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

March 2, 2001

Mr. David Smith, Director  
Pennsylvania Emergency Management Agency  
2605 Interstate Drive  
P. O. Box 3321  
Harrisburg, PA 17105

Re: Regulation #30-58 (IRRC #2159)  
Pennsylvania Emergency Management Agency  
Local Water Rationing Plans

Dear Mr. Smith:

Enclosed are our Comments. They will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director  
wbg  
Enclosure

cc: Honorable Paul W. Semmel, Majority Chairman, House Veterans Affairs & Emergency Preparedness Committee  
Honorable Thomas A. Michlovic, Democratic Chairman, House Veterans Affairs & Emergency Preparedness Committee  
Honorable Charles D. Lemmond, Jr., Chairman, Senate State Government Committee  
Honorable Anthony H. Williams, Minority Chairman, Senate State Government Committee  
Mark Goodwin, Esq., Chief Counsel, Pennsylvania Emergency Management Agency  
Stuart Gansell, Pennsylvania Emergency Management Agency

# Comments of the Independent Regulatory Review Commission

on

## Pennsylvania Emergency Management Agency Regulation No. 30-58

### Local Water Rationing Plans

March 2, 2001

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Pennsylvania Emergency Management Agency (PEMA) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by December 4, 2002, the regulation will be deemed withdrawn.

#### 1. Section 120.1. Definitions. - Clarity.

##### *Commonwealth Drought Coordinator*

This definition should be consistent with the definition of the same term in Sections 118.1 and 119.1.

#### 2. Section 120.5. Implementation of plans. - Reasonableness; Clarity.

##### *Subsection (a)*

Paragraph (2) references two guidance documents relating to water rationing and states that public water supply agencies "are encouraged to" contact the Department for assistance in developing a plan. Regulations establish binding norms of general applicability and future effect. The provisions in this paragraph are not mandates. Therefore, Paragraph (2) should be deleted. However, its provisions would be more appropriately placed in a policy statement or other publication.

##### *Subsection (d)*

Paragraph (1) requires notice in "at least one newspaper serving the area covered by the plan." To insure adequate coverage, the regulation should require the notice to be published in a newspaper of general circulation for the area covered by the plan (See 45 Pa.C.S. §§ 101, 307).

Additionally, the notice in Paragraph (1) is only required to include the approval of the plan and its effective date. Should the notice also include where the public can review a copy of the plan, or how the public can obtain a copy as required by Paragraphs (3) and (4)?

**3. Section 120.8 Service interruptions. - Reasonableness; Clarity.**

One commentator believes it would not be practical for a water supplier to operate curb stops or install flow restrictors on single user services. Are the provisions of this section intended to apply to individual service connections or to larger portions of a water system?

**4. Section 120.11. Enforcement by political subdivision ordinance. - Clarity.**

As published in the *Pennsylvania Bulletin*, Subsection (a)(1) repeats the phrase “plan has been.” This typographical error should be corrected for publication of the final-form regulation.

**5. Section 120.14 Repeal of a plan. - Clarity.**

The title of this section references a “repeal.” However, the text of this section references both repeal and amendment. The title should be revised accordingly.

**6. Section 120.15. Notification of termination.**

Similar to Section 120.5(d), this section requires notice of a plan repeal to be published in “at least one newspaper.” The regulation should require the notice to be published in a newspaper of general circulation for the area covered by the plan (See 45 Pa.C.S. §§ 101, 307).