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July 14, 2015

VIA PADEP eComment System

Ms. Laura Henry
Technical Guidance Coordinator
PA DEP, Office of Policy
RCSOB
400 Market Street
Harrisburg, PA 17105-2063

**RE: Policy for Development and Publication of Technical Guidance
ID No. 012-0900-001
[45 Pa.B. 2675]
[Saturday, May 30, 2015]**

Dear Ms. Henry:

On behalf of the members of the Pennsylvania Aggregates and Concrete Association (PACA), we are addressing the Department's interim final Technical Guidance Document (TGD) ID No. 012-0900-001, *Policy for Development and Publication of Technical Guidance*, [45 Pa.B. 2675] [Saturday, May 30, 2015].

PACA represents the broad interests of over 200 member aggregates (stone, sand and gravel), concrete companies, and companies supporting these industries (equipment manufacturers, dealers, consultants, and service providers) in the Commonwealth of Pennsylvania.

PACA appreciates the opportunity to provide input regarding the Department's request for comments. We wish to acknowledge support for a Department-wide, consistent process for Technical Guidance Documents. We offer the following comments:

CLARIFICATIONS

1. Page i - "POLICY: The Department of Environmental Protection (DEP or Department) will follow a Department-wide, standard process for developing, revising, approving, and publishing Technical Guidance Documents (TGDs)."

We believe the intent of this interim final TGD applies to all non-regulatory documents including guidance manuals, fact sheets, internal guidelines, etc. as evidenced by discussion throughout the document. However, as written, the above statement only refers to TGDs. We request clarification in this TGD that this policy refers to all non-regulatory documents.

2. Page 1 - "I. WHEN TO USE THIS DOCUMENT."

PACA supports the Department's statements that "TGDs are not to be used as a substitute for regulations. These documents must not mandate actions unless a statute or regulation specifically

authorizes the Department to do so.” We suggest this be reworded to include all non-regulatory documents including guidance manuals, fact sheets, etc. Furthermore, any references to TGDs or other non-regulatory documents throughout this TGD should be clarified that these documents do not mandate actions unless specifically authorized by the Department through regulations.

SUGGESTED CHANGE

1. PACA appreciates the complexity of revising TGDs and regulatory documents. We also appreciate the difficulty in comparing versions of documents. For this reason, we request the Department provide a “red-line” copy of the documents for the public review period. We believe this will increase the transparency the Administration seeks.

We appreciate the opportunity to provide our input. Should you have any questions, don’t hesitate to contact me.

Sincerely,



Josie Gaskey
Dir., Regulatory Affairs

cc: Peter Vlahos, President