

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 260a AND 269a]

### Host Municipality Fund Allocation

The Environmental Quality Board (Board) proposes to amend Chapters 260a and 269a (relating to hazardous waste management system: general; and siting) to address concerns raised regarding the Host Municipality Fund Allocation. These concerns include clarification of the definition of a "qualifying facility" and simplification of the formula used to allocate funds if there is more than one "qualifying facility" in the Commonwealth in a single year. These amendments are set forth in Annex A.

This proposal was adopted by the Board at its meeting of June 20, 2000.

#### A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. Contact Persons

For further information contact Rick Shipman, Chief, Division of Hazardous Waste Management, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 787-6239, or Kurt Klappowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

The proposed rulemaking is being made under the authority of sections 105, 402 and 501 of the Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.303 and 6020.305(e)(2)); sections 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20). Under sections 105, 402 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety, welfare and property, and the air, water and other natural resources of this Commonwealth. Sections 303 and 305(e)(2) of HSCA grant the Board the power and duty to promulgate regulations to carry out the provisions of that act and establish an allocation formula for one-time payments to host municipalities, respectively. Sections 5, 402 and 501 of The Clean Streams Law grant the Board the authority to adopt regulations that are necessary to protect the waters of this Commonwealth from pollution. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

#### D. Background and Purpose

The Department is proposing to amend Chapters 260a and 269a to simplify and clarify the Host Municipality Fund Allocation. Section 305 of HSCA establishes a Host Municipalities Fund. The purpose of this Fund is to provide financial assistance to municipalities that host certain categories of commercial hazardous waste treatment, storage or disposal facilities. Section 305 of HSCA contemplates two distinct types of financial assistance. The first is reimbursement to a host municipality for, among other things, the costs of training and employing host municipality inspectors.

The second type of financial assistance is the focus of this proposed rulemaking. This assistance consists of a one-time payment to municipalities for each new or expanded commercial facility permitted after December 18, 1988 (the effective date of HSCA) which fulfills hazardous waste treatment or disposal capacity needs as identified in the Pennsylvania Hazardous Waste Facilities Plan. Only those municipalities that host a facility that meets the definition of a "qualifying facility" are eligible for this financial assistance.

There has been some confusion and contention over the interpretation of the term "qualifying facility." The term is currently defined in § 260a.10 (relating to definitions). The Department is proposing to modify the definition to clarify the term. The proposal breaks the definition into new and existing facilities. The definition of new facility is intended to clarify that the facility is newly permitted and not newly regulated. Examples of facilities that would not meet the proposed "qualifying facility" definition include an existing facility that now requires a permit because of a regulatory change or a facility that operated under interim status. The Department has consistently implemented the one-time payment program in this way since passage of HSCA in 1988, but there has been confusion in some host municipalities that the issuance of a permit to a facility that operated prior to 1988 caused that facility to be a newly permitted facility. The Department believes that this is consistent with the intent of the General Assembly in creating the Host Municipalities Fund in HSCA.

The definition of existing facility clarifies that an existing facility may qualify if a larger volume of hazardous waste is allowed through a permit modification. In addition, the proposal moves the definition to Chapter 269a since it is only used in that chapter and not generally in the hazardous waste regulations.

The proposal will modify the allocation formula for distribution of the one-time payment to remove the Hazardous Waste Site Ranking System (HRS) established by the United States Environmental Protection Agency (EPA) in Appendix A of 40 CFR 300 (relating to uncontrolled hazardous waste site ranking system; a users manual) as a factor in determining the proper allocation when there is more than one qualifying facility in a year. This will result in a less costly determination, since an HRS report is expensive to prepare. It will also result in a more appropriate determination, since the HRS is designed to rank impacts from uncontrolled releases under CERCLA and not permitted facilities, which should have control of hazardous wastes.

The Solid Waste Advisory Committee (SWAC) reviewed the proposal at its March 9, 2000, meeting and recommended that the Board approve the proposed rulemaking

as written. A listing of the members of SWAC may be obtained from the contact persons listed in Section B of this Preamble.

*E. Summary of Regulatory Requirements*

*Sections 260a.10 and 269a.1. Definitions.*

The Board is proposing to move the definition of "qualifying facility" from § 260a.10 to the definitions section found in § 269a.1. The definition is expanded to address new and existing facilities in separate subsections. For existing facilities, the definition is clarified to apply to facilities that are authorized to accept a larger volume of hazardous waste through permit modification after December 18, 1988.

