

PROPOSED RULEMAKING

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

[Correction]

Practice and Procedure

An error occurred in the Environmental Hearing Board's proposal at 29 Pa. B. 1074, 1085 (February 27, 1999). Section 1021.117 was proposed to be added and should have been printed in boldface type. Subsections (a) and (b) contained typographical errors. The correct version of § 1021.117 appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IX. ENVIRONMENTAL HEARING BOARD

CHAPTER 1021. PRACTICE AND PROCEDURES

§ 1021.117. Amicus curiae.

(a) **Anyone interested in legal issues involved in any matter pending before the Board may request leave to file an amicus curiae brief or memorandum of law, in regard to those legal issues. The amicus curiae shall state in its request the legal issues to be addressed in the brief and shall serve a copy of the request on all parties.**

(b) **When the Board grants a request, the amicus curiae shall file the brief within the time prescribed by the Board and shall serve a copy on all parties. Any party may file a response to a brief amicus curiae which is adverse to its interests.**

(c) **The amicus curiae may present oral argument only as the Board may direct.**

[Pa.B. Doc. No. 99-303. Filed for public inspection February 26, 1999, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 123]

Nitrogen Oxides Allowance

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 123 (relating to general provisions; and standards for contaminants) to read as set forth in Annex A.

The change to Chapter 121 amends the definition of "NO_x affected unit" to clarify that the definition is applicable to 15 megawatt (MW) sources rather than facilities. A number of minor technical amendments are made to Appendix E. The first amendment provides allowance allocations for newly discovered sources as provided under § 123.117(b) (relating to new NO_x affected source provisions). In addition, the allocations in Appendix E are proposed for revision to correct an accounting error contained in the original allocation. The listing of "baseline MMBtu" in Appendix E is also being deleted.

The listing of "baseline NO_x lb/MMBtu" is being modified. A number of sources mistakenly included in Appendix E are being deleted from Appendix E. Finally, the contingent allocation for Washington Power Company is being eliminated from § 123.115(b) (relating to initial NO_x allowance NO_x allocations).

This notice is given under Board order at its meeting of December 15, 1998.

A. Effective Date

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact J. Wick Havens, Chief, Division of Air Resources Management, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468 (717) 787-4310; or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464 (717) 787-7060. Persons with a disability may use the AT&T relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). These proposed amendments are available electronically through the Department of Environmental Protection's (Department) web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. Background

On November 1, 1997, the Board published final-form regulations establishing the Nitrogen Oxides (NO_x) Allowance Requirements. As the Department began to implement the regulations, there was some confusion about the definition of a "NO_x affected source." This definition is intended to require only those individual fossil-fired operating units which generate greater than 15 MW of electricity to be included in the definition. Because there is some ambiguity in the existing definition, this proposal clarifies the language to meet the original intention.

Subsequent to publication of the regulations, a number of NO_x affected sources that had not been listed in the regulation were identified under the process established in § 123.117. In addition, the Washington Power Company, listed in § 123.115(b), no longer has a plan approval authorizing its construction. Furthermore, as the Department began the process of establishing NO_x Allowance Tracking System accounts for the NO_x Affected Sources listed in the regulations, the Department recognized that an accounting error had occurred in the original allocation of allowances listed in Appendix E. Appendix E had allocated approximately 500 more NO_x allowances than were available in the OTC budget that Pennsylvania agreed to meet. Finally, Appendix E of the existing regulation contains two columns ("Baseline NO_x lb/MMBtu" and "Baseline MMBtu") that are somewhat confusing. This proposal modifies the regulation to include the newly discovered sources, remove the Washington Power Company, correct the accounting error and modify the columns contained in Appendix E.

As described during the initial rulemaking action, the Department worked with the Ozone Transport Commission (OTC) to determine the 1990 NO_x baseline which was used to calculate the emission reductions, NO_x affected source allocations and emission caps established by the program. The OTC published the "Procedures for Development of the OTC NO_x Baseline Emission Inventory." Following those procedures a "1990 OTC NO_x Baseline Emission Inventory" was developed by Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards (EPA-454/R-95-013). The Commonwealth used that inventory as the basis for development of the emission reduction requirements contained in the final NO_x Allowance Requirements regulations. The following discussion details the process that was used in this Commonwealth to establish the 1990 baseline, emission reductions, NO_x affected source allocations and emission caps.

The first step in establishing the 1990 baseline was to identify the "NO_x affected sources" that were operating in 1990. NO_x emissions reported from these sources were used to develop a 5-month (May 1 through September 30) NO_x emissions baseline for each source. This information was then provided to the owners and operators of the source to ensure that it was an accurate representation of actual 1990 emissions. Appropriate adjustments were made to the baseline to assure its accuracy.

The second step allowed the owners and operators of each NO_x affected source to make a demonstration to the OTC that the 1990 emissions were not representative of normal operations. These requests for "exceptional circumstances" were reviewed by the OTC and, where appropriate, the 1990 5-month baseline for the NO_x affected source was modified. In this Commonwealth, three sources had their baselines adjusted based on exceptional circumstances (1990 OTC NO_x Baseline Emission Inventory Appendix G).

There was an additional baseline modification addressed by the OTC. The OTC established a "10,000 ton reserve" baseline to be divided between the states. The Commonwealth used this reserve to adjust the 1990 baseline of the NO_x affected sources at Duquesne Light's Cheswick and Elrama power stations. The amount of this adjustment was equal to the exceptional circumstances request received by Duquesne Light (that request was not granted because there was insufficient documentation provided (1990 OTC NO_x Baseline Emission Inventory Appendix G and p. 20)).

