

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 89]

### Corrective Amendment to 25 Pa. Code § 89.67

The Department of Environmental Protection (Department) has discovered a discrepancy between the agency text of 25 Pa. Code § 89.67 (relating to support facilities) as deposited with the Legislative Reference Bureau and as published at 28 Pa.B. 2215, 2256 (May 9, 1998) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 285) and as currently appearing in the *Pennsylvania Code*. Amendments to § 89.67, adopted at 28 Pa.B. 2215, 2256, were never codified.

Therefore, under 45 Pa.C.S. § 901: The Department has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 89.67. The corrective amendment to 25 Pa. Code § 89.67 is effective as of August 1, 1998, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 89.67 appears in Annex A.

JAMES M. SEIF,  
*Secretary*

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE I. LAND RESOURCES

#### CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

#### Subchapter B. OPERATIONS PERFORMANCE STANDARDS

#### § 89.67. Support facilities.

(a) Support facilities required for, or used incidentally to, the operation of the underground mine, including, but not limited to, mine buildings, coal loading facilities at or near the mine site, coal storage facilities, equipment storage facilities, fan buildings, hoist buildings, preparation plants, sheds, shops and other buildings, shall be located, maintained and used in a manner that does the following:

(1) Prevents or controls erosion and siltation, water pollution and damage to public or private property.

(2) To the extent possible using the best technology currently available:

(i) Minimizes damage to fish, wildlife and related environmental values.

(ii) Minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. Contributions may not be in excess of limitations of State or Federal law.

(b) All underground mining activities shall be conducted in a manner which minimizes damage, destruction

or disruption of services provided by oil, gas and water wells; oil, gas and coal-slurry pipelines; railroads; electric and telephone lines; and water and sewage lines which pass over, under or through the permit area, unless otherwise approved by the owner of those facilities and the Department.

[Pa.B. Doc. No. 99-1742. Filed for public inspection October 15, 1999, 9:00 a.m.]

### ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 121, 126 AND 139]

[Correction]

#### Gasoline Volatility Requirements—Low Reid Vapor Pressure

An error occurred in two paragraphs of the preamble to this document as it appeared at 29 Pa.B. 5089, 5090 (October 2, 1999). The correct version of these two paragraphs is as follows, with ellipses referring to the remaining text of the preamble:

The Environmental Quality Board (Board) amends Chapters 121, 126 and 139 (relating to general provisions; standards for motor fuels; and sampling and testing) to read as set forth in Annex A. The amendments eliminate the use of Federal reformulated gasoline (RFG) as a compliant fuel in the Pittsburgh-Beaver Valley area during the ozone season. The amendments also provide that compliance records shall be kept onsite for all points in the distribution network except at retail facilities. Retail facilities are required to retain compliance records onsite for the current ozone season only. In addition, the amendments make a technical language correction relating to sampling procedures. The Board approved the final amendments at its July 20, 1999, meeting.

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#### D. Background and Summary of the Amendments

These amendments eliminate the use of RFG as a compliant fuel in the Pittsburgh-Beaver Valley Area during the ozone season. Because of concerns with implementation of the existing regulation as it relates to RFG, the Department is eliminating the RFG provisions. Since refiners and marketers have been supplying low Reid vapor pressure (RVP) gasoline during the ozone season, these amendments will have minimal practical consequences. While this low RVP gasoline is more stringent than the Federal requirement, it is necessary because it is part of a comprehensive plan for the Pittsburgh area to attain and maintain the National health-based standard for ground level ozone. These amendments also require that compliance records be kept onsite for all points in the distribution network except at retail facilities. Retail facilities are required to retain compliance records onsite for the current ozone season only. Finally, these amendments also correct the technical language relating to sampling procedures.

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[Pa.B. Doc. No. 99-1663. Filed for public inspection October 1, 1999, 9:00 a.m.]

# Title 55—PUBLIC WELFARE

## DEPARTMENT OF PUBLIC WELFARE

### [55 PA. CODE CH. 155]

#### Enumeration

The Department of Public Welfare (Department), by this order, adopts the amendments to read as set forth in Annex A under the authority of sections 201(2) and 403(b) of the Public Welfare Code (code) (62 P. S. §§ 201(2) and 403(b)).

The proposed amendments were published at 27 Pa.B. 3679 (July 26, 1997). No comments were received and there are no changes to the published amendments.

#### *Purpose*

The purpose of these amendments is to delete §§ 155.1, 155.3, 155.4, 155.41, 155.44, 155.61, 155.64, 155.74 and 155.84. The Department is replacing all previous regulations and procedures with a single requirement which provides that applicants for and recipients of assistance benefits shall comply with Federal enumeration requirements. Federal regulations require that applicants and recipients of Medical Assistance (MA), Food Stamps and Temporary Assistance for Needy Families (TANF) shall, as a condition of eligibility, disclose or apply for a Social Security Number (SSN). Federal statutes and regulations relating to enumeration are applicable to all programs in which Federal funding is received (for example, MA, Food Stamps and TANF). Further, section 432.2(b)(3) of the code (62 P. S. § 432.2(b)(3)) requires that applicants or recipients of State-funded programs also provide SSNs. Therefore, the Department has adopted the same practice for State-funded programs as for those in which Federal funding is received.