*Section 269a.221. Allocation of the Fund.*

The proposal modifies the allocation formula for the distribution of the one-time payment to replace the Hazardous Waste Ranking System established by EPA in Appendix A of 40 CFR 300 with a simpler, less costly and more appropriate method.

*F. Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed rulemaking.

*Benefits*

The proposed rulemaking will clarify the eligibility requirements for a host municipality to receive a one-time payment from the Host Municipalities Fund. This will reduce confusion and contention over the eligibility issue. In addition, it will modify the allocation formula on the distribution of the one-time payment to replace the EPA's HRS with a simpler, less costly and more appropriate method.

*Compliance Costs*

The proposed rulemaking is not expected to impose any additional costs on the regulated community, nor will it result in increased costs of implementation for the Commonwealth or local governments.

*Compliance Assistance Plan*

Because of the limited applicability of this proposed rulemaking, the Department will be able to specifically target compliance assistance and outreach efforts regarding one-time payments under the Host Municipalities Fund.

*Paperwork Requirements*

There will be no additional paperwork requirements as a result of the proposed amendment.

*G. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule 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 September 5, 2000, the Department submitted a copy of the proposed amendments 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 in compliance with Executive Order 1996-1, "Regu-

latory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any 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 of the proposed amendments to which an objection is made. The Regulatory Review Act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final publication of the amendments by the Department.

*I. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Comments received by facsimile will not be accepted. Comments, suggestions or objections must be received by October 16, 2000 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by October 16, 2000 (within 30 days following publication in the *Pennsylvania Bulletin*). The one-page 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@dep.state.pa.us and must also be received by the Board by October 16, 2000. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-354. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VII. HAZARDOUS WASTE MANAGEMENT**

**CHAPTER 260a. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL**

**Subchapter B. DEFINITIONS**

**§ 260a.10. Definitions.**

A term defined in this section replaces the definition of the term in 40 CFR 260.10, or, in situations for which no term exists in 40 CFR 260.10, the term shall be defined in accordance with this section. The substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporated definition of "EPA region," "State," "United States," "Administrator" and "Regional Administrator."

\* \* \* \* \*

[ *Qualifying facility*—A commercial hazardous waste treatment or disposal facility, or expansion to an existing hazardous waste treatment or disposal facility, which was permitted after December 18, 1988, is operating, and fulfills the commercial hazardous waste treatment or disposal needs identified in the Pennsylvania Hazardous Waste Facilities Plan. ]

\* \* \* \* \*

**CHAPTER 269a. SITING**

**Subchapter A. SITING HAZARDOUS WASTE TREATMENT AND DISPOSAL FACILITIES**

**GENERAL PROVISIONS**

**§ 269a.1. Definitions.**

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

\* \* \* \* \*

*Qualifying facility*—Is either:

(i) A new commercial hazardous waste treatment or disposal facility, which did not exist as a solid waste or recycling facility prior to December 18, 1988, that:

(A) Has been issued a written permit after December 18, 1988.

(B) Fulfills the hazardous waste treatment or disposal capacity needs identified in the hazardous waste facilities plan.

(C) Accepts hazardous waste under the conditions of the permit.

(ii) An existing permitted commercial hazardous waste treatment or disposal facility which was permitted before December 18, 1988, that:

(A) Has been issued a written modification to its permit to expand the facility after December 18, 1988.

(B) Fulfills the hazardous waste treatment or disposal capacity needs identified in the hazardous waste facilities plan.

(C) Accepts a larger volume of hazardous waste than was authorized in the permit prior to modification to expand the facility.

\* \* \* \* \*

**Subchapter C. HOST MUNICIPALITY FUND ALLOCATION**

**ALLOCATION**

**§ 269a.221. Allocation of the Fund.**

\* \* \* \* \*

(d) When more than one qualifying facility is identified, the Department will allocate the available moneys using the following [ **formula and method of calculation** ] criteria:

[ (1) The Hazardous Waste Site Ranking System established by the EPA, under Appendix A of 40 CFR 300 (relating to uncontrolled hazardous waste site ranking system; a users manual) will be used to assign a numerical value to each qualifying facility ranging from 1 to 100, considering:

(i) The toxicity, mobility and other characteristics of the hazardous waste.

