log

treatment of viruses is not required under the regulation to conduct triggered or assessment source water monitoring for the specified ground water source for which the treatment was approved. If a system is not required to conduct triggered or assessment source water monitoring and therefore does not conduct such monitoring, it will not collect a sample using triggered or assessment source water monitoring in which E. coli, enterococci, or coliphage is detected and therefore will not be required to conduct tier 1 notice for that particular situation. Therefore, it's inherently clear in the regulation that source water monitoring is not required when a system employs an approved 4-log treatment and consequently public notification should not be an issue. *See* section 19-13-B102(e)(12)(K) in attached.

**AQUARION Comment #9, Section 19-13-B102(E)(13)(L) [Section 19-13-B102(e)(12)(L) in attached]:**

Amend this section by adding a third sub-section as follows: "A ground water system is not required to comply with the source water monitoring requirements of this paragraph of this section if any of the following conditions exists:

"(iii) department approved 4-log treatment of viruses is demonstrated"

Response:

Again it's abundantly clear in the regulation that source water monitoring is not required when a system employs an approved 4-log treatment and therefore DPH does not believe that the suggested addition is necessary. *See*, e.g., sections 19-13-B102(e)(12)(C)(v)(III) and 19-13-B102(e)(12)(D)(v) in attached.

**AQUARION Comment #10, Section 19-13-B102(h)(1) [Section 19-13-B102(h)(1) in attached]:**

Rewrite this paragraph so that the reg does not give the impression that the detection of E.coli in a source water sample is a "violation". EPA indicates that this is a "situation", not a "violation". This can be accomplished by adding the word "(violation)" after "total coliforms" on the first line, and adding the word "(situation)" after "fecal indicator positive" on the third line, and then adding the words "or situation" after the word "violation" each time it appears thereafter.

Response:

DPH amended this section to clarify the situation as suggested. *See* section 19-13-B102(h)(1) in attached.

**AQUARION Comment #11, Section 19-13-B102(h)(1) [Section 19-13-B102(h)(1) in attached]:**

This reference should be rephrased to clarify when the system or wholesale system will notify DPH, the local health directors, and the public of a fecal indicator positive result (ie. after the initial positive, after one or more of the 5 additional samples is positive or both?) In practice, I think we will find that there is no benefit to notifying the public twice within 24 or 48 hours of the same potential risk in the source water.

Response:

While we understand the frustration with this federal requirement, the language in this section is consistent with 40 CFR 141.202(a)(8), 141.402(a) and 141.402(b). *See* section 19-13-B102(h)(1) in attached.

**AQUARION Comment #12, Section 19-13-B102(j)(14)(A) [Section 19-13-B102(e)(7)(E)(iv)(V) in attached]:**

The meaning of this section needs to be clarified.

Response:

DPH amended the language to clarify its meaning. *See* section 19-13-B102(e)(7)(E)(iv)(V) in attached.

**AQUARION Comment #13, Section 19-13-B102(j)(14)(G)(v) [Sections 19-13-B102(j)(14)(C) and (D) in attached]:**

There are two citations for (G)(v), the second one should be (G)(vi).

Response:

DPH amended section 19-13-B102(j)(14) to provide the correct label and the correct reference. *See* sections 19-13-B102(j)(14)(C) and (D) in attached. (Same as MDC Comment #30)

**AQUARION Comment #14, Section 19-13-B102(j)(14)(I) [Sections 19-13-B102(e)(7)(E)(iv)(III)(1) and 19-13-B102(j)(14)(A)(iii) in attached]:**

For clarification, rephrase as follows: "Systems required to implement the corrective action alternatives outlined in section 19-13-B102(j)(14)(D) of the RCSA may be required to obtain written approval from the department prior to installation."

Response:

DPH amended this section to clarify as suggested. *See* sections 19-13-B102(e)(7)(E)(iv)(III)(1) and 19-13-B102(j)(14)(A)(iii) in attached.

**AQUARION Comment #15, Section 19-13-B102(j)(13)(M)(iii)(I) [Sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached]:**

This section makes reference to a section –B102(j)(13)(N)(ii) which we did not find in the document provided.

Response:

DPH amended this section to correct the referenced citation. *See* sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached. (Same as MDC Comment #27)

**AQUARION Comment #16, Sections 19-13-B102(j)(14)(B)(iii)(I)(1) and (2) in attached:**

In these sections the first CT should be changed to "residual disinfectant concentration".

Response:

The sections were amended as suggested. *See* sections 19-13-B102(j)(14)(B)(iii)(I)(1) and (2) in attached.

