



Department of Health

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Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

VIA Electronic Mail

December 30, 2019

Margaret A. Murphy
General Counsel
Erie County Water Authority
295 Main Street Room 350
Buffalo, NY

Re: Erie County Water Authority
Second Quarter Sampling
For Disinfection By-Products
For Stage 2 DBPR
And Laboratory Analysis

Dear Ms. Murphy:

The New York State Department of Health (NYS DOH) has reviewed your August 7, 2019 letter regarding Erie County Water Authority's (ECWA's) Second Quarter Sampling for Disinfection Byproducts (DBPs) for Stage 2 Disinfection Byproduct Rule (DBPR) and Laboratory Analysis. The letter included a copy of a July 11, 2019 Interoffice Memorandum prepared by Sabrina A. Figler, ECWA's Director of Water Quality (the "Figler Report"). The Figler Report details ECWA's efforts to conduct routine monitoring in accordance with Stage 2 DBPR; the laboratory issues that affected ECWA's ability to report results from these efforts; and steps that ECWA has taken to prepare for similar issues in the future.

Pursuant to, section 5-1.72(c)(1) of Title 10 of New York State Codes, Rules, and Regulations (10 NYCRR) a copy of daily operation records in a format provided or approved by the State must be sent to the State by the 10th calendar day of the next reporting period. These records shall include the results of all required tests, measurements or analysis required to be made by this Subpart or as requested by the State. This requirement is consistent with system reporting and recordkeeping requirements under the federal Safe Drinking Water Act.

Despite the efforts detailed in your August 7, 2019 letter, ECWA was unable to report the results of all required DBPR monitoring samples required by 10 NYCRR 5-1.72(c)(1). As such, NYS DOH has determined that a monitoring violation occurred is appropriate in this case and consistent with the state and federal regulation.

If you have any questions, please contact this office at (518) 402-7650, or scott.alderman@health.ny.gov.

Sincerely,

N. Scott Alderman, Ph.D., P.E.
Chief, Compliance Section
Bureau of Water Supply Protection

ecc:

NYS DOH; WRO – Attn: A. Bonamici; A. Kellerhouse

ECDOH – Attn: J. Delaney

ECWA – Attn: T. McCracken; K. Prendergast; S. Figler; R. Stoll