

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION
[25 PA. CODE CH. 86]

Corrective Amendment to 25 Pa. Code § 86.1

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 86.1 (relating to definitions) as deposited with the Legislative Reference Bureau and the official text as published at 27 Pa.B. 6041 (November 15, 1997), and as currently appearing in the *Pennsylvania Code*. Ellipses were inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 86.1. The corrective amendment to 25 Pa. Code § 86.1 is effective as of November 15, 1997, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 86.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.1. Definitions.

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

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Participates—To take part in an action or to instruct another person or entity to conduct or not to conduct an activity.

Passive treatment system—A mine drainage treatment system which does not require routine operational control or maintenance. The term includes biological or chemical treatment systems, alone or in combinations, as approved by the Department, such as artificially constructed wetlands, cascade aerators, anoxic drains or sedimentation basins.

Permit—A permit issued by the Department to conduct coal mining activities.

Permit area—Includes the following:

(i) For surface mining activities and refuse disposal activities: the area of land and water within the boundaries of the permit, which area is designated on the permit application maps as approved by the Department. This area shall include areas which are or will be affected by the surface mining activities or refuse disposal activities.

(ii) For underground mining activities: the mine and areas where underground mining activities occur.

Permittee—A person holding, or required to hold by the acts, a permit issued by the Department to conduct coal mining activities.

Person—A natural person, partnership, association or corporation, or an agency, instrumentality or entity of Federal or State government. Whenever used in a clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term “person” may not exclude the members of an association and the directors, officers or agents of a corporation.

Postmining pollutional discharge—A discharge of mine drainage emanating from or hydrologically connected to the permit area, which may remain after coal mining activities have been completed, and which does not comply with the applicable effluent requirements described in § 87.102, § 88.92, § 88.187, § 88.292, § 89.52 or § 90.12. The term includes minimal-impact postmining discharges, as defined in section 3 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.3).

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Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION
[67 PA. CODE CH. 177]

Implementation of Exhaust Emissions Standards

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104, published a final-form rulemaking at 33 Pa.B. 2479 (May 24, 2003) that added provisions to 67 Pa. Code Chapter 177, Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements) to incorporate alternative final exhaust emission standards recently developed by the Federal Environmental Protection Agency. The regulation provides that upon notice by the Department in the *Pennsylvania Bulletin*, the exhaust emission standards used for Acceleration Simulation Mode (ASM) tests performed using dynamometers will be in accordance with the tables included in the regulation. See 67 Pa. Code Chapter 177, Appendix A § 1(a)(2)(ii) (relating to ASM exhaust emission standards and calculations).

Effective immediately, the Department is beginning implementation of the exhaust emission standards in the tables in 67 Pa. Code Chapter 177, Appendix A § 1(a)(2)(ii). Emission inspection stations with ASM test equipment not in compliance with the regulation after August 31, 2003, will be unable to perform the ASM test and complete an emission inspection.

ALLEN D. BIEHLER, P. E.,
Secretary

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