**CTWC Comment #1, Section 19-13-B102(e)(13)(D) [Sections 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached]:**

Address the need to clarify the intent of Section 19-13-B102(e)(13)(D)(ii) which currently reads: "Ground water sources that are currently disinfected pursuant to Section 19-13-B102(e)(7)(M) of the RCSA, or use UV disinfection and have not been certified by the Department that the disinfection system or combination of treatments reliably achieves 4-log virus treatment for the source(s)." As written, we are concerned that the Department could simply request that all of our well supplies that currently use chlorine disinfection would have to conduct monthly Assessment Source Water Monitoring for E.coli for every well for an entire year without a cause. In discussions with your Drinking Water Section staff, the intent of paragraph (ii) reference to 19-13-B102(e)(7)(M) was to maintain the continued need to perform daily tests for residual chlorine where water is chlorinated. We are in agreement with that statement and this has been a regulatory requirement for more than 20 years. We are also on agreement with the proposed amendment under Section 61, to eliminate the last sentence in the paragraph under section (e)(7)(M) which required "a free chlorine residual of at least 0.2 mg/l after ten (10) minutes contact, or the equivalent thereof, shall be used." Since the proposed regulations provide adequate mechanisms to require Assessment Source Water Monitoring cause, we offer the following proposed language change to clarify the intent of the criteria under paragraph (ii). Proposed Change: "Where ground water sources are chlorinated, at least daily tests shall be made for residual chlorine. If groundwater systems use UV disinfection and have not been certified by the Department that the disinfection system or combination of treatments reliably achieves 4-log virus treatment for the source(s), then they can be required to conduct assessment source water monitoring."

**Response:**

DPH amended the regulation and reworded it to exempt systems that have an acceptable monitoring plan. *See* sections 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached. (Same as AQUARION Comment #6)

**CTWC Comment #2, General Comment:**

We at Connecticut Water generally support the proposed modifications to the Section 19-13-B102 and the measures to provide for source water quality and public health. We trust that the Department will apply the new and revised sections pertaining to the Federal Ground Water Rule requirements to allow water companies adequate opportunity to address any detected sanitary or significant deficiency with corrective actions in a timely manner to protect the public health of our customers before being subjected to an instantaneous requirement to 4-log virus treatment scenario. Given the number of groundwater supplies owned and operated by CTWC and the operational and cost implications of moving to 4-log removal, we believe it is essential that the regulations retain the currently proposed provisions that allow flexibility and reasonable approaches

to address such deficiencies. We would have to reconsider our support if there are substantive changes to the proposed regulations in this area.

Response:

DPH appreciates the support and reaffirms our intent to continue to work with the stakeholders, especially the already established Technical Discussion Workgroup, to amend as necessary the "guidance document" which is to be utilized by the Department to aid in its application of the regulation to the situation presented. (Same as AQUARION Comment #2 and MDC Comment #33)

Attachment: Proposed section 19-13-B102 of the Regulations of Connecticut State Agencies

## MEMORANDUM

TO: Entities that Provided Comments on the Subject Amendments

FROM: Lori Mathieu, Public Health Section Chief  
Drinking Water Section

DATE: February 15, 2013

SUBJECT: Amendments to Public Drinking Water Quality Standards Regulation  
(RCSA 19-13-B102)

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Thank you for your comments on the proposed amendments to the public drinking water quality standards regulation. The comments we received are addressed in this document with our response. I have also enclosed a copy of the final revised regulation that reflects the resolution to the comments.

**MDC Comment #1, Section 19-13-B102(a)(43) [Section 19-13-B102(a)(43) in attached]:**

E.coli can be found in the fecal material of other mammals other than humans.

**Response:**

DPH amended the definition to take this suggestion into consideration. *See* section 19-13-B102(a)(43) in attached.

**MDC Comment #2, Section 19-13-B102(e)(7)(A) [Removed in attached]:**

The monitoring frequency for total and physical parameters for a community water system should be clarified pertaining to the population served. Is the frequency of samples required to be collected by the primary system on a monthly basis based on the total population of the primary public water system and the consecutive system, or is the frequency of samples required of the primary system each month only pertaining to the population served by the primary or wholesale system?

**Response:**

This amendment was in error, and therefore DPH has reverted back to the existing language in the regulation. The existing language clearly states that the frequency of samples is based only on the population served by the primary/wholesale system, as well as the frequency of samples required by the consecutive system is based on the consecutive system population.

**MDC Comment #3, Section 19-13-B102(e)(7)(E)(iv) [Section 19-13-B102(e)(7)(E)(iv) in attached]:**

Regulations versus "Regulaytions" as currently spelled within the paragraph.