(ii) The proximity of the facility to persons or natural resources which would be endangered by the escape of the hazardous waste from the facility.

(2) For scoring purposes, an assigned value of 1 will be used for the observed release and containment factors in the hazard ranking system calculation. ]

[ (3) ] (1) \* \* \*

[ (4) ] (2) \* \* \*

[ (5) ] (3) \* \* \*

[ (6) ] (4) The numerical values derived in paragraphs (1)—[ (5) ] (3) will be [ **multiplied** ] **added** together to obtain a [ **rating** ] score for the qualifying facility.

[ (7) ] (5) The [ **rating** ] scores will then be compared and a pro rata share of the available Fund moneys will be allocated to the host [ **municipality** ] **municipality** based on these scores.

[ (8) ] (6) \* \* \*

[Pa.B. Doc. No. 00-1589. Filed for public inspection September 15, 2000, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

[58 PA. CODE CH. 65]

**Exclusive Fishing Areas**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendment relates to fishing.

A. *Effective Date*

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

B. *Contact Person*

For further information on the proposed amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendment is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The proposed amendment is designed to update, modify and improve the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The Commission has received a request to consider revising the definition of "special populations" in § 65.21 (relating to waters limited to specific purposes—exclusive fishing areas). Under current regulations, persons who are exempt from the fishing license requirement by section 2709(b) of the code (relating to exemptions from license requirements) or persons permanently deprived of the full use of a leg or both legs are permitted to fish in exclusive use fishing areas.

Section 2709(b) of the code requires that a person be "totally blind" to qualify for an exemption from the license requirements. The Commission received a request for regulations stating that although the requester agrees that this standard is appropriate for free fishing licenses, it is too restrictive for use of exclusive use fishing areas. This criterion excludes individuals who are "legally blind" but not "totally blind" from fishing in exclusive use areas. The requester points out that exclusive use areas often have characteristics that would make them better for persons whose vision meets State and Federal standards for legal blindness. For example, in his experience, exclusive use areas often are somewhat clearer of overhanging branches that pose a particular issue for persons with visual disabilities.

The Commission has reviewed other Commonwealth regulations, including those of the Department of Public Welfare and the Department of Military and Veterans Affairs. These regulations use a definition for "legal blindness" that would permit more people with vision disabilities to use the Commission's exclusive use areas. Accordingly, the Commission proposes to amend § 65.21(b) to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment 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 amendment to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after 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. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. 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-110. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.21. Waters limited to specific purposes—exclusive fishing areas.

\* \* \* \* \*

(b) As used in this section, the term "children" means persons 12 years of age or under. The term "special populations" means persons who are exempt from fishing license requirement by section 2709(b) of the code (relating to exemptions from license requirements), **persons whose visual acuity with best correcting lens is 3/60 or 10/200 or poorer in the better eye, persons whose vision is such that the widest diameter of the visual field of the better eye has contracted to such an extent that it subtends an angular distance of not greater than 20°** or persons permanently deprived of the full use of a leg or both legs.

[Pa.B. Doc. No. 00-1590. Filed for public inspection September 15, 2000, 9:00 a.m.]

[58 PA. CODE CH. 111]

Special Boating Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to 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 the Fish and Boat Code) (code). The proposed amendments relate to boating.

A. *Effective Date*

The proposed amendments, if approved on final rulemaking, will go into effect on January 1, 2001, or upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*, whichever occurs later.

B. *Contact Person*

For further information on the proposed amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendments are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve the Commission's special boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board (Board) has considered the proposals and has recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendments.

E. *Summary of Proposal*

(1) *Sections 111.3, 111.20, 111.24, 111.26, 111.27, 111.32, 111.42, 111.43, 111.56, 111.62 and 111.65 (relating to Armstrong County; Crawford County; Elk County; Fayette County; Forest County; Indiana County; McKean County; Mercer County; Somerset County; Warren County; and Westmoreland County).* At a recent meeting, the Board recommended that the Commission adopt regulations to require the wearing of personal flotation devices by persons on board boats on Pittsburgh District Corps of Engineers lakes. The Corps of Engineers put this requirement in place in 1990 to address a concern it had with the safety of boaters in small boats. The Commission did not adopt concurrent regulations, thus leaving enforcement up to Corps of Engineers rangers. This disparity has caused some confusion for the boaters, although compliance has been high and enforcement has not been a significant problem. The Commission believes that incorporating these regulations will enhance public understanding and assist enforcement and compliance, thus improving safety. Accordingly, the Commission proposes to amend these sections to read as set forth in Annex A.

