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Massachusetts Coalition for
Water Resources Stewardship

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February 8, 2016

MassDEP Drinking Water Program
Regulatory Comments
One Winter Street, 5th floor
Boston, MA 02108

RE: Comments on Proposed Changes to 310 CMR 22.00
VIA email to program.director-dwp@state.ma.us

To Whom It May Concern:

The Massachusetts Coalition for Water Resources Stewardship (MCWRS) is writing today to comment on the Massachusetts Department of Environmental Protection's (MassDEP) proposed changes to the Drinking Water Regulations, 310 CMR 22.00. MCWRS, and its members, promote the use of scientifically based, fiscally responsible approaches to realize environmental and community goals, as well as watershed-based policies and regulations to effectively manage and conserve water resources. MCWRS's members are municipalities, public agencies, and private companies committed to the principles of stewardship and sustainability regarding drinking water, stormwater, and wastewater. Regulatory changes must reduce unnecessary burdens imposed upon our member communities. Additionally, communities and operators, not regulators, must be the ones determining their staffing capabilities and needs.

MCWRS has reviewed the comments from the Massachusetts Water Works Association (MWWA), which have been developed with input from a number of practicing water supply professionals, including MCWRS members, and want to record our support for the suggested changes that MWWA is recommending in their comments to you.

Specifically, MCWRS wants to highlight the following:

- **310 CMR 22.02 Definitions**—
 - MCWRS supports the suggested changes to the definitions section provided by MWWA, especially the definitions for Direct Responsible Charge, Primary Operator, Satellite Facility, Secondary Operator and Treatment Facility and urge MassDEP to adopt them into the final regulations.

- **310 CMR 22.04-Construction, Operation and Maintenance of Public Water Systems** –
 - MCWRS supports the changes that MassDEP is proposing to the Chemical Safety Control for Critical Chemical Feed Systems section that defines the chemicals and controls required to improve operations and protect public health and safety.
 - MCWRS supports MWWA’s comment that reference the “Guidelines and Policies for Public Water Systems” in 22.04(5) and 22.04(7) and recommend they should be removed. If MassDEP feels it important to adopt specific language from the Guidelines and Policies then they should amend the regulations and go through the proper regulatory adoption process.

- **310 CMR 22.05-Maximum Microbiological Contaminant Levels, Monitoring Requirements and Analytical Methods** –
 - MCWRS supports MWWA’s comments that samples taken at tanks should be counted toward the minimum samples if they are representative of water in the Distribution System.
 - MCWRS understands that MassDEP must promulgate these rules by March 31, 2016 to incorporate the United States Environmental Protection Agency’s Federal Revised Total Coliform Rule (RTCR) and urges MassDEP to quickly review and respond to the public comments so that the RTCR will be promulgated before the deadline.

- **310 CMR 22.11B- PWS Certified Operator Staffing Requirements** –
 - MCWRS agrees with MWWA’s comment that there is a lack of consistency and clarity in 22.11B with respect to the use of the terms “facility” and “system” and that MassDEP needs to better define what constitutes a Treatment Facility, a Distribution System, a Public Water System and a Satellite Facility. MassDEP should adopt MWWA’s suggested definitions and changes to 22.11B so it will be very clear what is being referred to within this section.

- Public water systems throughout the Commonwealth are facing ever increasing operational obligations with associated staffing challenges. Systems with appropriate automation meeting the requirements of the regulations as MWWA has proposed should be allowed to allocate their staffing to a level that is most appropriate for their Public Water System without compromising public health protection. The changes that MWWA is recommending are in keeping with today's automation and provides reasonable staffing flexibility for today as well as the future, should additional technological advancements be realized.
- Should the new rating system for classification of Public Water Systems result in a reclassification to a higher grade, MassDEP should grandfather the operators working in that system and not require them to receive a higher grade license.

MCWRS appreciates the opportunity to provide these comments to MassDEP and urges MassDEP to make the recommended changes and finalize the regulations as soon as possible.

Sincerely,

Massachusetts Coalition for Water Resources Stewardship



Philip D. Guerin

President

Director of Water, Sewer, and Environmental Systems, City of Worcester

cc: MCWRS Board of Directors and Members