Response:

DPH amended this paragraph to correct this typo. *See* section 19-13-B102(e)(7)(E)(iv) in attached.

**MDC Comment #4, Section 19-13-B102(e)(7)(K)(iv) [Removed in attached]:**

In this section specific amendments are cited to the CFR 40 CFR 141.23(k), 40 CFR 141.24(e) and 40 CFR 141.89 which would outdate the PHC if the CFR is amended at a future date. Therefore, a statement to allow the PHC to seamlessly be amended as the CFR is amended would be appropriate.

Response:

This section is no longer in the regulation package. DPH has, however, included "as amended from time to time" following any reference in the regulation package to a Federal regulation to insure the regulation incorporated includes any future amendments to the Federal regulation.

**MDC Comment #5, Section 19-13-B102(e)(11)(B)(iv) [Section 19-13-B102(e)(11)(A)(ii) in attached]:**

In this section a specific amendments is cited to the CFR 40 CFR 141.131, which would outdate the PHC if the CFR is amended at a future date. Therefore, a statement to allow the PHC to seamlessly be amended as the CFR is amended would be appropriate.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(e)(11)(A)(ii) in attached.

**MDC Comment #6, Section 19-13-B102(e)(11)(C)(i) [Section 19-13-B102(e)(11)(C)(ix) in attached]:**

In the third paragraph of this section reference is made to Section 19-13-B102(e)(11)(C)(ii) twice i.e. pursuant to the provisions of Section 19-13-B102(e)(11)(C)(ii) and Section 19-13-B102(e)(11)(C)(ii) of the Regulations of Connecticut State Agencies(.) shall remain on increased monitoring....

Response:

DPH amended section 19-13-B102(e)(11) and the suggested corrections were made. *See* section 19-13-B102(e)(11)(C)(ix) in attached.

**MDC Comment #7, Sections 19-13-B102(e)(11)(A)(i) and 19-13-B102(e)(11)(G)(iv) TTHM and HAA [Footnote 1 of Table 11-B1 of section 19-13-B102(e)(11)(B)(i) in attached]:**

The section 19-13-B102(e)(11)(A)(i), appears to require the immediate requirement of a Location Running Annual Average calculation pursuant to the schedule as detailed in section 19-13-B102(e)(11)(A)(iv) for each of the sample sites required under the regulation. The LRAA calculation is not an immediate requirement under the federal rule. The fourth paragraph of section 19-13-B102(e)(11)(G)(iv) appears to force compliance with the Location Running Annual Average (LRAA) prior to the collection of three consecutive quarters of data as it refers back to section 19-13-B102(e)(11)(A)(iv).

Response:

DPH agrees and has amended the format of section 19-13-B102(e)(11) to clarify when the LRAA calculation is a requirement. *See* Footnote 1 of Table 11-B1 of section 19-13-B102(e)(11)(B)(i) in attached.

**MDC Comment #8, Section 19-13-B102(e)(11)(H)(vii) [Removed in attached]:**

In the paragraph the second sentence states that the "Monitoring results and analysis shall meet the criteria pursuant to the provisions of section 19-13-B102(e)(11)(H)(vii) of the Regulations of Connecticut State Agencies" which seems redundant.

Response:

DPH has removed the provisions regarding Initial Distribution System Evaluations (IDSE) because the dates relevant to those provisions have passed.

**MDC Comment #9, Section 19-13-B102(e)(11)(H)(xiii) [Removed in attached]:**

There is a missing (s) in the sentence; unless the department send(s) notification that ...

Response:

DPH has removed the provisions regarding Very Small System Waivers because the dates relevant to those provisions have passed.

**MDC Comment #10, Section 19-13-B102(e)(12)(D)(viii)(II) and (iii) [Section 19-13-B102(e)(7)(T)(v) in attached]:**

E. coli is incorrectly cited as E. Coli in 19-13-B102(e)(12)(D)(viii)(II) and both section reference specific references to the CFR (40 CFR 141.704 (b) and (c) which could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH amended this section and other sections when applicable to correct the spelling of E. coli, and has also included "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to the Federal regulation. *See* section 19-13-B102(e)(7)(T)(v) in attached.

**MDC Comment #11, Section 19-13-B102(e)(12)(E)(i) [Removed in attached]:**

E. coli is incorrectly cited as E. Coli in 19-13-B102(e)(12)(E)(i) and (ii).

Response:

DPH has removed the provisions regarding the grandfathering of previously collected data because the dates relevant to those provisions have passed. DPH has, however, corrected the spelling of E. coli throughout the regulation package.

