

Public Notification Regulations Update

Objectives:

- Discuss the status of our revisions to the Public Notification (PN) Rule.
- Review the new PN revision requirements.
- Provide information about cost considerations when contracting with automatic telephone dialing service providers
- Answer questions about the PN Rule.

Status of PN Revisions:

The following table lists the tentative regulatory schedule. The **DRAFT** final rulemaking package contains a 12-month compliance period so that water suppliers can plan and budget for implementing the new Tier 1 PN direct delivery requirements. All other requirements become effective when the rule is published.

PN Revisions Regulatory Schedule	
Activity	Date
Draft final rulemaking package approved by EQB	December 16, 2008
Publish final rulemaking in <i>PA Bulletin</i>	May 9, 2009
Compliance period for new Tier 1 PN direct delivery requirements under 109.408(d)	12 months after effective date of final rulemaking

DEP has posted a copy of the **DRAFT** final rulemaking (Annex A) that the Environmental Quality Board approved on 12/16/08 on our public notification website.

Here's the link to this public notification web page:

<http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1251&q=510149>

Annex A is found at the bottom of the web page.

As soon as the final PN rule is published in the *PA Bulletin*, we will post it on our PN website.

New PN Revision Requirements:

Normally new regulatory requirements become effective the date they are published in the *PA Bulletin*.

However, DEP received many comments requesting a compliance period for the direct delivery requirements for Tier 1 PNs so we revised the regulations to include a 12-month compliance period for those requirements. This means that the new direct delivery requirements will go into effect 12 months after the PN rule is published.

All other requirements become effective on the date the rule is published in the *PA Bulletin*.

Rule requirements effective May 9, 2009:

- Issuing a "Problem Corrected" PN for all Tier 1 PNs as soon as possible, but no later than 24 hours after the corrective actions have been taken and the notice is approved by DEP.
- New One-Hour Reporting Circumstances:
 - An overfeed of a drinking water treatment chemical that exceeds a published maximum use value, such as National Sanitation Foundation's maximum use value, as applicable. (*"Policy on Issuing and Removing Water Supply Warnings"*, 383-2129-005)
 - A situation that causes a loss of positive water pressure in any portion of the distribution system where there is evidence of contamination or a water supplier suspects a high risk of contamination. (*"Policy on Loss of Positive Pressure Situations in the Distribution System"*, 383-2129-004)
 - A lack of resources that adversely affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories. (*"Policy on Issuing and Removing Water Supply Warnings"*, 383-2129-005)
- Water suppliers will now be required to update their O & M Plan with procedures for repairing and replacing water mains that conform to DEP and water industry standards. (Chapter 109.702(a)(3) Refer to DEP's *"Policy on Loss of Positive Pressure Situations in the Distribution System"* guidance document (383-2129-004) for DEP and water industry standards.

- Update O & M Plan PN elements:
 - EPA contaminant fact sheets, when available.
 - Explanation of appropriate methods of delivery of PN.

We rewrote the entire ERP section (109.707) to reflect the ERP template sections.

- Update ERP:
 - Include an organization table that provides a prioritized list of names and contact numbers of persons in charge of the water system during an emergency.
 - Include a list of appropriate contact persons and phone numbers for each probable emergency situation for the following groups of people:
 - Emergency management agencies within a water system's jurisdiction.
 - Key public officials within a water supplier's service area.
 - Government agencies including; but not limited to the Department, Public Utility Commission, Department of Health, Department of Public Welfare and Pennsylvania Department of Agriculture.
 - Facilities within a water supplier's service area, including but not limited to hospitals, schools, day-care facilities, nursing homes, social service agencies, industrial and commercial users.
 - Media.
 - Equipment and Chemical suppliers.
 - Include a list containing the following:
 - Types of communication equipment
 - Type of communication for public notification.
 - Include a list containing the following:
 - Location of pertinent operational information
 - Source information
 - Treatment information
 - Finished water storage.

- Include a list containing the following:
 - Mutual aid agreements.
 - Emergency water supply equipment that includes procedures for providing reserve capacity or an approved alternative water supply.
 - Power supply equipment.
 - Repair equipment.
 - Vehicles and construction equipment.
 - Spare equipment.
- Include a list containing the following:
 - Probable emergency situations including, but not limited to, those specified under 109.701(a)(3)(iii)
 - Corrective actions for each probable emergency situation.
- Water suppliers are required to update their ERP at least annually and as necessary to reflect changes to communication procedures and contact information.
- Water suppliers are required to record the date of update on the plan.

