

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, February 22, 2018
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The February 22, 2018 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:10 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 Murray Ufberg, Esq.
 Dennis A. Watson, Esq.

Telephone: John F. Mizner, Esq., Vice Chairman
 W. Russell Faber

II. APPROVAL OF THE DECEMBER 7, 2017 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the December 7, 2017 public meeting minutes, as submitted. Commissioner Watson made the motion and Commissioner Ufberg seconded, and the motion passed 5-0.

III. ANNOUNCEMENT OF REGULATION DEEMED TO BE APPROVED BY LAW SINCE THE COMMISSION'S LAST PUBLIC MEETING

1. No. 3133 State Board of Occupational Therapy Education and Licensure #16A-6710: Code of Ethics

IV. NEW BUSINESS

A. ACTION ITEMS

1. No. 3195 Environmental Quality Board #7-538: Administration of the Land Recycling Program

Scott Schalles, Regulatory Analyst, said the final rulemaking corrects transcription and input errors for the toxicity values for aldrin, beryllium and cadmium. He reported there were no public comments and both standing committees in the legislature have deemed it approved.

George Hartenstein, Deputy Secretary for Waste, Air, Radiation and Remediation, Kristen Furlan, Regulatory Counsel, and Mike Madigan, Chief, Cleanup Standards Section, Department of Environmental Protection (DEP), were present to answer any questions.

Commissioner Watson made a motion for approval. Chairman Bedwick seconded, and the motion passed 5-0.

2. No. 3162 Environmental Quality Board #7-529: Gasoline Volatility Requirements

Mr. Schalles explained the regulation repeals certain gasoline volatility requirements. He reported no comments were received on the final rulemaking and both standing committees have deemed the regulation approved.

Samantha Harmon, Program Specialist, Bureau of Air Quality, DEP, Mr. Hartenstein and Ms. Furlan, were present to answer any questions.

Commissioner Watson commented that no one has made a “flat-out prediction” that it will mean lower gas prices; merely that it may happen as gas stations will have the opportunity to lower their prices.

Commissioner Faber made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

3. No. 3136 Environmental Quality Board #7-520: Disinfection Requirements Rule

Corinne Brandt, Regulatory Analyst, said the regulation increases minimum disinfectant residual in the distribution system, clarifies the existing disinfectant residual at entry point and requires new monitoring and reporting on existing treatment techniques. She said the language was originally part of a Revised Total Coliform Rule regulation but was split into two regulations. The other, IRRC #3119, was approved by the commission in 2016. She said there have been no public comments and the regulation was deemed approved by the standing committees.

Bill Cummings, Assistant Counsel, Dawn Hissner, Chief, Division of Operations, Monitoring and Compliance, Bureau of Safe Drinking Water, and Tim Schaefer, Acting Deputy Secretary, Office of Water Programs, DEP, were present to answer any questions.

Commissioner Faber cited language referring to an incident in Alamosa, Colorado, and noted the link for more detail did not work. He questioned what the cause of that incident was. Ms. Hissner said it was a salmonella outbreak caused by contamination from a poorly-contained distribution tank.

Regarding cost estimates, Commissioner Faber said the EQB’s initial figure was \$830,000 and is now up to \$4.9 million. He questioned what accounts for the dramatic change and how the board reconciles its current figure with the fact that Philadelphia estimates their

capital costs to be around \$25 million. Ms. Hissner remarked they estimated the number of water systems that may have to make capital improvements, and said during the comments phase they determined they may have underestimated that total, or gotten insufficient information on operating expenses. Upon review, she went on, the EQB revised its estimate upward. Ms. Hissner added they have to base their estimates across all potentially affected systems, not just large ones who may feel a bigger crunch. She said they still expect a large proportion are already meeting the new numbers or will be able to without great cost. Ms. Hissner did acknowledge Philadelphia is indeed one system that may have significant costs, and reported the EQB is working through options on that front, including provisions allowing an extended compliance schedule.

Commissioner Faber made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

4. No. 3191 Department of General Services #8-21: Committee on Construction Contract Documents

Michelle Elliott, Regulatory Analyst, explained the regulation repeals Chapter 62, which deals with the Committee on Construction Contract Documents (Committee). The Procurement Code repealed the statute which created the Committee. She reported no comments were received and both standing committees deemed the regulation approved.

Mary W. Fox, Assistant Counsel, Government Operations Unit, Edmond Olivieri, Assistant Chief Counsel for Public Works, and Erin E. Verano, Assistant Chief Counsel for Procurement, Department of General Services (DGS), were present to answer any questions.

Chairman Bedwick noted the regulation was superseded by the new Procurement Code when it was passed. He questioned whether there are any regulations under the Procurement Code that may relate to it or if DGS will just work under the statute. Ms. Fox confirmed the latter.

Commissioner Ufberg made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

5. No. 3192 Department of General Services #8-22: Selections Committee

Ms. Brandt explained the regulation repeals obsolete Chapter 64, which deals with the Selections Committee which reviews certain applications for contracts with DGS. She said there were no public comments submitted and the regulation was deemed approved by the standing committees.

Ms. Fox, Mr. Olivieri, and Ms. Verano, DGS, were present to answer any questions.

Commissioner Ufberg questioned if there are other regulations which have been deleted by virtue of the enactment of the Procurement Code. Ms. Fox explained DGS has recently taken on a review of all outstanding regulations and identified four appropriate for final-omit, and there

are still a few on the books they are considering repealing. She confirmed there are no further final-omits.

Commissioner Watson asked whether, in addition to getting rid of obsolete regulations, there are any statutes for regulations that haven't been promulgated that are long overdue. Ms. Fox said there are not.

Vice Chairman Mizner made a motion for approval. Commissioner Ufberg seconded, and the motion passed 5-0.

6. No. 3193 Department of General Services #8-23: Emergency Construction Repairs

Ms. Elliott explained that the regulation repeals Chapter 67 relating to the procurement and expeditious processing of contract awards in excess of \$25,000 on completed construction projects in emergency conditions. She said there were no public comments submitted and the regulation was deemed approved by the standing committees.

Ms. Fox, Mr. Olivieri, and Ms. Verano, DGS, were present to answer any questions.

Commissioner Ufberg made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

7. No. 3194 Department of General Services #8-25: Methods of Awarding Contracts

James Smith, Regulatory Analyst, said the regulation repeals Chapter 69, relating to methods of awarding contracts. The Procurement Code adopted in 1998 superseded Chapter 69. He said there have been no public comments submitted and the regulation was deemed approved by the standing committees.

Ms. Fox, Mr. Olivieri, and Ms. Verano, DGS, were present to answer any questions.

Vice Chairman Mizner made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

V. OTHER BUSINESS

Approval of Vouchers

Commissioner Ufberg made motions to approve vouchers and expenses for the period November 17, 2017 through December 7, 2017. Commissioner Watson seconded, and the motions passed 5-0.

VI. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Thursday, March 22, 2018, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VII. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Bedwick announced that no executive session would be held.

VIII. ADJOURNMENT

Chairman Bedwick announced the meeting adjourned at 10:37 a.m.