**MDC Comment #12, Section 19-13-B102(e)(12)(E)(iii)(I) and (II) [Removed in attached]:**

Both section reference specific references to the CFR (40 CFR 141.707(c)(1)(i) through (vi) which could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH has removed the provisions regarding the grandfathering of previously collected data because the dates relevant to those provisions have passed. DPH has, however, included "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation.

**MDC Comment #13, Section 19-13-B102(e)(12)(G) [Section 19-13-B102(e)(7)(T)(viii) in attached]:**

The specific reference to the CFR (40 CFR 141.709) as amended could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH has included "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to the Federal regulation. *See* section 19-13-B102(e)(7)(T)(viii) in attached.

**MDC Comment #14, Section 19-13-B102(e)(12)(B)(i)(IV) [Section 19-13-B102(e)(12)(E)(ii) in attached]:**

E. coli is incorrectly cited as E. Coli.

Response:

DPH amended this section and other sections when applicable to correct the spelling of E.coli. *See* section 19-13-B102(e)(12)(E)(ii) in attached.

**MDC Comment #15, Section 19-13-B102(e)(13)(B)(ii) [Sections 19-13-B102(e)(12)(C)(i)(I) and 19-13-B102(e)(12)(D)(i) in attached]:**

Any system that obtains a positive source water sample should incorporate "fecal indicator positive" if E. coli is not the fecal indicator required by the DPH.

Response:

DPH agrees and has added the language on fecal indicator. *See* sections 19-13-B102(e)(12)(C)(i)(I) and 19-13-B102(e)(12)(D)(i) in attached.

**MDC Comment #16, Section 19-13-B102(e)(13)(C) [Section 19-13-B102(e)(12)(C)(iv) in attached]:**

This section requires that a consecutive ground water system notify the wholesale system of a total coliform positive sample collected from the consecutive ground water system's distribution system which would require the wholesale groundwater system to monitor those wells which could be hydraulically impacted by the groundwater consecutive system. If the consecutive system is supplied by a surface water system the section should cite that there is no requirement for the consecutive groundwater system to notify the wholesale (surface water) system of the positive coliform recovery in the consecutive system's distribution system.

**Response:**

This section is only applicable to ground water systems and not to surface water systems. DPH clarified this section to make clear it is only applicable to ground water systems. *See* section 19-13-B102(e)(12)(C)(iv) in attached.

**MDC Comment #17, Section 19-13-B102(e)(13)(E)(ix) [Section 19-13-B102(e)(12)(D)(iv) in attached]:**

There is a reference to the requirement to conduct assessment source water monitoring and corrective action if required pursuant to section 19-13-B102(i)(14) which I cannot locate in the proposed regulation nor the regulations already enacted.

**Response:**

DPH amended this section to reference the correct citation. *See* section 19-13-B102(e)(12)(D)(iv) in attached.

**MDC Comment #18, Section 19-13-B102(e)(13)(F)(ii) [See section 19-13-B102(e)(12)(E)(ii) in attached]:**

E. coli is incorrect being cited as e. coli. The specific references to the CFR (40 CFR 141.402(c)(2) and 40 CFR 141 Sub-Part C. Appendix A as amended) could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

**Response:**

DPH amended this section to correct the typo, and also amended it to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(e)(12)(E)(ii) in attached.

**MDC Comment #19, Section 19-13-B102(e)(13)(J) [Section 19-13-B102(e)(12)(K) in attached]:**

Though the Groundwater Rule requires a "Tier 1" public notification for a source water fecal indicator positive sample recovery, it is imperative that the public notification template for this fecal indicator positive recovery be prepared in a manner that indicates

the ramifications of the "Tier 1" notice versus a Tier 1 notice due to a distribution E. coli recovery.

Response:

Under the regulation and consistent with federal regulations, if a violation or situation requires a tier 1 notice, such notice must contain the minimum information required for tier 1 notices. *See* section 19-13-B102(e)(12)(K) in attached. (Same as AQUARION Comment #1)

**MDC Comment #20, Section 19-13-B102(h)(9)(A)(i) [Section 19-13-B102(h)(9)(A)(i) in attached]:**

Requiring that the results from the source water monitoring be reported to the state within 10 days of the end of the first month following the month when the sample is collected may not be possible to comply with considering the requirements of the EPA methods utilized for the cryptosporidium isolation and analysis. The State of CT DPH must also ensure that the DPH will be capable to accept the reporting of results (including the quality control information from the analytical laboratories) prior to the second round of source water monitoring as required under the regulations.

