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DEPARTMENT OF MILITARY AND
VETERANS AFFAIRS
STATE ARMORY BOARD
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

February 20, 2001

Original: 2156, 2157, 2158, 2159

Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
Harristown 2, 14th Floor
333 Market Street
Harrisburg, PA 17101

Dear Mr. Nyce:

Enclosed you will find comments submitted by Representative Russell Fairchild, a member of the Veterans Affairs & Emergency Preparedness committee.

If you have any questions, please do not hesitate to contact my office.

Best regards,

A handwritten signature in black ink that reads "Paul Semmel".

PAUL W. SEMMEL
Majority Chairman
Veterans Affairs & Emergency
Preparedness Committee

PWS/prh

Enclosure

RUSS FAIRCHILD, MEMBER

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House of Representatives
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MEMBER, MAJORITY POLICY COMMITTEE

February 16, 2001

Honorable Paul W. Semmel
House of Representatives
147-B Capitol Building, East Wing
Harrisburg, PA 17120

Re: PEMA Drought Regulations

Dear Paul,

I am Chairman of the Pennsylvania Chesapeake Bay Commission delegation, Chairman of the Susquehanna River Basin Legislative Caucus and a member of your Veterans Affairs and Emergency Preparedness committee and would like to make some personal observations about the proposed regulations which were given to members at our meeting on Wednesday.

First, I commend all the interested parties who put a lot of hard work into drafting the proposals. I feel we are pursuing the right course of action to plan for future events which could have a devastating effect on our citizens and our economy.

Upon a quick review of the proposed regulations, I do have some questions and concerns.

In Chapter 118.2 and 118.4, the regulations only apply to public water supply agencies providing service to 50 or more customers. However, in the definition section (118.1), a public water supply is defined as a "community water system" as that term is defined in the PA Safe Drinking Water Act, Act 43 of 1984, 35 P.S. 721.3.

In the 1984 Act, referenced in 118.1, a community water system is defined as "A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

This appears to be a conflict in definitions or intent. Are these regulations providing an exemption to the public water supply agencies that are smaller than

50 customers? What is the basis for this exemption? In rural Pennsylvania, these small systems are at risk in a drought, as they often do not have the storage capacity to serve their customers in a drought situation. A contingency plan requirement for these smaller systems would help protect public health and safety.

In section 119.4 , I also wonder why we are allowing commercial car washes to operate while many restrictions are being placed on individuals and businesses. Why not allow those car washes who use recycled water to operate without restriction. Also, in the same section, washing schedules based on street addresses allows persons to wash vehicles on certain days. Until the statewide 911 address renaming program is completed, it appears that Wednesday is going to be a very busy "wash day" with all of RR and RD addresses plus even street addresses using the water supply that day.

Finally, the proposal allows professional mobile wash businesses to wash commercial, government or other vehicles as part of the normal business practice. Why should government be treated any better than the average citizen in Pennsylvania. Perhaps this section should specify that only "government emergency vehicles" can be washed during a drought emergency. We can and should set an example.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell H. Fairchild". The signature is written in a cursive style with a large, sweeping flourish at the end.

Russell H. Fairchild
Representative, 85th District