New Tier 1 PN direct delivery requirements effective May 10, 2010:

- Provide Tier 1 PN to each service connection using one or more of the following direct delivery methods: hand delivery, electronic mail, or automatic telephone dialing systems.
- Provide Tier 1 PN to transient and nontransient service connections (if applicable) by using appropriate broadcast media.

- If automatic telephone dialing systems, TV scrollers, bullhorn announcements or radio station news flashes are used to deliver an abbreviated message, the abbreviated notice must include, at a minimum, the following elements:
 - A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels.
 - Whether alternative water supplies should be used.
 - What actions consumers should take, including when they should seek medical help, if known.
 - A telephone number or website address, or both, when consumers can obtain the entire message.

- If a public water supplier delivers an abbreviated notice, the public water supplier shall also provide the entire Tier 1 PN in one of the following ways:
 - Posted on a website
 - Recorded on a dedicated phone line.
 - Another method approved in writing by DEP.

DRAFT PN Technical Guidance Documents:

DEP created two technical guidance documents to provide more information about identifying and responding to Tier 1 situations.

The proposed guidance documents are:

- *“Policy on Issuing and Removing Water Supply Warnings”* (383-2129-005)
- *“Policy on Loss of Positive Pressure Situations in the Distribution System”* (383-2129-004)

These draft technical guidance documents were posted on DEP’s public participation website under the draft technical guidance link with a 30-day comment period that ended 3/23/09.

DEP is also currently revising its *“Public Notification Handbook for Community Water Systems.”* This handbook will include the PN rule revisions and will be posted on the PN website as soon as it is finalized.

Considerations when Purchasing Telephone Dialing Service Providers

The new Tier 1 PN direct delivery requirements will become effective 12 months after the date of the regulation publication in the *PA Bulletin*.

Key Points:

- Water suppliers may want to determine if they meet the definition of a "local public procurement unit" (LPPU) so that they can register in the COSTARS program. The COSTARS program is a cooperative purchasing program that takes advantage of existing Commonwealth contracts.

An LPPU includes:

- Any political subdivision (local government unit), such as a municipality, school district or commission;
- Any public authority (including authorities formed under the Municipality Authorities Act of 1955 or other authorizing legislation, such as the Public Transportation Law or the Aviation Code)
- Any tax-exempt, nonprofit educational institution or organization;
- Any tax-exempt, nonprofit public health institution or organization;
- Any nonprofit fire company, rescue company, or ambulance company; and
- Any other entity that spends public funds for the procurement of supplies, services, and construction (such as council of governments or an area government, or an organization that receives public grant funds).

To find out more information about COSTARS, go to this link:

http://www.portal.state.pa.us/portal/server.pt?open=512&objID=1272&&SortOrder=40&level=3&parentid=1271&css=L3&mode=2&in_hi_userid=2&cached=true

- If you are a municipal authority, contact Pennsylvania Municipal Authorities Association (PMAA) at 717-737-7655 to learn about the contract PMAA is developing for its members for automatic telephone dialing services.
- If you are creating your own set of automatic telephone dialing specifications, it's difficult to compare prices between vendors because they don't use the same fee structures.

- The costs will vary based on system size, how many calls a system anticipates making during the year, and the service plan features that a water system purchases.
- One vendor did indicate that water systems could collaborate with other systems to get a "group cost" that may be cheaper than an individual system cost.
- It appears that there are two primary service options, "Per Call" plans and "Unlimited Calling" plans.
- Based on how many households and how many calling events (Tier 1 PN and non-emergency events) a water supplier anticipates making within a year, every water supplier will need to determine when it becomes cost effective to purchase an "Unlimited calling" plan instead of a "Per Call" plan.
- Water systems may be able to negotiate prices with vendors.

Pages 8-11 contain the information DEP collected in 2008 regarding the estimated costs for automatic telephone dialing services.

Estimated Costs for Automatic Telephone Dialing Services

Compliance costs to implement the direct delivery requirements for Tier 1 notices will increase for many of the community water systems. The greatest increase in cost will be incurred by systems that contract for or purchase an automatic telephone dialing system. These costs will vary based on system size, how many calls a system anticipates making during the year, and the service plan features that a water system purchases. In 2008, the Department gathered new cost data regarding purchasing or contracting for automatic telephone dialing services from five vendors.

Estimates for Purchasing an automatic dialing system – 1 vendor quote

Only one vendor provided costs for purchasing an automatic telephone dialing system. The costs are shown on the table below.