Response:

DPH is capable of accepting the reporting results and has been doing so successfully for the past two years. Also, based on the experience of the past two years, utilities have been adequately complying with this federal mandate per 40 CFR Section 141.706.

**MDC Comment #21, Section 19-13-B102(h)(9)(A)(iii) [Sections 19-13-B102(h)(9)(A)(ii) and (iii) in attached]:**

The reporting of the initial round of source water sampling was reported to the EPA via the CDX system.

Response:

DPH agrees, but systems serving fewer than 10,000 people are required to report the sample results only to DPH, not to both DPH & EPA. Also, since the date by which systems were required to have conducted the initial round of source water monitoring has passed, this section now only requires the reporting of the results of the second round of source water monitoring. *See* sections 19-13-B102(h)(9)(A)(ii) and (iii) in attached.

**MDC Comment #22, Section 19-13-B102(h)(9)(B)(ii)(III) [Removed in attached]:**

The systems with grandfathered data could not certify, in a form provided by the Department, that the samples were representative of the plant's source water(s) and the source water(s) have not changed, due the fact that no form was available.

Response:

DPH has removed the provisions regarding grandfathered data because the dates relevant to those provisions have passed.

**MDC Comment #23, Section 19-13-B102(i)(4)(A)(ii) [Section 19-13-B102(i)(4)(A)(ii) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(i)(4)(A)(ii) in attached.

**MDC Comment #24, Section 19-13-B102(i)(10)(A) [Section 19-13-B102(i)(10)(A) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(i)(10)(A) in attached.

**MDC Comment #25, Section 19-13-B102(j)(4)(B) [Section 19-13-B102(j)(4)(B) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(j)(4)(B) in attached.

**MDC Comment #26, Section 19-13-B102(j)(12)(C)(i) [Section 19-13-B102(j)(12)(C)(i) in attached]:**

The reference in this section to Section 19-13-B102(j)(12)(C)(II) should be referencing Section 19-13-B102(j)(12)(C)(ii).

Response:

DPH amended this section to correct the referenced citation. *See* section 19-13-B102(j)(12)(C)(i) in attached.

**MDC Comment #27, Section 19-13-B102(j)(13)(M)(iii)(I) [Sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached]:**

The section references Section 19-13-B102(j)(13)(N)(ii) which is not in the proposed regulations.

Response:

DPH amended section 19-13-B102(j)(13)(F)(iii) to correct the referenced citation. *See* sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached. (Same as AQUARION Comment #15)

**MDC Comment #28, Section 19-13-B102(j)(13)(M)(iii)(II) [Section 19-13-B102(j)(13)(F)(iii) in attached]:**

The section references Section 19-13-B102(j)(13)(N)(i), Section 19-13-B102(j)(13)(N)(ii) and Section 19-13-B102(j)(13)(N)(iii) which are not in the proposed regulations.

Response:

DPH amended section 19-13-B102(j)(13)(F)(iii) to correct the referenced citation. *See* section 19-13-B102(j)(13)(F)(iii) in attached.

**MDC Comment #29, Section 19-13-B102(j)(14)(G)(i) and (ii) [Section 19-13-B102(j)(14)(B)(iii)(I)(1) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section and other sections to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(j)(14)(B)(iii)(I)(1) in attached.

**MDC Comment #30, Section 19-13-B102(j)(14)(G)(v) [Section 19-13-B102(j)(14)(C) and (D) in attached]:**

There are two sections labeled (v). The second section labeled (v) cites paragraph (b) of this section which does not appear to exist.

Response:

DPH amended section 19-13-B102(j)(14) to provide the correct label and the correct reference. *See* section 19-13-B102(j)(14)(C) and (D) in attached. (Same as AQUARION Comment #13)

**MDC Comment #31, Section 19-13-B102(l)(7) [Section 19-13-B102(l)(1) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(l)(1) in attached.

**MDC Comment #32, Section 19-13-B102(l)(7)(I) [Section 19-13-B102(l)(1) in attached]:**

The specific references to the CFR could render the PHC obsolete unless provisions are made within the regulation to allow the PHC to seamlessly incorporate future amendments to the CFR.

Response:

DPH agrees and has amended this section to include "as amended from time to time" following any reference to a Federal regulation to insure the regulation incorporated includes any future amendments to that regulation. *See* section 19-13-B102(l)(1) in attached.

**MDC Comment #33, General Comment:**

The use of the "guidance document" for the eight categories of significant deficiencies as required under the groundwater rule as a possible enforcement tool during sanitary surveys has not been addressed within the proposed regulations. The guidance document has the potential to have a large impact on the public water supply companies which provide potable water to their Connecticut consumers both through a surface water and or a groundwater system.