(2) *Sections 111.52 and 111.64 (relating to Pike County; and Wayne County).* During 1999, the Commission considered amendments to the regulations governing the operation of boats on the Upper Delaware Scenic and Recreational River that were intended to bring the regulations in substantial compliance with Federal regulations for enforcement purposes. The Commission adopted these changes at its September 1999 meeting. The Superintendent of the UDSRR has recently informed the Commission that the Interior Department has banned the operation of personal watercraft from all waters under the jurisdiction of the National Park Service. Consequently, the recently enacted regulations no longer are in conformance with the Federal requirements.

In a letter dated April 12, 2000, the Superintendent requested that the Commission further amend its regulations to ban the operation of personal watercraft from all Delaware River waters within the boundaries of the Upper Delaware Scenic and Recreational River. In the spirit of cooperation with the National Park Service, the Commission proposes to amend these sections to read as set forth in Annex A.

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, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after 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. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. 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-109. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.3. Armstrong County.**

(a) *Crooked Creek Lake.*

\* \* \* \* \*

**(5) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

\* \* \* \* \*

(c) *Mahoning Creek Lake.*

**(1) The use of motors in excess of 10 horsepower is prohibited.**

**(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

**§ 111.20. Crawford County.**

\* \* \* \* \*

(f) *Woodcock Creek Lake.*

\* \* \* \* \*

**(4) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

**§ 111.24. Elk County.**

*East Branch Clarion River Lake—Elk State Park.*

\* \* \* \* \*

**(4) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

**§ 111.26. Fayette County.**

\* \* \* \* \*

**(c) *Youghiogeny River Lake.* Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

**§ 111.27. Forest County.**

***Tionesta Lake.* Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.**

**§ 111.32. Indiana County.**

\* \* \* \* \*

(c) *Conemaugh River Lake*. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.42. McKean County.

*Allegheny River Reservoir (Kinzua Dam)*.

\* \* \* \* \*

(3) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.43. Mercer County.

\* \* \* \* \*

(b) *Shenango River Lake*.

\* \* \* \* \*

(5) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.52. Pike County.

\* \* \* \* \*

(j) *Delaware River*. The operation of personal watercraft is prohibited [ in the following areas ] within the Upper Delaware Scenic and Recreational River [ :

(1) From the southern terminus of the Park (mile 258.4) to the lower end of Pond Eddy Pool (mile 265).

(2) From the upper end of Pond Eddy Pool (mile 266.5) to the lower end of the Lackawaxen Pool (mile 277.7).

(3) From the upper end of Lackawaxen Pool (mile 278.7) to the lower end of Narrowsburg Pool (mile 289.5) ] from mile 258.4 to mile 289.5.

§ 111.56. Somerset County.

\* \* \* \* \*

(b) *Youghiogheny River Lake*. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak. Boats are limited to slow, minimum height swell speed within the following areas:

\* \* \* \* \*

§ 111.62. Warren County.

(a) *Allegheny River Reservoir (Kinzua Dam)*.

\* \* \* \* \*

(3) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

\* \* \* \* \*

§ 111.64. Wayne County.

\* \* \* \* \*

(j) *Delaware River*. The operation of personal watercraft is prohibited [ in the following areas ] within the Upper Delaware Scenic and Recreational River [ :

(1) From the upper end of Narrowsburg Pool (mile 290.5) to the lower end of Long Eddy Pool (mile 315).

(2) From the upper end of Long Eddy Pool (mile 317) to the upper terminus of the Park (mile 330.7) ] from mile 289.5 to mile 330.7.

§ 111.65. Westmoreland County.

\* \* \* \* \*

(c) *Conemaugh River Lake*. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(d) *Loyalhanna River Lake*. All persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

[Pa.B. Doc. No. 00-1591. Filed for public inspection September 15, 2000, 9:00 a.m.]