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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 21, 1999

Honorable James M. Seif, Chairman
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17105

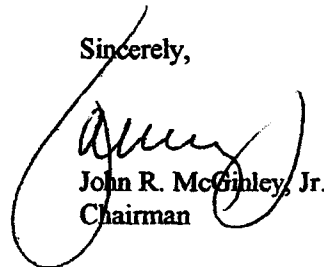
Re: IRRC Regulation #7-323 (#IRRC 1876)
Environmental Quality Board
Wastewater Management

Dear Chairman Seif:

The Independent Regulatory Review Commission approved the subject regulation at its October 21, 1999 public meeting. Our Order is enclosed and is available on our website at <http://www.irrc.state.pa.us>.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,



John R. McGinley, Jr.
Chairman

JRM:wbg
Enclosure
cc: Sharon Freeman
Barbara Sexton

INDEPENDENT REGULATORY REVIEW COMMISSION

14th Floor, 333 Market Street
Harrisburg, PA 17101

Commissioners Present:

Public Meeting Held October 21, 1999

John R. McGinley, Jr., Chairman
Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
John F. Mizner

Environmental Quality Board
Wastewater Management

Regulation No. 7-323

BY ORDER OF THE COMMISSION

On August 12, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 91, 97 and 101. The authority for this regulation is the Clean Streams Law, the Act of June 22, 1937 (P.L. 1987, No. 394) (35 P.S. § 691.5). The proposed regulation was published in the August 23, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 21, 1999.

This rulemaking is part of the Department of Environmental Protection's (DEP's) Regulatory Basics Initiative. The amendments are intended to eliminate provisions which impose disproportionate economic costs; are obsolete; or are more stringent than federal regulations unless justified by a compelling public interest. The amendments are also intended to support DEP's pollution prevention measures and more easily apply new green technologies.

We have reviewed this regulation and find it to be generally in the public interest. However, we have a concern with Section 91.15(a) which requires compliance with Chapter 16 (relating to water quality toxics management strategy – statement of policy). By definition, statements of policy contain non-binding guidelines. If the EQB intends to require compliance with Chapter 16, it should promulgate this chapter as a proposed regulation.

THEREFORE, IT IS ORDERED THAT:

1. Regulation No.7-323 from the Environmental Quality Board, as submitted to the Commission on September 21, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.


John R. McGinley, Jr., Chairman