Following these adjustments, in July of 1995, the 1990 OTC NO_x Baseline Emission Inventory was published with baseline information for each NO_x affected source in each OTC state (EPA document EPA-454/R-95-013). After publication of this baseline inventory, each state went through an additional quality assurance/quality control process. This process identified sources that, although listed in the inventory, did not meet the definition of NO_x affected unit as well as additional sources that were not included in the inventory but met the definition. This resulted in a final 1990 baseline, which was used to determine the amount of emission reductions and number of NO_x allowances that would be available in each state beginning in 1999.

To calculate the emissions reductions and number of allowances available in this Commonwealth, the 1990 baseline emissions were divided according to whether they came from the area of this Commonwealth subject to 55% or 65% reduction. Following that division, a calculation was performed for each source that evaluated

whether the percentage reduction or emission rate (either the Reasonably Available Control Technology (RACT) rate or 0.2 lb/MMBtu) was the controlling reduction. The total of these emission reductions for sources in the 1990 baseline established the emission reductions and total allowances that are available for all sources in this Commonwealth in 1999 (1999 budget).

There were a number of sources that met the definition of a NO_x affected source that began operation after 1990 but prior to the time when the final regulation was promulgated. The Department worked with the Air Quality Technical Advisory Committee (AQTAC) to establish a process for including these new sources in the program. In general, these sources were independent power producers (IPPs) that had installed modern and efficient emission controls. In addition the IPPs, in many cases, were eliminating environmental problems by burning fuels that, if left in place, generally cause significant water pollution. The Department and AQTAC established a process that included these facilities in the program, resulting in the need to distribute the 1999 budget among a larger number of sources than were operating in 1990. To do so, the total allocation available for the IPPs was established using a methodology developed with the input and approval of the AQTAC. To ensure an equitable distribution of the 1999 budget, the budget for each source operating in 1990 was reduced by a pro rata amount to provide an allocation for all NO_x affected sources in operation at the time the regulation became final. This resulted in increasing the percent reduction requirements to approximately 57% and 67% and slightly tightening the emission rates where they were the controlling factor to calculate the allowances.

In other words, between 1990 and 1997 there was an increase in the number of NO_x affected sources. To treat all sources equally, the Commonwealth's 1999 budget was divided between all of these sources following a uniform approach. In the aggregate, this resulted in the Commonwealth meeting the NO_x MOU reduction targets of 55% or 0.2 lb/MMBtu in the outer zone and 65% or 0.2 lb/MMBtu in the inner zone from the 1990 emissions baseline.

E. Summary of the Proposal

The definition of "NO_x affected source" in § 121.1 is being proposed for modification to clarify that only individual emission units of 15 megawatts or greater are included in the definition. In addition, the definition is further clarified to exclude emergency electrical generating units used to power safety equipment at nuclear power plants.

Section 123.115 is being modified to remove the Washington Power Company allocation.

Appendix E is being modified in four ways. First, the NO_x affected sources identified through the process described in § 123.117 are being added to Appendix E. Second, the accounting error that resulted in over-allocating the 1999 budget is being corrected with a pro rata reduction in all NO_x affected sources emissions (the reduction is rounded to whole numbers of allowances). Third, several sources mistakenly included in Appendix E are being deleted from Appendix E. Finally, the last column of the table in Appendix E is being deleted and the "Baseline NO_x lb/MMBtu" column is being renamed to add the term "Bonus Allowance."

The changes to the columns clarify their use. The Bonus Allowance column is used as the emission rate from which bonus allowances established by § 123.119 are calculated. The column "Baseline MMBtu" is not used in the regulation and, consequently, it is being deleted. The Baseline MMBtu was part of the derivation of the original 1990 emissions baseline development and is no longer relevant to the program.

F. *Benefits, Costs and Compliance*

Benefits

Executive Order 1996-1 requires a cost benefit analysis of the amendments. Overall, the citizens of this Commonwealth will benefit from the amendments because they will provide appropriate protection of air quality both in this Commonwealth and the entire northeastern United States. In addition to reducing ozone pollution, this program will assist the Commonwealth in meeting its requirements for reasonable further progress and attainment under the Clean Air Act (42 U.S.C.A. §§ 7401—7642).

Compliance Costs

These proposed amendments may slightly increase compliance costs by reducing the total NO_x allowances available in this Commonwealth.

Compliance Assistance Plan

The Department plans to educate and assist the regulated community and the public with understanding the NO_x budget program.

Paperwork Requirements

These proposed regulatory changes will have no additional paperwork impact on the Commonwealth and the regulated entities.

G. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review scheduled published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 1999, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

I. *Public Comment and EQB Hearings*

Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 1 p.m. as follows:

April 6, 1999 Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, Pa.

April 7, 1999 Department of Environmental Protection
Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, Pa.

April 8, 1999 Department of Environmental Protection
Southeast Regional Office
Suite 6010, Lee Park
555 North Lane
Conshohocken, Pa.

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony are requested to be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the EQB, 15th Floor Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by May 10, 1999 (65 days from the date of publication). In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by May 10, 1999 (65 days from the date of publication). This summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic Comments

Comments may be submitted electronically to the Board at RegComments@a1.dep.state.pa.us. A subject heading of the proposal and return name and mailing address must be included in each transmission. Comments submitted electronically must also be received by the EQB May 10, 1999.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-343. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

NO_x affected source—A fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat

input capacity of 250 MMBtu/hour or more and all fossil fuel fired electric generating [facilities] sources rated at 15 megawatts or greater or any other source that voluntarily opts to become a NO_x affected source.

* * * * *

CHAPTER 123. STANDARDS FOR CONTAMINANTS
NO_x ALLOWANCE REQUIREMENTS

§ 123.115. Initial NO_x allowance NO_x allocations.

* * * * *

(b) The [Washington Power Company and] Colver Power Project [sources] source identified in Appendix [A] E shall receive the allocation identified in Appendix E upon operation of the source.

