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

December 5, 2002

Honorable Robert Zimmerman, Jr., Secretary
Department of Health
802 Health and Welfare Building
Harrisburg, PA 17108

Re: Regulation #10-170 (IRRC #2300)
Department of Health
Public Swimming and Bathing Places

Dear Secretary Zimmerman:

Enclosed are the Commission's Comments which list objections and suggestions for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval; however, they specify the regulatory criteria which have not been met.

The Comments will soon be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director

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Enclosure

cc: Honorable George T. Kenney, Jr., Majority Chairman, House Health and Human Services Committee

Honorable Frank L. Oliver, Democratic Chairman, House Health and Human Services Committee

Honorable Harold F. Mowery, Jr., Chairman, Senate Public Health and Welfare Committee

Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee

Nia Wilson, Legal Counsel, House Health and Human Services Committee

Stanley Mitchell, Chief Counsel, House Health and Human Services Committee

Comments of the Independent Regulatory Review Commission

on

Department of Health Regulation No. 10-170

Public Swimming and Bathing Places

December 5, 2002

We submit for your consideration the following objection and recommendation regarding this regulation. The objection and recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which has not been met. The Department of Health (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 18.30. Water Samples. – Clarity.

Subsection (d)(3) states that the Department may require additional water samples be taken. It is not clear how the permittee will be notified by the Department that additional water samples are required. Subsection (d)(3) should be amended to specify that the permittee will receive written notice from the Department when additional water samples are required.

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Kenneth E. Brody, Regulatory Coordinator
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Fax: 705-6042

From: Kristine M. Shomper
Administrative Officer
Company: Independent Regulatory Review
Commission
Phone: 3-5419 or 3-5417
Fax: 3-2664

Date: December 5, 2002
of Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Health Department's regulation #10-170 (#2300). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:

Kenneth E. Brody

Date:

12/5/02