

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION [22 PA. CODE CH. 342]

[Correction]

Special Education Services and Programs; Extended School Year Services

An error occurred in the document which amended 22 Pa. Code § 342.34 (relating to ESY services), which appeared at 28 Pa.B. 1004, 1006 (February 21, 1998).

The definition of "IEP" which appeared in § 342.34(a) should have read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 22. EDUCATION PART XVI. STANDARDS

CHAPTER 342. SPECIAL EDUCATION SERVICES AND PROGRAMS

IEP

§ 342.34. ESY services.

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

IEP—Individualized Education Program.

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[Pa.B. Doc. No. 98-295. Filed for public inspection February 20, 1998, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 245]

Corrective Amendment to 25 Pa. Code § 245.1

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 245.1 (relating to definitions), as deposited with the Legislative Reference Bureau, and the official text published at 27 Pa.B. 5341, 5360 (October 11, 1997) and published in the December 1997 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 277), and as currently appearing in the *Pennsylvania Code*. In the amendment to § 245.1, the definitions of "certified company," "certified inspector" and "certified installer" were inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 245.1. The corrective amendment to 25 Pa. Code § 245.1 is effective as of October 11, 1997, the

date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 245.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

Subchapter A. GENERAL PROVISIONS

§ 245.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Cathodic protection tester—A person who can demonstrate an understanding of the principles and measurements of common type of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, the person shall have education and experience in soil resistivity, stray current, structure to soil potential and component electrical isolation measurements of buried metal piping and tank systems.

Certified company—An entity, including, but not limited to, a sole proprietorship, a partnership or a corporation, which is authorized by this title to conduct tank handling activities, tightness testing activities or inspection activities using certified installers or certified inspectors, or both.

Certified inspector—A person certified by the Department to conduct inspections of tanks or storage tank facilities and who may conduct environmental audits. A certified inspector may not be an employe of a tank owner.

Certified installer—A person certified by the Department to install, modify or remove storage tanks. A certified installer may be an employe of a tank owner.

Change-in-service—One of the following:

(i) Continued use of a storage tank system to store an unregulated substance.

(ii) Continued use of a storage tank system in a manner which would exempt the system from the definition of aboveground storage tank or underground storage tank.

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[Pa.B. Doc. No. 98-332. Filed for public inspection February 27, 1998, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

PART V. DELAWARE RIVER BASIN COMMISSION [25 PA. CODE CH. 901]

Groundwater Protected Area for Southeastern Pennsylvania

Summary: At its January 28, 1998, business meeting, the Delaware River Basin Commission (Commission) amended its Ground Water Protected Area Regulations for Southeastern Pennsylvania by the establishment of numerical withdrawal limits for subbasins in the Protected Area.

Effective Date: January 28, 1998.

Addresses: Copies of the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania are available from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628.

For Further Information Contact: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, (609) 883-9500 Ext. 203.

Supplementary Information: On June 24, 1997, the Commission held a public hearing on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania as noticed in the *Pennsylvania Bulletin* issues of June 7, 1997 and June 21, 1997. The Commission has considered the extensive testimony and comments from interested parties and has revised the proposed amendments in response to those comments. A "Response Document on Proposed Amendments to the Southeastern Pennsylvania Ground Water Protected Area Regulations" is available upon request to Susan Weisman at the number provided above.

The Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania are hereby amended as follows:

1. Section 6 is hereby amended by the addition of new subsections h. through m., to read as follows:

h. Dockets and protected area permits may be issued for a duration of up to ten years and shall specify the maximum total withdrawals that must not be exceeded during any consecutive 30-day period. Such maximum total withdrawals shall be based on demands projected to occur during the duration of the docket or protected area permit.

i. Ground water withdrawal limits shall be defined for subbasins in accordance with the provisions of (1) or (2). The limits for specific subbasins are set forth in (3).

(1) Baseflow frequency analyses shall be conducted for all subbasins in the Southeastern Pennsylvania Ground Water Protected Area. The analyses shall determine the 1-year-in-25 average annual baseflow rate. The 1-year-in-25 average annual baseflow rate shall serve as the maximum withdrawal limit for net annual ground water withdrawals for subbasins. If net annual ground water withdrawals exceed 75 percent of this rate for a subbasin, such a subbasin shall be deemed "potentially stressed." The Commission shall maintain a current list of net annual ground water withdrawals for all subbasins. "Net" annual ground water withdrawals includes total ground water withdrawals less total water returned to the ground water system of the same subbasin.

(2) Upon application by the appropriate governmental body or bodies, the withdrawal limits criteria set forth in (1) may be revised by the Commission to provide additional protection for any subbasin identified in (3) with streams or stream segments designated by the Commonwealth of Pennsylvania as either "high quality" or "exceptional value," or "wild," or "scenic," or "pastoral," or to correspond with more stringent requirements in integrated resource plans adopted and implemented by all municipalities within a subbasin identified in (3). Integrated resource plans shall be developed according to sound principles of hydrology. Such plans shall at a minimum assess water resources and existing uses of water; estimate future water demands and resource requirements; evaluate supply-side and demand-side alternatives to meet water withdrawal needs; assess options for wastewater discharge to subsurface formations and streams; consider stormwater and floodplain management; assess the capacity of the subbasin to meet present and future demands for withdrawal and nonwithdrawal uses such as instream flows; identify potential conflicts and problems; incorporate public participation; and outline plans and programs including land use ordinances to resolve conflicts and meet needs. Integrated resource plans shall be adopted and implemented by all municipalities within a subbasin and incorporated into each municipality's Comprehensive Plan.