* * * * *

APPENDIX E

BONUS ALLOWANCE

Baseline
NOx lb/MMBtu [**Baseline**
MMBtu]

County	Facility	Combustion Source Name	Point ID	Allowance		
Adams	Met Edison Hamilton		031	4	0.59	[18,716]
Adams	Met Edison Ortanna		031	3	0.59	[13,130]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #1	031	17	0.45	[89,908]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #2	032	6	0.45	[29,243]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #3	033	14	0.45	[74,249]
Allegheny	Duquesne Light Company, Cheswick	Boiler	001	[2,114] 2,110	0.61	[15,025,580]
Armstrong	Penelec—Keystone	Boiler No. 1	031	[4,342] 4,334	0.80	[25,149,236]
Armstrong	Penelec—Keystone	Boiler No. 2	032	[3,446] 3,439	0.79	[22,657,898]
Armstrong	West Penn Power Co.	Foster Wheeler	031	[1,140] 1,137	0.95	[5,355,101]
Armstrong	West Penn Power Co.	Foster Wheeler	032	[1,066] 1,063	1.02	[5,007,467]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	032	[302] 301	0.83	[1,747,462]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	033	247	0.83	[1,431,342]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	034	286	0.83	[1,655,847]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	035	154	0.81	[683,951]
Beaver	Penn Power Co.—Bruce Mansfield	Boiler Unit 1	031	[2,993] 2,987	0.90	[16,618,929]
Beaver	Penn Power Co.—Bruce Mansfield	Foster Wheeler Unit No. 2	032	[3,866] 3,857	0.90	[21,464,786]
Beaver	Penn Power Co.—Bruce Mansfield	Foster Wheeler Unit 3	033	[3,504] 3,497	0.70	[19,455,843]
Beaver	Zinc Corporation Of America	Coal Boiler 1	034	[241] 240	0.80	[1,380,627]
Beaver	Zinc Corporation Of America	Coal Boiler 2	035	[204] 203	0.80	[1,168,776]
Berks	Metropolitan Edison Co.—Titus	Unit 1	031	202	0.65	[1,836,587]
Berks	Metropolitan Edison Co.—Titus	Unit 2	032	186	0.68	[1,632,072]
Berks	Metropolitan Edison Co.—Titus	Unit 3	033	201	0.66	[1,805,003]
Berks	Metropolitan Edison Co.—Titus	No. 4 Combustion Turbine	034	2	0.44	[20,010]
Berks	Metropolitan Edison Co.—Titus	No. 5 Combustion Turbine	035	2	0.44	[15,484]
Blair	Penelec—Williamsburg	No. 11 Boiler—Rily	031	38	0.87	[200,874]
Bucks	PECO Energy—Falls	Unit 1		7	0.67	
Bucks	PECO Energy—Falls	Unit 2		7	0.67	
Bucks	PECO Energy—Falls	Unit 3		6	0.67	
Bucks	PECO Energy—Croyden	Croyden—Turbine #11	031	11	0.70	[42,451]
Bucks	PECO Energy—Croyden	Croyden—Turbine #12	032	7	0.70	[26,382]
Bucks	PECO Energy—Croyden	Croyden—Turbine #21	033	44	0.70	[175,640]
Bucks	PECO Energy—Croyden	Croyden—Turbine #22	034	20	0.70	[81,649]
Bucks	PECO Energy—Croyden	Croyden—Turbine #31	035	11	0.70	[42,534]
Bucks	PECO Energy—Croyden	Croyden—Turbine #32	036	14	0.70	[54,905]
Bucks	PECO Energy—Croyden	Croyden—Turbine #41	037	8	0.70	[30,191]
Bucks	PECO Energy—Croyden	Croyden—Turbine #42	038	38	0.70	[152,094]
Bucks	United States Steel Corp., The	Power House Boiler No. 3	043	63	0.26	[655,625]
Bucks	United States Steel Corp., The	Power House Boiler No. 4	044	14	0.27	[147,330]
Bucks	United States Steel Corp., The	Power House Boiler No. 5	045	73	0.26	[756,980]
Bucks	United States Steel Corp., The	Power House Boiler No. 6	046	84	0.26	[871,810]