Response:

DPH will continue to work with the stakeholders, especially the already established Technical Discussion Workgroup, to amend as necessary the "guidance document" which is to be utilized by the Department to aid in its application of the regulation to the situation presented. (Same as AQUARION Comment #2 & CTWC Comment #2)

**MDC Comment #34, 19-13-B102(t) Sampling Taps [Section 19-13-B102(v) in attached]:**

This new section should be amended to distinguish the requirements between ground water and surface water sources.

Response:

This section was amended as suggested. *See* section 19-13-B102(v) in attached.

**AQUARION Comment #1, General Comment:**

One provision that we are especially concerned about is the federal requirement for Tier 1 public notification when a single E.Coli positive sample is obtained from the source water. We believe that Tier 1 notification should be reserved for occasions where there is an actual acute health risk present in the water being delivered to customers. Our concern is that requiring Tier 1 public notice for a potential risk in the source, when that risk has already been mitigated by an existing treatment barrier, will dilute the impact on customers of future Tier 1 notices that do apply to situations where an acute health risk actually exists in the delivered water.

Response:

Under the regulation and consistent with federal regulations, if a violation or situation requires a tier 1 notice, such notice must contain the minimum information required for tier 1 notices. (SAME AS MDC Comment #19)

**AQUARION Comment #2, General Comment:**

We would appreciate the opportunity to discuss questions and concerns regarding the Significant Deficiencies Guidance Document.

Response:

DPH will continue to work with the stakeholders, especially the already established Technical Discussion Workgroup, to amend as necessary the "guidance document" which is to be utilized by the Department to aid in its application of the regulation to the situation presented. (Same as MDC Comment #33 & CTWC Comment #2)

**AQUARION Comment #3, Section 19-13-B102(a)(117)(H) [Section 19-13-B102(i)(1)(A)(viii) in attached]:**

The definition should be modified as follows: "Detection of E.coli ...pursuant to Section 19-13 – B102 (e)(13)(A) through (D) of the Regulations of Connecticut State Agencies, except where approved 4 log inactivation disinfection treatment is demonstrated." This will clarify that the Tier 1 Notice provisions only apply to the results of Triggered and Assessment monitoring, and do not apply when DPH approved 4-log treatment is in place.

Response:

Under the regulation and consistent with the federal rule, tier 1 notice is required if E. coli, enterococci, or coliphage is detected in a sample collected using triggered or assessment source water monitoring. A ground water system that has received department-approval of the system's treatment because the system provides at least 4 log treatment of viruses is not required under the regulation to conduct triggered or assessment source water monitoring for the specified ground water source for which the treatment was approved. If a system is not required to conduct triggered or assessment source water monitoring and therefore does not conduct such monitoring, it will not collect a sample using triggered or assessment source water monitoring in which E. coli, enterococci, or coliphage is detected and therefore will not be required to conduct tier 1 notice for that particular situation. DPH also believes that it's abundantly clear throughout

this regulation that systems with an approved 4-log treatment are not subject to source water monitoring. *See* section 19-13-B102(i)(1)(A)(viii) in attached.

**AQUARION Comment #4, Section 19-13-B102(c) [Section 19-13-B102(c)(2)(A) in attached]:**

Amend the new paragraph as follows: “For the purposes of these analyses, reasonable grounds means any information that is known by the department, and deemed to be credible, that indicates ...”

Response:

DPH amended this section to reflect to a great extent the suggested modification. *See* section 19-13-B102(c)(2)(A) in attached.

**AQUARION Comment #5, Section 19-13-B102(e)(13)(B)(iii) [Section 19-13-B102(e)(12)(C)(ii)(II) in attached]:**

Rephrase the second and last sentences to improve clarity as follows: “Systems shall submit for department approval a triggered source water monitoring plan (Representative Monitoring Plan) that identifies every ground water source that is representative of each distribution system monitoring site...” “ Systems will be eligible for this representative provision only after obtaining department approval of the plan.”

Response:

DPH amended and reformatted the regulation to clarify its intent as suggested. *See* section 19-13-B102(e)(12)(C)(ii)(II) in attached.

**AQUARION Comment #6, Section 19-13-B102(e)(13)(D)(ii) [Sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached]:**

Remove or reword this section. The existence of disinfection treatment that does not meet the 4-log CT requirements should only be a criterion for triggering assessment monitoring when one or more of the other listed criteria that indicate the presence of source contamination risk are also involved. It is the intent of EPA’s reg that the level of treatment be commensurate with source contamination risk. The presence of any level of disinfection treatment provides a second barrier to contamination risk in delivered water that does not exist in water that has no treatment and relies only on the source protection barrier.