#### *Background*

Section 1137 of the SSA (42 U.S.C.A. § 1320b-7), added to the Social Security Act by section 2651 of the Deficit Reduction Act of 1984 (Pub.L. No. 98-369), provides the authority by which the Department requires all persons applying for or receiving TANF, Nonmoney Payment Medical Assistance (NMP) and Medically Needy Only Medical Assistance (MNO) to disclose or apply for an SSN. Federal enumeration requirements for the Food Stamp Program are adopted by reference in § 501.1 and are not included in Chapter 155. Section 432.2(b)(3) of the code, as amended, further provides the authority by which the Department requires that persons applying for or receiving General Assistance (GA), State Blind Pension (SBP) or MNO in a related category shall disclose or make application for SSNs. In addition, the Federal requirements mandate the Department to verify all SSNs with the Social Security Administration (SSA).

#### *Need for the Amendments*

These amendments will enable the Department to use, by reference, the enumeration regulations in the *Code of Federal Regulations*. It will also facilitate the issuance of instructional material to county assistance offices (CAOs) for the operation of the program. This eliminates any need for the Department to promulgate its own regulations to implement a new change in Federal regulations.

#### *Requirements*

Section 1137 of the Social Security Act, requires applicants and recipients to provide their SSN or apply for one if they do not have a number.

These amendments make no substantive changes to enumeration requirements already in effect. They will have no additional impact on applicants for, or recipients of, public assistance programs.

#### *Affected Persons and Organizations*

The changes to Chapter 155 will not change enumeration requirements which currently exist.

#### *Accomplishments/Benefits*

The changes to Chapter 155 will ensure immediate compliance with Federal regulation changes and simplify administration of the program by eliminating the need to revise 55 Pa. Code to reflect changes in Federal regulations.

#### *Public Comment*

Written comments, suggestions and objections were solicited within a 30-day period after the publication date.

#### *Discussion of Comments*

No comments were received and there are no changes to the published amendments.

#### *Fiscal Impact*

The amendments will have no fiscal impact on State or local government or private entities.

#### *Paperwork Requirements*

The changes to Chapter 155 will reduce paperwork requirements associated with administration of the program by eliminating the need to revise 55 Pa. Code to reflect changes in Federal regulations.

#### *Effective Date*

The amendments are effective upon publication as final rulemaking.

#### *Sunset Date*

A sunset date is not applicable.

#### *Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking published at 27 Pa. B. 3679 (July 26, 1997) to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare for review and comment. Compliance with section 5(b.1) of the Regulatory Review Act was not necessary because the Department did not receive comments from the IRRC, the Committees or the public on the proposed amendments. No changes were made to the proposed amendments.

These final-form regulations were approved by the Senate Public Health and Welfare Committee and the House Health and Welfare Committee on September 9, 1999, and were deemed approved by IRRC on September 23, 1999, in accordance with section 5(g) of the Regulatory Review Act.

*Findings*

The Department finds that:

(1) Public notice of intention to adopt the administrative regulations amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of these amendments in the manner provided in this order is necessary and appropriate for the administration and enforcement of the code.

*Order*

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 155, are amended by deleting §§ 155.1, 155.3, 155.4, 155.41, 155.44, 155.61, 155.64, 155.74 and 155.84 and by adding § 155.2 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Attorney General and General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5357 (October 9, 1999).)*

**Fiscal Note:** Fiscal Note 14-425 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 55. PUBLIC WELFARE  
PART II. PUBLIC ASSISTANCE MANUAL  
Subpart C. ELIGIBILITY REQUIREMENTS  
CHAPTER 155. ENUMERATION**

**§ 155.1. [Reserved].**

**§ 155.2. General.**

Applicants for and recipients of cash or Medical Assistance benefits are required to disclose or apply for a Social Security Number (SSN) as required by Federal regulations found in 42 CFR 435.910, 435.920 and 45 CFR 205.52 (relating to use of social security number; verification of SSNs; and furnishing of social security numbers) and section 432.2(b)(3) of the Public Welfare Code (62 P. S. § 432.2(b)(3)). Enumeration (disclosure of or application for an SSN) is also required by persons applying for or receiving General Assistance or State Blind Pension in accordance with section 432.2(b)(3) of the Public Welfare Code. The Federal regulations and State statute cited in this section are incorporated by reference.

**§ 155.3. [Reserved].**

**§ 155.4. [Reserved].**

**§ 155.41. [Reserved].**

**§ 155.44. [Reserved].**

**§ 155.61. [Reserved].**

**§ 155.64. [Reserved].**

**§ 155.74. [Reserved].**

**§ 155.84. [Reserved].**

[Pa.B. Doc. No. 99-1743. Filed for public inspection October 15, 1999, 9:00 a.m.]