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE	
					Baseline NOx lb/MMBtu	[Baseline MMBtu]
Cambria	Cambria CoGen Company	A Boiler	031	[200] 199	0.24	[2,003,177]
Cambria	Cambria CoGen Company	B Boiler	032	[212] 210	0.23	[2,116,233]
Cambria	Colver Power Project			[411] 409	0.20	[4,112,640]
Cambria	Ebensburg Power Company	CFB Boiler		[206] 205	0.08	[2,058,858]
Carbon	Panther Creek Energy Facility	Boiler 1		119	0.12	[1,592,491]
Carbon	Panther Creek Energy Facility	Boiler 2		[117] 116	0.12	[1,555,673]
Chester	PECO Energy—Mosier	Unit 1		7	0.67	
Chester	PECO Energy—Mosier	Unit 2		7	0.67	
Chester	PECO Energy—Mosier	Unit 3		6	0.67	
Chester	PECO Energy—Cromby	Boiler No 1	031	[247] 246	0.82	[1,660,770]
Chester	PECO Energy—Cromby	Boiler No 2	032	[187] 186	0.28	[1,257,120]
Clarion	Piney Creek Project	CFB Boiler		[122] 121	0.18	[1,217,989]
Clearfield	Penelec—Shawville	Babcock Wilcox Boiler	031	[981] 979	1.22	[3,737,976]
Clearfield	Penelec—Shawville	Babcock Wilcox Boiler	032	[947] 945	1.21	[3,624,416]
Clearfield	Penelec—Shawville	Combustion Engineering	033	[852] 850	0.86	[4,558,942]
Clearfield	Penelec—Shawville	Combustion Engineering	034	[693] 692	0.87	[3,697,889]
Clinton	International Paper Co.	1 Riley Stoker Vo-Sp	033	145	0.55	[1,220,703]
Clinton	International Paper Co.	2 Riley Stoker Vo-Sp	034	145	0.55	[1,218,878]
Clinton	PP&L—Lock Haven	CT 1		3	0.49	[14,818]
Columbia	Penelec—Benton		002	1	2.33	[2,661]
Columbia	Penelec—Benton		003	1	2.93	[2,330]
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine	031	9	0.45	[46,665]
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine #1	032	11	0.45	[55,480]
Cumberland	PP&L—West Shore	CT 1		3	0.49	[12,402]
Cumberland	PP&L—West Shore	CT 2		3	0.49	[13,231]
Dauphin	PP&L—Harrisburg	CT 1		[4] 3	0.49	[16,282]
Dauphin	PP&L—Harrisburg	CT 2		4	0.49	[15,884]
Dauphin	PP&L—Harrisburg	CT 3		4	0.49	[15,446]
Dauphin	PP&L—Harrisburg	CT 4		4	0.49	[15,386]
Delaware	BP Oil, Inc.	7 Boiler	032	[35] 33	0.37	[331,917]
Delaware	BP Oil, Inc.	8 Boiler	033	[56] 54	0.48	[535,337]
Delaware	BP Oil, Inc.		038	[187] 180	0.55	[1,789,455]
Delaware	Tosco Refinery	543 Crude Heater	044	101	0.55	
Delaware	Tosco Refinery	544 Crude Heater	045	115	0.55	
Delaware	PECO Energy—Eddystone	No. 1 Boiler	031	[663] 660	0.54	[5,571,014]
Delaware	PECO Energy—Eddystone	No. 2 Boiler	032	[432] 430	0.55	[3,629,294]
Delaware	PECO Energy—Eddystone	No. 3 Boiler	033	[257] 255	0.28	[2,153,713]
[Delaware	PECO Energy—Eddystone	No. 10 Gas Turbine	037	1	0.49	9,464]
[Delaware	PECO Energy—Eddystone	No. 20 Gas Turbine	038	1	0.48	7,560]
Delaware	PECO Energy—Eddystone	No. 30 Gas Turbine	039	2	0.48	[19,502]
Delaware	PECO Energy—Eddystone	No. 40 Gas Turbine	040	1	0.49	[9,450]
Delaware	PECO Energy—Eddystone	No. 4 Boiler	041	[249] 248	0.28	[2,089,539]
Delaware	Kimberly—Clark	Boiler No. 9	034	12	0.52	[264,600]
Delaware	Kimberly—Clark	10 Culm Cogen. Fbc Plant	035	[85] 84	0.08	[1,602,169]

BONUS ALLOWANCE

Baseline
NOx lb/MMBtu

[**Baseline**
MMBtu]

County	Facility	Combustion Source Name	Point ID	Allowance	Baseline NOx lb/MMBtu	[Baseline MMBtu]
Delaware	Sun Refining & Marketing		089	86	0.09	[1,211,002]
Delaware	Sun Refining & Marketing		090	145	0.08	[4,927,837]
[Elk	Penntech Papers, Inc.	B&W Model Pm106 Boiler #6	038	0	0.00	0]
Elk	Penntech Papers, Inc.	B & W #81 Boiler	040	[103] 102	0.83	[570,989]
Elk	Penntech Papers, Inc.	B&W #82 Boiler	041	109	0.83	[603,471]
Erie	General Electric Co.	B & W Boiler No. 2	032	26	1.01	[587,180]
Erie	International Paper Company	Coal Fired Boiler No. 21	037	68	0.58	[321,958]
Erie	Norcon Power Partners	Turbine 1	001	50	0.07	[1,483,488]
Erie	Norcon Power Partners	Turbine 2	002	50	0.07	[1,483,488]
Erie	Penelec—Front Street	Erie City Iron Works No. 7	031	5	0.92	[38,964]
Erie	Penelec—Front Street	Erie City Iron Works No. 8	032	5	0.90	[39,881]
Erie	Penelec—Front Street	Comb. Eng. Boiler No. 9	033	[134] 133	0.57	[1,033,388]
Erie	Penelec—Front Street	Comb. Eng. Boiler No. 10	034	[134] 133	0.57	[1,033,528]
Greene	West Penn Power—Hatfield's Ferry	Babcock & Wilcox	031	[3,978] 3,969	1.04	[15,502,912]
Greene	West Penn Power—Hatfield's Ferry	Babcock & Wilcox	032	[3,703] 3,694	1.04	[14,429,251]
Greene	West Penn Power—Hatfield's Ferry	Babcock & Wilcox	033	[2,160] 2,154	1.04	[8,416,290]
Indiana	Penelec—Conemaugh	Boiler No. 1	031	[3,295] 3,288	0.76	[20,130,686]
Indiana	Penelec—Conemaugh	Boiler No. 2	032	[4,197] 4,187	0.76	[25,543,024]
Indiana	Penelec—Homer City	Boiler No. 1-Foster Whelr	031	[3,167] 3,160	1.20	[11,325,278]
Indiana	Penelec—Homer City	Boiler No. 2-Foster Whelr	032	[3,987] 3,978	1.20	[15,382,211]
Indiana	Penelec—Homer City	Boiler No. 3-B. & W.	033	[2,931] 2,924	0.62	[21,951,003]
Indiana	Penelec—Seward	Boiler No. 12 (B&W)	032	[145] 144	0.84	[849,307]
Indiana	Penelec—Seward	Boiler No. 14 (B&W)	033	146	0.83	[809,011]
Indiana	Penelec—Seward	Boiler No. 15 (Comb.Eng.)	931	[673] 672	0.75	[4,155,275]
Lackawanna	Archbald Power Corporation	Cogen		[82] 81	0.05	[818,013]
Lancaster	PP&L—Holtwood	Unit 17 Foster Wheeler	934	[807] 806	1.20	[3,116,786]
Lawrence	Penn Power Co.—New Castle	Foster Wheeler	031	108	0.91	[553,994]
Lawrence	Penn Power Co.—New Castle	B.W. Boiler	032	97	0.91	[498,559]
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	033	185	0.91	[947,292]
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	034	339	0.91	[1,737,996]
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	035	[622] 620	0.91	[3,183,091]
Lehigh	PP&L—Allentown	CT 1		2	0.49	[10,329]
Lehigh	PP&L—Allentown	CT 2		3	0.49	[13,752]
Lehigh	PP&L—Allentown	CT 3		3	0.49	[14,215]
Lehigh	PP&L—Allentown	CT 4		3	0.49	[12,745]
Lycoming	PP&L—Williamsport	CT 1		3	0.49	[14,633]
Lycoming	PP&L—Williamsport	CT 2		3	0.49	[14,083]
Luzerne	Continental Energy Associates	Turbine		[269] 267	0.13	[2,687,577]
Luzerne	Continental Energy Associates	HRSG		[129] 128	0.20	[1,288,248]
Luzerne	UGI Corp.—Hunlock Power	Foster Wheeler	031	[375] 374	0.95	[1,821,127]
Luzerne	PP&L—Jenkins	CT 1		3	0.49	[12,942]
Luzerne	PP&L—Jenkins	CT 2		2	0.49	[6,885]