Response:

DPH amended the regulation and reworded it to exempt systems that have an acceptable monitoring plan *See* sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached.

**AQUARION Comment #7, Section 19-13-B102(e)(13)(E)(i) [Sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached]:**

Further to the main point made above in the previous comment, this section would have a system with a ground water source that has disinfection treatment in place, but not at the 4-log CT level, doing assessment monitoring forever, because the “condition” in “...(13)(D)(ii)” still exists. This provision as currently written can be viewed as trying to force systems to install 4-log treatment, regardless of source contamination risk, and I don’t think that this is your intention.

Response:

DPH believes that the amendment made to sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) will alleviate and resolve this concern. *See* sections 19-13-B102(e)(12)(C)(v)(III), 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached.

**AQUARION Comment #8, Section 19-13-B102(e)(13)(j) [Section 19-13-B102(e)(12)(K) in attached]:**

Amend this section by adding a final sentence as follows: “Public Notification is not required when the system employs department approved 4-log treatment of viruses.”

Response:

Under the regulation and consistent with the federal rule, tier 1 notice is required if E. coli, enterococci, or coliphage is detected in a sample collected using triggered or assessment source water monitoring. A ground water system that has received department-approval of the system’s treatment because the system provides at least 4 log treatment of viruses is not required under the regulation to conduct triggered or assessment source water monitoring for the specified ground water source for which the treatment was approved. If a system is not required to conduct triggered or assessment source water monitoring and therefore does not conduct such monitoring, it will not collect a sample using triggered or assessment source water monitoring in which E. coli, enterococci, or coliphage is detected and therefore will not be required to conduct tier 1 notice for that particular situation. Therefore, it’s inherently clear in the regulation that source water monitoring is not required when a system employs an approved 4-log treatment and consequently public notification should not be an issue. *See* section 19-13-B102(e)(12)(K) in attached.

**AQUARION Comment #9, Section 19-13-B102(E)(13)(L) [Section 19-13-B102(e)(12)(L) in attached]:**

Amend this section by adding a third sub-section as follows: “A ground water system is not required to comply with the source water monitoring requirements of this paragraph of this section if any of the following conditions exists:

“(iii) department approved 4-log treatment of viruses is demonstrated”

Response:

Again it’s abundantly clear in the regulation that source water monitoring is not required when a system employs an approved 4-log treatment and therefore DPH does not believe that the suggested addition is necessary. *See*, e.g., sections 19-13-B102(e)(12)(C)(v)(III) and 19-13-B102(e)(12)(D)(v) in attached.

**AQUARION Comment #10, Section 19-13-B102(h)(1) [Section 19-13-B102(h)(1) in attached]:**

Rewrite this paragraph so that the reg does not give the impression that the detection of E.coli in a source water sample is a "violation". EPA indicates that this is a "situation", not a "violation". This can be accomplished by adding the word "(violation)" after "total coliforms" on the first line, and adding the word "(situation)" after "fecal indicator positive" on the third line, and then adding the words "or situation" after the word "violation" each time it appears thereafter.

Response:

DPH amended this section to clarify the situation as suggested. *See* section 19-13-B102(h)(1) in attached.

**AQUARION Comment #11, Section 19-13-B102(h)(1) [Section 19-13-B102(h)(1) in attached]:**

This reference should be rephrased to clarify when the system or wholesale system will notify DPH, the local health directors, and the public of a fecal indicator positive result (ie. after the initial positive, after one or more of the 5 additional samples is positive or both?) In practice, I think we will find that there is no benefit to notifying the public twice within 24 or 48 hours of the same potential risk in the source water.

Response:

While we understand the frustration with this federal requirement, the language in this section is consistent with 40 CFR 141.202(a)(8), 141.402(a) and 141.402(b). *See* section 19-13-B102(h)(1) in attached.

**AQUARION Comment #12, Section 19-13-B102(j)(14)(A) [Section 19-13-B102(e)(7)(E)(iv)(V) in attached]:**

The meaning of this section needs to be clarified.

Response:

DPH amended the language to clarify its meaning. *See* section 19-13-B102(e)(7)(E)(iv)(V) in attached.

**AQUARION Comment #13, Section 19-13-B102(j)(14)(G)(v) [Sections 19-13-B102(j)(14)(C) and (D) in attached]:**

There are two citations for (G)(v), the second one should be (G)(vi).