Initial/setup includes software, installation and training	Service and Maintenance Agreements	Cost Per Call
\$9800-29,100	Standard (Service and Maintenance support between 8-5 Mon-Friday) = 20% of system cost	System cost + cost of telephone lines ÷ number of calls made
\$9800 – 29,100	Premium (Service and Maintenance support 24/7) = 25% of system cost + 2500.00	System cost + cost of telephone lines ÷ number of calls made

Estimates for contracted service with an automatic dialing system provider – 5 vendor quotes

One vendor charges an annual subscription fee that includes implementation, training, service, maintenance, updates, calling time and support. The other vendors include various fee structures for initial set-up, annual maintenance (also known as subscriptions), and different service options such as “Per call” or “Unlimited calling” plans. The other feature that may increase the cost was geo-calling which allows the water system to send a notice to a sub-group of the entire water system. One vendor did indicate that water systems could collaborate with other systems to get a “group cost” that may be cheaper than an individual system cost. In order to compare the costs between vendors, the Department will provide a scenario and associated cost tables. The scenario will relate to a water system that is required to contact 10,000 households. It reflects the cost for issuing a single Tier 1 notice and the associated “Problem Corrected” notice

during the first year. Table 1 lists the “Per Call” Service Plans costs for the first year. Table 2 lists the “Unlimited Calls” Service Plans costs for the first year.

Scenario:

A water system is required to send one call to issue a Tier 1 notice to entire system of 10,000 households during the first year. The call contains a 30-second message. A second call is made as a “Problem Corrected” notice which is also 30 seconds in length.

TABLE 1: “Per Call” Service Plan Estimates				
Vendor	1st Year Costs (Initial Set-up, installation and training)	Annual Costs (Subscription)	Cost Per Call	Total Costs (2 calls made to 10,000 households)
A	\$0	This vendor does not offer a “Per Call” plan. Instead, the vendor offers a single annual cost that includes implementation, training, service, maintenance, updates, calling time and support. See TABLE 2.	\$0	N/A
B	\$0	\$0	\$59/250 calls \$99/500 calls \$149/1000 calls	\$2980
C	\$7800	\$6000	\$0.12/60 sec call and \$0.06/30 sec call	\$15600
D	\$2500 for less than 50,000 population \$5,000 for more than 50,000 population	Geo Call \$5000 (Silver Service) Low Volume Silver \$5000 (includes 20,000 call units that don’t roll over.)	\$480 per 500 call units Calls over 20,000 units will be charged at \$.25/call.	\$26700 (includes 40 bundles of 500 pre-paid call units) \$7500
E	\$10% of annual cost or \$100.00 whichever is	\$0.40 per household	\$0.10/call	\$6400

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TABLE 2: "Unlimited Calls" Service Plan Estimates

Vendor	1 st Year Costs (Initial Set-up, installation and training)	Annual Costs (Subscription)		Cost Per Call	Total Costs (10,000 households)
A	\$0	Households/Businesses	Costs	\$0	\$10,000 (single cost includes implementation, training, service, maintenance, updates, calling time and support)
		0-2000	\$5000		
		2001-6000	\$7500		
		6001-10,000	\$10000		
		10001-20000	\$15000		
		20001-30000	\$20000		
		30001-40000	\$25000		
		40001-50000	\$31250		
		50001-60000	\$37500		
		60001-70000	\$43750		
		70001-80000	\$50000		
B	\$0	\$0		Per Household Cost Up to 10000 = 0.90 10001-25000 = 0.80 25001-50000 = 0.70 50001-100000 = 0.60 100000+ = 0.50	\$9000
C	\$7800	\$6000			N/A This vendor offers a "Per Call" Plan. See TABLE 1
D	\$2500 for less than 50,000 households \$5,000 for more than	Households	Costs	\$0	\$7000 (Plus fees for geocoding if purchasing geocall option)
		0-50000	\$4500		
		50001 - 100000	\$9500		
		100001 - 200000	\$12500		
		200001 - 300000	\$13500		
		300001 - 400000	\$16500		
		400001 - 500000	\$17000		

	50,000 households	500001 – 1000000 \$24500		
E	\$10% of annual cost or \$100.00 whichever is greater	\$1.45 per household	\$0	\$15950

Based on how many households and how many calling events (Tier 1 PN and non-emergency events) a water supplier anticipates making within a year, every water supplier will need to determine when it becomes cost effective to purchase an “Unlimited calling” plan instead of a “Per call” plan. Water systems may be able to negotiate prices with vendors.