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE	
					Baseline NOx lb/MMBtu	[Baseline MMBtu]
Luzerne	PP&L—Harwood	CT 1		3	0.49	[14,194]
Luzerne	PP&L—Harwood	CT 2		3	0.49	[14,049]
Monroe	Met Edison Shawnee		031	3	0.59	[15,285]
Montgomery	Merck Sharp & Dohme	Cogen II Gas Turbine	039	79	0.16	[1,028,875]
Montour	PP&L—Montour	Montour No. 1	031	[3,576] 3,568	0.85	[17,029,683]
Montour	PP&L—Montour	Montour No. 2	032	[4,706] 4,696	1.07	[22,409,322]
Montour	PP&L—Montour	Aux.Start-Up Boiler No. 1	033	9	0.17	[44,436]
Montour	PP&L—Montour	Aux.Start-Up Boiler No. 2	034	7	0.17	[34,076]
Northampton	Bethlehem Steel Corp.	Boiler 1 Boiler House 2	041	[90] 91	0.23	[Confidential]
Northampton	Bethlehem Steel Corp.	Boiler 2 Boiler House 2	042	[90] 91	0.23	[Confidential]
Northampton	Bethlehem Steel Corp.	Boiler 3 Boiler House 2	067	[91] 92	0.23	[Confidential]
Northampton	Met Edison Co.—Portland	Unit No. 1	031	[463] 462	0.59	[3,593,611]
Northampton	Met Edison Co.—Portland	Unit No. 2	032	[658] 657	0.66	[4,578,297]
Northampton	Met Edison Co.—Portland	Combustion Turbine No. 3	033	1	0.53	[9,795]
Northampton	Met Edison Co.—Portland	Combustion Turbine No. 4	034	6	0.53	[40,931]
Northampton	Northampton Generating Company	Boiler	001	[210] 209	0.10	[4,208,112]
Northampton	PP&L—Martins Creek	Foster-Wheeler Unit No. 1	031	[493] 492	1.01	[3,329,831]
Northampton	PP&L—Martins Creek	Foster-Wheeler Unit No. 2	032	[461] 459	0.91	[3,112,136]
Northampton	PP&L—Martins Creek	C-E Unit No. 3	033	[837] 835	0.51	[5,652,924]
Northampton	PP&L—Martins Creek	C-E Unit No. 4	034	[741] 739	0.51	[5,003,663]
Northampton	PP&L—Martins Creek	No. 4b Auxiliary Boiler	036	0	0.17	[2,394]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 1	037	3	0.02	[206,640]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 2	038	3	0.02	[206,640]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 3	039	3	0.02	[206,640]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 4	040	3	0.02	[206,640]
Northumberland	Foster Wheeler Mt. Carmel Cogen	Cogen	031	[196] 195	0.10	[1,814,911]
Philadelphia	Allied Signal		052	54	0.46	
Philadelphia	PECO Energy		037	28	0.60	[117,455]
Philadelphia	PECO Energy		038	37	0.60	[156,375]
Philadelphia	PECO Energy—Delaware		013	[111] 112	0.45	[918,037]
Philadelphia	PECO Energy—Delaware		014	[129] 130	0.45	[1,066,091]
[Philadelphia	PECO Energy—Delaware		015	1	0.67	7,089]
[Philadelphia	PECO Energy—Delaware		016	1	0.67	9,452]
[Philadelphia	PECO Energy—Delaware		017	1	0.67	11,259]
Philadelphia	PECO Energy—Delaware		018	2	0.67	[15,012]
Philadelphia	PECO Energy—Schuylkill		003	[174] 175	0.28	[1,459,923]
[Philadelphia	PECO Energy—Schuylkill		007	1	0.67	9,285]
Philadelphia	PECO Energy—Schuylkill		008	0	0.67	[1,946]
Philadelphia	Trigen Energy Co—Sansom		001	31	0.45	[318,459]
Philadelphia	Trigen Energy Co—Sansom		002	27	0.45	[280,748]
Philadelphia	Trigen Energy Co—Sansom		003	12	0.45	[126,824]
Philadelphia	Trigen Energy Co—Sansom		004	15	0.45	[155,123]

BONUS ALLOWANCE

Baseline [**Baseline**
NOx lb/MMBtu MMBtu]