Response:

DPH amended section 19-13-B102(j)(14) to provide the correct label and the correct reference. *See* sections 19-13-B102(j)(14)(C) and (D) in attached. (Same as MDC Comment #30)

**AQUARION Comment #14, Section 19-13-B102(j)(14)(I) [Sections 19-13-B102(e)(7)(E)(iv)(III)(1) and 19-13-B102(j)(14)(A)(iii) in attached]:**

For clarification, rephrase as follows: "Systems required to implement the corrective action alternatives outlined in section 19-13-B102(j)(14)(D) of the RCSA may be required to obtain written approval from the department prior to installation."

Response:

DPH amended this section to clarify as suggested. *See* sections 19-13-B102(e)(7)(E)(iv)(III)(1) and 19-13-B102(j)(14)(A)(iii) in attached.

**AQUARION Comment #15, Section 19-13-B102(j)(13)(M)(iii)(I) [Sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached]:**

This section makes reference to a section –B102(j)(13)(N)(ii) which we did not find in the document provided.

Response:

DPH amended this section to correct the referenced citation. *See* sections 19-13-B102(j)(13)(F)(iii)(I), (II) and (III) in attached. (Same as MDC Comment #27)

**AQUARION Comment #16, Sections 19-13-B102(j)(14)(B)(iii)(I)(1) and (2) in attached:**

In these sections the first CT should be changed to "residual disinfectant concentration".

Response:

The sections were amended as suggested. *See* sections 19-13-B102(j)(14)(B)(iii)(I)(1) and (2) in attached.

**CTWC Comment #1, Section 19-13-B102(e)(13)(D) [Sections 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached]:**

Address the need to clarify the intent of Section 19-13-B102(e)(13)(D)(ii) which currently reads: "Ground water sources that are currently disinfected pursuant to Section 19-13-B102(e)(7)(M) of the RCSA, or use UV disinfection and have not been certified by the Department that the disinfection system or combination of treatments reliably achieves 4-log virus treatment for the source(s)." As written, we are concerned that the Department could simply request that all of our well supplies that currently use chlorine disinfection would have to conduct monthly Assessment Source Water Monitoring for E.coli for every well for an entire year without a cause. In discussions with your Drinking Water Section staff, the intent of paragraph (ii) reference to 19-13-B102(e)(7)(M) was to maintain the continued need to perform daily tests for residual chlorine where water is chlorinated. We are in agreement with that statement and this has been a regulatory requirement for more than 20 years. We are also on agreement with the proposed amendment under Section 61, to eliminate the last sentence in the paragraph under section (e)(7)(M) which required "a free chlorine residual of at least 0.2 mg/l after ten (10) minutes contact, or the equivalent thereof, shall be used." Since the proposed regulations provide adequate mechanisms to require Assessment Source Water Monitoring cause, we offer the following proposed language change to clarify the intent of the criteria under paragraph (ii). Proposed Change: "Where ground water sources are chlorinated, at least daily tests shall be made for residual chlorine. If groundwater

systems use UV disinfection and have not been certified by the Department that the disinfection system or combination of treatments reliably achieves 4-log virus treatment for the source(s), then they can be required to conduct assessment source water monitoring.”

Response:

DPH amended the regulation and reworded it to exempt systems that have an acceptable monitoring plan. *See* sections 19-13-B102(e)(12)(D)(ii)(II) and 19-13-B102(e)(12)(I) in attached. (Same as AQUARION Comment #6)

**CTWC Comment #2, General Comment:**

We at Connecticut Water generally support the proposed modifications to the Section 19-13-B102 and the measures to provide for source water quality and public health. We trust that the Department will apply the new and revised sections pertaining to the Federal Ground Water Rule requirements to allow water companies adequate opportunity to address any detected sanitary or significant deficiency with corrective actions in a timely manner to protect the public health of our customers before being subjected to an instantaneous requirement to 4-log virus treatment scenario. Given the number of groundwater supplies owned and operated by CTWC and the operational and cost implications of moving to 4-log removal, we believe it is essential that the regulations retain the currently proposed provisions that allow flexibility and reasonable approaches to address such deficiencies. We would have to reconsider our support if there are substantive changes to the proposed regulations in this area.

Response:

DPH appreciates the support and reaffirms our intent to continue to work with the stakeholders, especially the already established Technical Discussion Workgroup, to amend as necessary the “guidance document” which is to be utilized by the Department to aid in its application of the regulation to the situation presented. (Same as AQUARION Comment #2 and MDC Comment #33)

Attachment: Proposed section 19-13-B102 of the Regulations of Connecticut State Agencies