THE WATER WORKS OPERATORS' ASSOCIATION OF PENNSYLVANIA

September 9, 2020

Senate Environmental Resources Committee

RE: **Testimony on Water Quality Standard for Manganese and Implementation #7-553; IRRC #3260**

Chairman Yaw, Chairman Santarsiero, and Members of the Senate Committee,

I am Serena A. DiMagno, Senior Environmental Consultant with Spotts, Stevens and McCoy, Inc. (SSM) a multi-disciplinary engineering, surveying and environmental services company. I have over 45 years of experience in water and wastewater systems investigation, design, operations, treatment, management, regulatory negotiation, permitting and compliance. I am also the Chairman of the Pennsylvania Department of Environmental Protection (DEP) Small Water Systems Technical Advisory Assistance Center (TAC) serving my third, two-year term as Chairman. Today, I am representing The Water Works Operators' Association of Pennsylvania (WWOAP) as the Legislative and Regulatory Affairs Chairman.

WWOAP (www.wwoap.org) is a nonprofit group of members dedicated to increasing the knowledge and expertise of those working at all levels and in all sectors of Pennsylvania's water supply industry. We provide information regarding public water supply design, construction, treatment, and management. For nearly a century, WWOAP has existed to help strengthen and promote the water industry.

WWOAP appreciates the opportunity to provide testimony on this important proposed rulemaking that impacts our members, all sectors of the water supply industry in Pennsylvania and most significantly, water consumers.

WWOAP **supports** the proposed rulemaking to amend Chapters 93 and 96 (relating to water quality standards and water quality standards implementation. Particularly, WWOAP **supports** the proposed amendments to delete manganese from Table 3 in § 93.7 (relating to specific water quality criteria and adding manganese to Table 5 in § 93.8c (relating to human health and aquatic life criteria for toxic substances). With these proposed amendments, the Environmental Quality Board (EQB) is proposing a new human health criterion for manganese of 0.3 mg/l in Chapter 93.8 – Water Quality Criteria for Toxic Substances and would delete the existing 1 mg/l standard because it is not protective of human health. The new proposed 0.3 mg/l toxic health standard would apply to all discharges into surface waters, as currently is applied to the existing 1 mg/l standard.

DEP researched the current science regarding the effects of manganese on human health and determined that manganese is harmful to human health as a nervous system toxin with impacts to early childhood development at levels that are less than the threshold levels that impact aquatic

life. DEP has concluded that the proposed 0.3 mg/l toxic health standard will protect human health from the neurotoxicological effects of manganese, as well as ensure adequate protection of all water uses. Both the Small Water Systems Technical Assistance Center (TAC) Advisory Board and the Water Resources Advisory Committee (WRAC) voted to support the 0.3 mg/l standard proposed by DEP.

Additionally, the U.S. Environmental Protection Agency (EPA) requires states to address levels of manganese above 0.3 mg/l, due to the EPA Health Advisory which includes a 10-day limit of 0.3 mg/l for infants. EPA also requires states to implement corrective actions, including Public Notification (PN). To address this requirement, DEP is currently in the process of updating its guidance document "*Situations Requiring One-Hour Reporting to the Department of Environmental Protection"* to clarify that a water supplier shall notify DEP within 1 hour of discovery if there is an exceedance of an EPA Health Advisory for a secondary or unregulated contaminant in the finished water including:

> "***Manganese**: Manganese has a lifetime advisory level of 0.3 mg/l, and a 1-day and 10-day health advisory level of 1 mg/l. For bottle-fed infants younger than six months, EPA has established a 10-day health advisory level of 0.3 mg/l."*

The EQB is also proposing for public comment, two alternatives for a point of compliance with the manganese water quality standard:

1. the point of all existing or planned surface potable water supply withdrawals; or
2. **all surface waters (that is, near the point of discharge).**

WWOAP supports continuing the current point of compliance for manganese, in all surface waters (that is near the point of discharge), as stated in § 96.3 (c).

There has been significant concern in the potable water industry with the legislative provision contained in the Administrative Code (Act 40 of 2017) to require EQB to set a water quality standard for manganese and shift the burden for treating manganese from the dischargers like the coal industry and other industry dischargers (**DEP has determined that there are over 900 National Pollutant Discharge Elimination System (NPDES) permit holders with manganese discharge limits that do not include coal industry dischargers)** to water users, such as public water suppliers. This shift in the point of compliance from the generators of the manganese to the public water suppliers will place the entire burden of meeting manganese compliance on the public water suppliers and come at a substantial cost to public water supply customers. Public water suppliers must meet a secondary maximum contaminant level (SMCL) of 0.05 mg/l in accordance with EPA and DEP regulations. In Pennsylvania, SMCLs are enforced similarly to MCLs. Increasing the level of manganese at public water supply intakes by moving the point of compliance will require public water suppliers to install specific manganese removal technologies at substantial increases in capital, operating and monitoring costs. DEP determined that 280 of the 340 surface water treatment plants in Pennsylvania would need to evaluate treatment changes if the manganese compliance point were moved, without the addition of a stricter standard upstream.

As water suppliers remove manganese in the treatment process, the manganese accumulates in the sludge generated in the treatment process which is then discharged in accordance with the facility's NPDES permit. This means that water suppliers will be faced with complying with the change in the manganese discharge standard at both ends of the treatment process (at the point of the water treatment plant and at the NPDES point of discharge).

Further, not removing manganese at the point of discharge allows manganese to deposit in surface water sediments, becoming a long-term legacy pollutant in surface waters. Manganese does not degrade over time; **dilution is NOT the solution to pollution**.

Finally, the precedent established by Act 40 in the shift of discharge compliance is egregious, overturning 30 years of environmental stewardship. Dischargers must be responsible for eliminating or mitigating the pollutants in their discharges, regardless of the contaminant or pollutant constituent. Public water suppliers rely on source water protection to provide **safe and adequate** drinking water to their consumers.

Thank you for the opportunity to provide testimony to the Senate Environmental Resources Committee.

Very truly yours,

Serena A. DiMagno
Legislative/Regulatory Affairs Committee Chairman
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