County	Facility	Combustion Source Name	Point ID	Allowance	Baseline NOx lb/MMBtu	[Baseline MMBtu]
Philadelphia	Trigen Energy Co—Schuylkill		001	0	0.28	[511,191]
Philadelphia	Trigen Energy Co—Schuylkill		002	0	0.28	[228,162]
Philadelphia	Trigen Energy Co—Schuylkill		005	0	0.45	[248,138]
Philadelphia	U. S. Naval Base		098	1	0.14	[14,294]
Philadelphia	U. S. Naval Base		099	1	0.14	[1,960]
Philadelphia	Sun Oil—Girard Point	GP Boiler 37	02-2,3	87	0.33	
Philadelphia	Sun Oil—Girard Point	GP Boiler 38	02-4,5	87	0.33	
Philadelphia	Sun Oil—Girard Point	GP Boiler 39	02-6,7	87	0.33	
Philadelphia	Sun Oil—Girard Point	GP Boiler 40	02-8,9	116	0.33	
Philadelphia	Sun Oil—Girard Point	GP F-1	002-2,3,4	91	0.27	
Philadelphia	Sun Oil—Point Breeze	PB 3H-1	19/20	43	0.15	
Philadelphia	Grays Ferry Project	Combustion Turbine		[126]	125	
Philadelphia	Grays Ferry Project	Heat Recovery Steam Gen		21		
Philadelphia	Grays Ferry Project	Boiler 25		80		
Schuylkill	Gilberton Power Company	Boiler		[335]	333	0.17 [3,352,372]
Schuylkill	Northeastern Power Company	CFB Boiler		[202]	201	0.06 [2,022,148]
[Schuylkill	Northeastern Power Company	Aux Boiler		0	0.27	1,396]
Schuylkill	Schuylkill Energy Resources	Boiler	031	[350]	348	0.20 [4,349,117]
Schuylkill	Westwood Energy Properties	Boiler		[135]	134	0.17 [1,351,408]
Schuylkill	Wheelabrator Frackville Energy Co	Boiler		[205]	203	0.14 [2,046,694]
Schuylkill	PP&L—Fishback	CT 1		2	0.49	[8,272]
Schuylkill	PP&L—Fishback	CT2		2	0.49	[7,217]
Snyder	PP&L—Sunbury	Sunbury SES Unit 1a	031	[295]	294	0.98 [1,455,641]
Snyder	PP&L—Sunbury	Sunbury SES Unit 1b	032	[295]	294	0.98 [1,455,641]
Snyder	PP&L—Sunbury	Sunbury SES Unit 2a	033	[295]	294	0.83 [1,455,641]
Snyder	PP&L—Sunbury	Sunbury SES Boiler 2b	034	[295]	294	0.83 [1,455,641]
Snyder	PP&L—Sunbury	Sunbury SES Unit No. 3	035	[681]	679	0.93 [3,363,299]
Snyder	PP&L—Sunbury	Sunbury SES Unit No. 4	036	[824]	821	0.99 [4,070,181]
[Snyder	PP&L—Sunbury	Diesel Generator 1	037	0	3.39	709]
[Snyder	PP&L—Sunbury	Diesel Generator 2	038	0	3.23	806]
Snyder	PP&L—Sunbury	Combustion Turbine 1	039	3	0.49	[14,581]
Snyder	PP&L—Sunbury	Combustion Turbine 2	040	3	0.49	[14,581]
Tioga	Penelec—Tioga		031	3	0.48	[30,267]
Venango	Scrubgrass Power Plant	Unit 1	031	[182]	181	0.14 [1,816,817]
Venango	Scrubgrass Power Plant	Unit 2	032	[179]	178	0.15 [1,790,997]
Warren	Penelec—Warren	Boiler No. 1	031	76	0.62	[569,825]
Warren	Penelec—Warren	Boiler No. 2	032	73	0.64	[546,534]
Warren	Penelec—Warren	Boiler No. 3	033	77	0.61	[572,007]
Warren	Penelec—Warren	Boiler No. 4	034	80	0.61	[596,377]
Warren	Penelec—Warren		001	10	0.69	[77,943]
Washington	Duquesne Light Co.—Elrama	No. 1 Boiler	031	[334]	333	0.87 [1,116,538]
Washington	Duquesne Light Co.—Elrama	No. 2 Boiler	032	[333]	332	0.90 [1,114,175]
Washington	Duquesne Light Co.—Elrama	No. 3 Boiler	033	[446]	445	0.87 [1,490,615]

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE	
					Baseline NOx lb/MMBtu	[Baseline MMBtu]
Washington	Duquesne Light Co.—Elrama	No. 4 Boiler	034	[1,016] 1,013	0.89	[3,398,150]
Washington	McGraw-Edison Co.	Foster-Wheeler	032	0	0.00	[0]
[Washington	Washington Power Co.	Boiler 1		155	0.15	2,068,438]
[Washington	Washington Power Co.	Boiler 2		155	0.15	2,068,438]
Washington	West Penn Power Co.—Mitchell	Combustion Eng Coal Unit	034	[931] 929	0.72	[5,968,482]
Wayne	Penelec—Wayne		031	11	0.84	[62,736]
Wyoming	Procter & Gamble Paper Products Co.	Westinghouse 251B10	035	[246] 245	0.68	[1,654,800]
York	Glatfelter, P.H. Co.	Number 4 Power Boiler	034	127	0.80	[978,985]
York	Glatfelter, P.H. Co.	Number 1 Power Boiler	035	85	0.80	[653,626]
York	Glatfelter, P.H. Co.	Number 5 Power Boiler	036	[232] 231	0.29	[1,780,350]
York	Met Edison Tolna		031	4	0.59	[20,492]
York	Met Edison Tolna		032	4	0.59	[19,306]
York	PP&L—Brunner Island	Brunner Island 2	032	[1,474] 1,470	0.69	[9,319,539]
York	PP&L—Brunner Island	Brunner Island Unit 1	931	[1,294] 1,290	0.67	[8,178,891]
York	PP&L—Brunner Island	Brunner Island Unit 3	933	[2,913] 2,906	0.78	[18,411,970]
[York	Solar Turbines, Inc	Turbine 1	031	33	0.19	355,420]
[York	Solar Turbines, Inc	Turbine 2	032	33	0.19	355,248]
[York	Solar Turbines, Inc	Turbine 3	033	33	0.19	357,626]
[York	Solar Turbines, Inc	Turbine 4	034	33	0.19	360,280]
[York	Solar Turbines, Inc	Turbine 5	035	33	0.19	357,488]
[York	Solar Turbines, Inc	Turbine 6	036	32	0.19	351,077]