(3) The potentially stressed levels and withdrawal limits for all delineated basins and subbasins are set forth below:

Subbasin	Neshaminy Creek Basin	
	Potentially Stressed (mg/y)	Withdrawal Limit (mg/y)
West Branch Neshaminy	1,054	1,405
Pine Run	596	795
North Branch Neshaminy	853	1,131
Main Stem Doylestown	710	946
Main Stem Warwick	889	1,185
Little Neshaminy Warrington	505	673
Park Creek	582	776
Little Neshaminy Warminster	1,016	1,355
Mill Creek	1,174	1,565
Main Stem Northampton	596	794
Newtown Creek	298	397
Core Creek	494	658
Ironworks Creek	326	434
Main Stem Lower Neshaminy	3,026	4,034

Subject to public notice and hearing, this section may be updated or revised based upon the following: the completion of baseflow frequency analyses for the remaining subbasins within the Protected area; new and evolving information on hydrology and streamflow and ground water monitoring; or in accordance with (2).

j. Upon its determination that a subbasin is potentially stressed, the Commission shall notify all ground water users in the subbasin withdrawing 10,000 gallons per day or more during any 30-day period of its determination. If any such users have not obtained a docket or protected area permit from the Commission, they shall be required to apply to the Commission within 60 days of notification.

k. In potentially stressed subbasins, dockets and protected area permit applications for new or expanded ground water withdrawals must include one or more programs to mitigate the adverse impacts of the new or expanded ground water withdrawal. The eligible programs are noted below. If the remainder of the applica-

tion and the program(s) submitted are acceptable, the withdrawal may be approved by the Commission for an initial three-year period. The applicant shall implement the program(s) immediately upon Commission approval. If after the three-year period the program(s) is deemed successful by the Commission, the docket or permit duration may be extended for up to 10 years. The project sponsor shall be required to continue the program(s) for the duration of the docket or permit.

(1) A conjunctive use program that demonstrates the applicant's capability to obtain at least 15 percent of its average annual system usage from a reliable surface water supply. An acceptable program shall include either reservoir storage or an interconnection with a surface water supplier and an agreement or contract to purchase water from the supplier for the duration of the docket or permit.

(2) A water conservation program that exceeds the requirements of Section 7. For existing water utilities, the program shall reduce average annual per capita water usage by at least five percent. All conservation programs shall include water conservation pricing, either inclining block rates, seasonal rates, or excess-use surcharges, and plumbing fixture rebate or retrofit components. For self-supplied users, the program shall include water efficient technologies such as recycling, reuse, xeriscaping, drip or micro irrigation, or other innovative technology approved by the Commission.

(3) A program to monitor and control ground water infiltration to the receiving sewer system. The program must quantify ground water infiltration to the system and document reductions in infiltration. The program should include such measures as leakage surveys of sewer mains, metering of sewer flows in mains and interceptors, analysis of sewer system flows to quantify infiltration, and remedial measures such as repair of leaks and joints, main lining, and main replacement.

(4) An artificial recharge or spray irrigation program that demonstrates a return of at least 60 percent of the total new or expanded annual withdrawal to the same ground water basin and aquifer system from which it is withdrawn. The program shall not impair ground water quality.

(5) An alternative program approved by the Commission to mitigate the adverse impacts of the new or expanded ground water withdrawal.

1. The durations of all existing dockets and protected area permits may be extended by the Commission for an additional five years if the docket or permit holder

successfully implements either option k(1) or k(2). If the docket or permit holder successfully implements both options, the docket or permit may be extended for an additional ten years. The Executive Director shall notify all docket and permit holders potentially affected by this resolution of their right to file an application to determine their eligibility for extension.

m. It is the policy of the Commission to prevent, to the extent reasonably possible, net annual ground water withdrawals from exceeding the maximum withdrawal limit. An application for a proposed new or expanded ground water withdrawal that would result in net annual ground water withdrawals exceeding the maximum withdrawal limit established in paragraph i(3) shall set forth the applicant's proposal for complying with the Commission's policy, with such supporting documentation as may be required by the Executive Director. Notification of the application shall be given to all affected existing water users who may also submit comments or recommendations for consideration by the Commission on the pending application. In taking action upon the application, the Commission shall give consideration to the submissions from the applicant and affected water users. If the Commission determines that it is in the public interest to do so, it may reduce the total of proposed and existing ground water withdrawals within a subbasin to a level at or below the withdrawal limit. Unless otherwise determined by the Commission, docket and permit holders shall share equitably in such reductions.

2. This resolution shall become effective immediately.

Delaware River Basin Compact, 75 Stat. 688.

SUSAN M. WEISMAN,
Secretary

Fiscal Note: Fiscal Note 68-34 remains valid for the final adoption of the subject regulation.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART V. DELAWARE RIVER BASIN COMMISSION
CHAPTER 901. GENERAL PROVISIONS**

§ 901.5. Groundwater protection area, Southeastern Pennsylvania.

The Basin Regulations, Groundwater Protection, Southeastern Pennsylvania, as set forth at 18 CFR Part 430 (1998), are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 98-333. Filed for public inspection February 27, 1998, 9:00 a.m.]