

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

### Stream Redesignations (Brushy Meadow Creek, et al.)

The Environmental Quality Board (Board) proposes to amend §§ 93.9c, 93.9g, 93.9l, 93.9n, 93.9o, 93.9q and 93.9v to read as set forth in Annex A.

This proposal was adopted by the Board at its meeting on December 17, 2002.

#### A. Effective Date

These proposed amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. Contact Persons

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637; or Michelle Moses, 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). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. Statutory and Regulatory Authority

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulation at 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. Background of the Proposed Amendments

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution. The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality and permitted activities, such as wastewater treatment requirements, shall ensure the attainment of designated and existing uses for all waters.

The Department may identify candidates during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (FBC). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to two petitions, as well as requests from the FBC and the Department's Southcentral Regional Office (SCRO), Northeast Regional Office (NERO) and Bureau of Water Supply and Wastewater Management (BWSWM) as follows:

*Petitions:* Crum Creek and Green Lick Run

*FBC:* Pine Creek

*SCRO:* Little Juniata River and Spring Creek

*NERO:* Brushy Meadow Creek and Waltz Creek

*BWSWM:* South Fork Beech Creek

These regulatory changes were developed as a result of aquatic studies conducted by the BWSWM and the FBC. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. Based upon the data collected in these surveys, the Board recommends the designations described in this preamble and as set forth in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina whose address and telephone number are listed in Section B.

The following is a brief explanation of the recommendations for each waterbody:

*Brushy Meadow Creek*—Brushy Meadow Creek is a tributary to Martins Creek at the Borough of Bangor in Northampton County. This basin is currently designated Trout Stocking—Migratory Fishes (TSF-MF). NERO collected fishery data that suggested that the lower portion of the stream supported trout, and requested that it be redesignated Cold Water Fishes (CWF). To confirm the year-round presence of cold water species, the Department and the FBC studied the stream in August. Various year classes of brown trout were found, indicating year-round presence and natural reproduction of trout. In addition, the migratory American eel was found in the lower portion of Brushy Meadow Creek. As a result of these findings, it is recommended that the main stem of Brushy Meadow Creek from the East Bangor dam to the mouth be redesignated CWF, MF. Any unnamed tributaries in this reach will retain the TSF—MF designation.

*Waltz Creek*—Waltz Creek is a tributary to Martins Creek near Bangor, Northampton County. This basin was surveyed to determine the correct aquatic life use designation because Waltz Creek was inadvertently omitted from Chapter 93 (relating to water quality standards). Fishery data collected by the Department and the FBC showed the presence of trout during both cold and warm weather months. The finding of trout below the legal length suggests natural reproduction. American eels were found during both field studies. Based on this data, it is recommended that the Waltz Creek basin be designated CWF, MF.

*Crum Creek*—The Willistown Conservation Trust petitioned the Board to redesignate the Crum Creek basin

upstream from the Springton (Geist) Reservoir to EV. The study area is located in Chester and Delaware Counties. The Crum Creek basin is currently designated HQ-CWF from its source to the junction of Newtown, Edgmont and Willistown Townships, and CWF from there to the reservoir. Only one portion of the basin, the West Branch Crum Creek, scored more than 92% in comparison to the appropriate EV reference station, thus satisfying the regulatory criterion for redesignation as EV. It is recommended that the West Branch Crum Creek basin be redesignated as EV, and that the other sections of the study area retain their current use designations.

*South Fork Beech Creek*—The South Fork Beech Creek is a tributary to Beech Creek in the West Branch Susquehanna River basin in Centre County. The lower reach of the South Fork, from the confluence of Stinktown Run to the confluence with the North Fork Beech Creek was inadvertently omitted from Chapter 93. This portion of the basin was assessed to determine the proper aquatic life use designation. Fishery data collected by the Department revealed the presence of naturally reproducing brook and brown trout as well as the presence of other cold water species. It is recommended that the South Fork Beech Creek basin from Stinktown Run to the mouth be designated CWF.

While this evaluation was being conducted, the Department noticed that the unnamed tributaries to Beech Creek had also been omitted from the drainage list. This rulemaking proposes to add them with a CWF designation, which is the same designation as the main stem of Beech Creek.

*Little Juniata River*—The Department's SCRO requested evaluation of a portion of the Little Juniata River for redesignation from TSF to CWF. The study area consists of the main stem from the confluence of Logan Spring Run to the confluence of Spruce Creek. This river section is located in Tyrone and Snyder Townships in Blair County and Warriors Mark and Spruce Creek Townships in Huntingdon County. Brown trout were found at all four sampling stations in the study reach. The trout from the upper two stations appeared to be the result of fingerling stocking by the FBC. The presence of young-of-the-year trout at the two lower stations confirms natural reproduction. Due to the maintenance and propagation of trout in this reach, it is recommended that the designated use be changed from TSF to CWF.

*Spring Creek*—Spring Creek is a tributary of the Susquehanna River in Dauphin County. It arises near the Harrisburg East Mall, flows under Interstate 83 and flows through the urbanized Harrisburg area. It joins the Susquehanna River between Harrisburg and Steelton. Despite the urban setting for much of its length, Spring Creek supports a naturally reproducing population of brown trout. Blacknose dace, another cold water species, is also present. As a result of these findings, it is recommended that the Spring Creek basin be redesignated from Warm Water Fishes (WWF) to CWF.

