

May 15, 2000

Ms. Christina Sames, P.E.
USDOT/RSPA/OPS
400 7th St. S.W. Room 7128
Washington, DC 20590

RE: Comments on Office of Pipeline Safety (OPS) Pilot Study for the Determination of Unusually Sensitive Areas (USAs)

Dear Ms. Sames:

Thank you for the opportunity to review and comment on OPS' Pilot Study for the Determination of USAs. Our comments deal with the results of the Pilot Study for determining USAs in drinking water source protection areas. Comments are referenced below by page and section number as they appear in the Project Summary document distributed as part of the "Briefing Materials" handout folder supplied at the Technical/Peer Review Workshop held April 27-28, 2000 at DOT Headquarters in Washington, DC.

A general comment is in order regarding the suitability of source water protection areas (SWPAs) as candidates for USA designation. By including these delineated areas, the existing wellhead protection areas (WHPAs) already considered as candidate USAs will be included, along with sole source aquifers and sources including areas where ground water under the direct influence of surface water (GWUDI) occur. The addition of SWPAs as candidate USAs will measurably enhance the scope of public health protection from pipeline leaks and spills into ground and surface water sources used for public drinking water supplies. DOT is to be commended for this effort.

Specific comments are as follows:

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3 (1.5)	In order to be consistent with EPA's Office of Ground Water and Drinking Water's August 1997 Guidance for State Source Water Assessment and Protection Programs (EPA 816-R-97-009), the definition for Community Water Systems (CWS) should be modified to read: "A public water system that serves at least 15 service connections used by year-round residents of the area served by the system or regularly serves at least 25 year-round residents."
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6	In order to be consistent with EPA's Office of Ground Water and Drinking Water's August 1997 Guidance for State Source Water Assessment and Protection Programs (EPA 816-R-97-009), the definition for a source water protection area (SWPA) should be added; to read: "The area delineated by the state for a public water supply system (PWS) or including numerous PWSs, whether the source is ground water or surface water or both, as part of the state source water assessment program (SWAP) approved by EPA under section 1453 of the Safe Drinking Water Act (SDWA)."
6 (2.0)	To avoid confusion as to DOT's singular authority through its administration of the National Pipeline Mapping system to act as the sole data source for pipeline operators in locating USAs that intersect specific pipelines, it is suggested that this language be bolded or otherwise flagged for emphasis in the text.
7 (2.2)	Locational data for public drinking water system wells and intakes should always be verified as to most recent updates and, wherever possible, be "ground-truthed" as appropriate in order to ensure accuracy in assigning USA candidate status.
11	The last paragraph on this page states: "It is anticipated that pipeline operators will utilize a risk assessment process to consider the potential impacts to USAs that result from a specific pipeline release. The results of the risk assessment will either lead to implementation of additional protective measures, or reclassification as an ESA (environmentally sensitive area)." Will this become effective when DOT issues the proposed rule or be deferred until the rule becomes final at a later date?
28 (3.3.2)	As noted under Page 6 Comment, above, the definition for source water protection areas should be included under this Section.
28 (3.3.2)	The data for EPA's Wellhead Protection Program should be updated as follows: "To date 49 states and 2 territories have identified WHPAs for public drinking water systems."
31	The first sentence in the second complete paragraph on the page should be updated to read: "As of May 2000, one state, the Virgin Islands and Northern Mariannas Islands did not have EPA-approved Wellhead Protection Programs."

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31	Paragraph immediately before Filter Criterion 3 discussion: Is the Class U designation used as a result of the uncertainty of the degree of vulnerability of the aquifer (because of wide ranges of vulnerability than in any other single class), or as a result of the unlikelihood of a significant contamination impacting drinking water supplies drawn from these aquifers? This should be clarified for purposes of the drinking water USA candidate determination process.
31	Discussion under Filter Criterion 3: the designation of an area twice the radius of the wellhead protection area (WHPA), if fixed-radius; or the WHPA itself, if the WHPA is zone-defined, as an USA, sounds reasonable for Sole Source Aquifers as well as for Class 1 or Class 11a aquifers (per Pettijohn et. al., 1991).
33 (4.1)	First sentence; what determines "reasonable proximity" to a pipeline system? Time of travel (of contaminants) for ground and surface water intakes should figure into this determination, unless a simple distance vs. response time for spills (standard operating procedure) is all that is used.
51 (6.1.5)	The data for EPA's Wellhead Protection Program should be updated as follows: "To date 48 states and 2 territories have identified WHPAs for public drinking water systems."
60 (6.4.5)	Variable water system types: there are instances where ground waters interact with surface waters (defined as ground water under the direct influence [of surface water]). These confirmed interactive sites should be considered USA candidates for purposes of the proposed rule.
61 (6.4.7)	Paragraph 1; item 2); we are assuming that the zone-defined WHPA representing the protection area for the system encompasses all zones within the WHPA (for purposes of contaminant source identification).

Once again, our thanks for the opportunity to comment on the results of the pilot study. Should you have questions or desire further information on the comments outlined above, please feel free to contact Kevin McCormack at (202) 260-7772.

cc: Joan Farrelly
Roy Simon
Marilyn Ginsberg