Andrew J. Edwards

From: Paul Calamita <paul@aqualaw.com>
Sent: Monday, October 26, 2026 5:00 PM
To: Andrew J. Edwards
Cc: Shawn M. Clarke; Ann R. Clark; Myra C. Reece

Andrew,

Would you please include this comment in the Triennial Review Packet.

The SCWQA believes that the reference in the proposed triennial review revision regarding bacteria retesting should specify "samples" instead of "violations".

If a POTW samples 4X per week that is 208 samples annually. If 4 samples are above the 349 daily max, that is 2% of the samples when the standard specifies no more than 10% can exceed the 349.

Thus, we understood and feel that they should be able to use the retest procedure until they have four unexcused exceedances of the daily max. In that instance, there would be no more than 4 violations of the daily max limit during the calendar year. Each of those unexcused exceedances would be a violation. A violation of the daily max occurs where the retest was either not performed or one of the retests was above the daily max.

One nice aspect of allowing the retest (until four annual violations) is that we take two additional samples within 48-hours after the test result above the daily max. This encourages more testing in response to a higher value. If the retest provision is not available, that testing likely won't occur.

So, there are advantages and disadvantages to each approach. I prefer an incentive for re-testing after a daily max result above the limit. Again, many states don't impose daily max limits – instead, following federal regulations which specify weekly/monthly limits.

We think limiting the re-test provision to four samples rather than four violations is unnecessarily restrictive and stringent.

Best,

Paul

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