[Pa.B. Doc. No. 99-346. Filed for public inspection March 5, 1999. 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 65 AND 111]

Order to Show Cause; Trout Run Reservoir; Berks County—Fishing; Duck Harbor Pond, Wayne County—Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 51, 65 and 111 (relating to administrative provisions; special fishing regulations; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to administration, fishing and boating.

A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendments are published under the statutory authority of sections 928(c), 2102 and 5124 of the code (relating to revocation, suspension or denial of license; permit or registration; rules and regulations; and particular areas of water).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve the Commission's administrative, fishing and special boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. Prior to final consideration by the Commission of the amendment to § 111.64 (relating to Wayne County), the Commission's Boating Advisory Board will review the proposal and make recommendations to the Commission.

E. Summary of Proposal

(1) *Section 51.23 (relating to order to show cause)*. The Commission's regulations provide that when the Executive Director, after seeking staff input, determines that revocation or suspension proceedings should go forward, Director will cause the violator to be served with an order to show cause (why the violator's boating or fishing privileges should not be revoked or suspended). Current regulations provide that service of the order to show cause shall be by certified or registered mail. Many times, however, the violator fails or refuses to claim the certified mail that contains the order to show cause. After three unsuccessful attempts to deliver the certified letter, the post office returns it to the Commission. Staff then, under current practice, re-send the letter by means of regular mail. The Commission proposes to amend § 51.23 so that the regulations are consistent with the current practice.

(2) *Section 65.24 (relating to miscellaneous special regulations)*. At 21 Pa.B. 3693 (August 31, 1991), the Commission designated Trout Run Reservoir in Berks County as a water to be regulated and managed under § 65.9 (relating to big bass special regulations). At that time, Trout Run Reservoir was closed to public fishing under § 65.24. When the water was added to the Big Bass Special Regulations program, it was intended that it be removed from miscellaneous special regulation. However, due to an oversight, this was never done. The Commission recently discovered this omission and proposes to correct it at this time.

It should be noted that Trout Run Reservoir subsequently was removed from the list of waters subject to the Big Bass Special Regulations at 26 Pa.B. 5766 (November 23, 1996). Nonetheless, it remains open to public fishing today.

(3) *Section 111.64 (relating to Wayne County)*. The Commission received a petition requesting that the Commission modify special boating regulations on Duck Harbor Pond. The current regulation, in place since 1983, prohibits water skiing except between 10 a.m. and 6 p.m. on weekdays and between 10 a.m. and 4 p.m. on weekends. The petition requests that the Commission permit water skiing and other high speed boat operation between the hours of 10 a.m. and 6 p.m. and create a 10 mph speed limit from 6 p.m. until 10 a.m.

Duck Harbor Pond is located in Wayne County. Due to the shoreline structure and shallow stump areas, the lake has about 150 acres of usable open water. Since the early 1980's, a number of cottages have been built on the land surrounding the lake. It is a popular boating lake, and while the fisheries have declined in recent years, it still provides angling opportunities. Most access is gained through private docks and moorings. The Commission maintains a small access area at the west end of the lake. Joe Harcum is the owner of the land under and around most of the lake. He supports the proposed modifications to the current special regulation.

Although the petition seeks a speed limit of 10 mph, the Commission's Bureau of Law Enforcement has concerns regarding the enforcement of the limit. Therefore, the Commission proposes to amend the special regulations to limit the speed of boats to slow, minimum height swell speed between the hours of 6 p.m. and 10 a.m.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-96. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISION

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.23. Order to show cause.

* * * * *

(b) Service of the order to show cause shall be by certified or registered mail. Service is complete upon delivery of the mail. If the mail is returned by the postal authorities with a notation that the violator refused to accept the mail or that the mail was unclaimed, the Commission will serve the order to show cause by ordinary mail with the return address of the Commission appearing thereon. Service by ordinary mail is complete if the mail is not returned to the Commission within 15 days after mailing. Other documents served by the agency shall be served by first class mail in accordance with 1 Pa. Code § 33.31 (relating to service by the agency).

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

Table with 3 columns: County, Name of Water, Special Regulations. Row 1: [Berks, Trout Run Reservoir, Closed to public fishing.]

Subpart C. BOATING

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.64. Wayne County.

* * * * *

(b) Duck Harbor Pond.

* * * * *

(2) [Water skiing is permitted on weekdays from 10 a.m. to 6 p.m. and on weekends and holidays from 10 a.m. to 4 p.m. Water skiing is prohibited at

all other times.] The speed of boats is limited to slow, minimum height swell speed between the hours of 6 p.m. and 10 a.m.

* * * * *

[Pa.B. Doc. No. 99-347. Filed for public inspection March 5, 1999, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 12, 1999, meeting, proposed the following amendment to read as set forth in Annex A:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 1999-2000 hunting license year.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of this amendment is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the January 12, 1999, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 26, 1999.

1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 12, 1999, meeting proposed changing § 139.4 to provide for seasons and bag limits for the 1999-2000 license year. These seasons and bag limits were proposed under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of Commission; and regulation). Notable changes for the 1999-2000 year are a 2-week extension of the late Ringneck Pheasant season and the creation of a 3-day flintlock muzzleloader antlerless deer season.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "... fix seasons ... and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Populations of pheasants are sufficiently abundant to justify extending their season and having a uniform ending of late small game season. Since antlerless deer license allocations have not been exhausted in the past 2 years it was decided to give flintlock muzzleloader deer hunters an early opportunity to take antlerless deer, with the required license, through the additional season.

3. Regulatory Requirements

These proposed seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. *Persons Affected*

All persons wishing to hunt and trap in this Commonwealth would be affected by these proposed seasons and bag limits.

5. *Cost and Paperwork Requirements*

The proposed new seasons and bag limits would not result in any additional cost either to the Commission or to hunters and furtakers.

6. *Effective Dates*

July 1, 1999, to June 30, 2000.

7. *Contact Persons*

For further information on the proposed changes the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

DONALD C. MADL,
Executive Director

(Editor's Note: The Commission is proposing to replace § 139.4 as it currently appears in the Pennsylvania Code at pages 139-3—139-10 (serial pages (244957)—(244964) with the version which appears in Annex A.)

Fiscal Note: 48-108. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

**1999-2000 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 11	6	12
Squirrels—(Combined)	Oct. 16 and Dec. 27	Nov. 27 and Feb. 12, 2000	6	12
Ruffed Grouse—Statewide	Oct. 16 and Dec. 27	Nov. 27 and Jan. 29, 2000	2	4
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 16 and Dec. 27	Nov. 27 and Feb. 12, 2000	4	8
Ringneck Pheasant—Male only	Oct. 16	Nov. 27	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Oct. 16 and Dec. 27	Nov. 27 and Feb. 12, 2000	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 16	Nov. 27	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 27	Jan. 1, 2000	2	4

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season			Unlimited
Turkey—Male or Female			1	1
Management Areas # 1-A, 1-B, 2, 6, 7-A & 8	Oct. 30	Nov. 13		
Management Area # 7-B	Oct. 30	Nov. 6		
Management Areas # 3, 4 & 5	Oct. 30	Nov. 20		
Management Area # 9-A	Closed to fall turkey hunting			
Management Area # 9-B	Nov. 1	Nov. 6		
Turkey (Spring Gobbler) Statewide Bearded Bird only	April 29, 2000	May 27, 2000	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.
- (d) There is no open season for taking Woodcock within the boundaries of State Game Land No. 69, located in Randolph, Richmond and Troy Townships in Crawford County, Pennsylvania.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 2 and Dec. 24	Nov. 28 Mar. 26, 2000		Unlimited
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season			Unlimited

FALCONRY

Squirrels—(Combined)	Sep. 1	Mar. 31, 2000	6	12
Quail	Sep. 1	Mar. 31, 2000	4	8
Ruffed Grouse	Sep. 1	Mar. 31, 2000	2	4
Cottontail Rabbits	Sep. 1	Mar. 31, 2000	4	8
Snowshoe or Varying Hare	Sep. 1	Mar. 31, 2000	2	4
Ringneck Pheasant—Male and Female (Combined)	Sep. 1	Mar. 31, 2000	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
DEER					
Deer (Archery), Antlered or Antlerless with the appropriate license	Oct. 2 Dec. 27	and	Nov. 13 Jan. 15, 2000	1 Per Day	One antlered.** An antlerless deer with each required antlerless license.
Deer (Buck), Antlered, (Statewide) with 2 or more points to an antler or a spike 3 or more inches long	Nov. 29		Dec. 11	1 Per Day	One antlered.**
Deer (Doe) Antlerless (Statewide) Junior License Holders Only with required antlerless license	Dec. 4	and	Dec. 11 only	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Statewide)	Dec. 13		Dec. 15	1 Per Day	An antlerless deer with each required antlerless license.
Deer (Doe) Antlerless (Presque Isle State Park, Erie County)	Dec. 8		Dec. 10	One antlered deer.** An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless only, (Flintlock Muzzleloading firearms only)	Nov. 18		Nov. 20	1 Per Day	An antlerless deer with each required antlerless license.
Deer (Doe) Antlered or Antlerless (Flintlock Muzzleloading firearms only)	Dec. 27		Jan. 15, 2000	1 Per Day	One antlered ** or one antlerless-plus An antlerless deer with each required antlerless license.
Deer (Doe) Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Nov. 29		Dec. 11	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.	

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
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**SPECIAL REGULATIONS AREAS
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

Deer (Doe) Antlerless only, (Flintlock Muzzleloading firearms only)	Nov. 18	Nov. 20	An antlerless deer with each required antlerless license.	
Deer (Buck), Antlered	Nov. 29	Dec. 11	One antlered deer.**	
Deer (Doe), Antlerless	Nov. 29 Dec. 27	and Jan. 15, 2000	An antlerless deer with each required antlerless license.	

BEAR

Bear, any age	Nov. 22	Nov. 24	1	1
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FUR TAKING—TRAPPING

Minks and Muskrats—Statewide	Nov. 21	Jan. 9, 2000	Unlimited	
Beaver—Statewide	Dec. 26	Mar. 15, 2000		
Zones 1, 2 & 3 (except Bradford, McKean, Potter, Susquehanna, Tioga and Wayne Counties)			10	20
Bradford, McKean, Potter, Susquehanna Tioga and Wayne Counties			10	40
Zones 4 and 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 17	Feb. 26, 2000	Unlimited	

FUR TAKING—HUNTING

Coyotes—Statewide	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.		Unlimited	
Opossums, Skunks, Weasels— Statewide	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.			
Raccoons and Foxes—Statewide	Oct. 16	Feb. 26, 2000	Unlimited	

No open seasons on other wild birds or wild mammals.

**Only one antlered deer (buck) may be taken during all seasons of the hunting license year.

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