*Pine Creek*—Pine Creek is a tributary to Oil Creek near Titusville. The watershed is located in Crawford and Warren Counties, and was evaluated at the request of the FBC. Pine Creek is currently designated CWF, except for Caldwell Creek which is designated HQ-CWF. Based on biological comparisons to EV reference stations, a number of use designation changes are recommended. The upper Pine Creek basin, from the source to Caldwell Creek, is recommended for redesignation from CWF to HQ-CWF

based on biological condition score comparisons between 83% and 92% of reference. The upper portion of the Caldwell Creek basin, from the source to West Branch Caldwell Creek, is to retain the current HQ-CWF designation. The remainder of the Caldwell Creek basin, which includes the West Branch Caldwell Creek basin and the Caldwell Creek basin below the West Branch, is recommended for EV designation based on scoring more than 92% in comparison to reference conditions. It is recommended that the Pine Creek basin from Caldwell Creek to the mouth retain its CWF designation.

*Green Lick Run*—Green Lick Run is tributary to Jacobs Creek in Bullsken Township, Fayette County. This basin is currently designated WWF, and was evaluated for redesignation to EV in response to a rulemaking petition submitted by the Rural Area Concerned Citizens. As a result of biological sampling and 100% comparison to an EV reference, the upper portion of Green Lick Run, from the source to Latta Run, is recommended for redesignation to EV. A cold water fish community was found in the lower portion of the basin studied during this evaluation. As a result, Latta Run and the Green Lick Run basin from Latta Run to the T-753 bridge should be redesignated CWF.

In addition to these regulatory revisions, the Department discovered an error that occurred during rulemaking for the Class A Wild Trout Streams package. The entire main stem of Moshannon Creek was designated TSF. While redesignating the upper part of the Moshannon Creek basin, an entry for the remainder of the main stem was inadvertently deleted. An entry for the main stem from Roup Run to the mouth needs to be replaced to complete the Moshannon Creek listing. This entry, which shows that the lower main stem retains its TSF designation, is shown in Annex A, Drainage List L.

#### E. *Benefits, Costs and Compliance*

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for, the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as noted in this preamble in the discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams must comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of

the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are upgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. Surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus, an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification, and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain HQ Waters.

#### F. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### G. *Sunset Review*

These proposed amendments 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 August 13, 2003, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to submitting the proposed rulemaking, IRRC and the Committees have been provided a detailed regulatory analysis form prepared by the Department, the General Assembly and the Governor prior to final publication of the regulations.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final-form publication of the regulations.

#### 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 17101-2301). Comments submitted by facsimile will not be accepted. Comments must be received by the Board by October 3, 2003. 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 3, 2003. 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 proposed amendments will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by October 3, 2003.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-380. 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 II. WATER RESOURCES

## CHAPTER 93. WATER QUALITY STANDARDS

## ANTIDEGRADATION REQUIREMENTS

## § 93.9c. Drainage List C.

## Delaware River Basin in Pennsylvania

*Delaware River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
2—Martins Creek	Main Stem, Confluence of East and West Forks to Mouth	Northampton	TSF, MF	None
	* * * *	*		
3—Brushy Meadow Creek (UNT 64106)	Basin, Source to East Bangor Dam	Northampton	TSF, MF	None
3—Brushy Meadow Creek	Main Stem, East Bangor Dam to Mouth	Northampton	CWF, MF	None
4—Unnamed Tributaries to Brushy Meadow Creek	Basins, East Bangor Dam To Mouth	Northampton	TSF, MF	None
3—Waltz Creek	Basin	Northampton	CWF, MF	None
	* * * *	*		

## § 93.9g. Drainage List G.

## Delaware River Basin in Pennsylvania

*Delaware River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
2—Crum Creek	Basin, Source to [ Junction of Newtown, Edgemont and Willistown Township Borders ] West Branch Crum Creek	Chester [ - Delaware ]	HQ-CWF	None
2—West Branch Crum Creek	Basin	Chester	EV	None
2—Crum Creek	Basin, West Branch Crum Creek to Junction of Newtown, Edgemont, and Willistown Township Borders	Chester - Delaware	HQ-CWF	None
	* * * *	*		

## § 93.9l. Drainage List L.

## Susquehanna River Basin in Pennsylvania

*West Branch Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * *	*		
3—Moshannon Creek	Basin, Source to Roup Run	Clearfield-Centre	HQ-CWF	None
3—Moshannon Creek	Main Stem, Roup Run To Mouth	Clearfield-Centre	TSF	None

		* * * * *			
4—Beech Creek	<b>[ Basins</b>		<b>Clinton-Centre</b>	<b>CWF</b>	<b>None ]</b>
5—South Fork Beech Creek	Basin, Source to Stinktown Run		Centre	CWF	None
6—Stinktown Run	Basin		Centre	HQ-CWF	None
<b>5—South Fork Beech Creek</b>	<b>Basin, Stinktown Run to Mouth</b>		<b>Centre</b>	<b>CWF</b>	<b>None</b>
5—North Fork Beech Creek	Basin, Source to Confluence with South Fork		Centre	CWF	None
4—Beech Creek	Main Stem, Confluence of South and North Branches to Mouth		Clinton-Centre	CWF	None
<b>5—Unnamed Tributaries to Beech Creek</b>	<b>Basins</b>		<b>Clinton-Centre</b>	<b>CWF</b>	<b>None</b>
		* * * * *			

§ 93.9n. Drainage List N.

**Susquehanna River Basin in Pennsylvania**  
**Juniata River**

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
3—Little Juniata River	Main Stem, Source to <b>[ South Bald Eagle Creek ] Logan Spring Run</b>	Blair-Huntingdon	TSF	None
4—Unnamed Tributaries to Little Juniata River	Basins, Source to <b>[ South Bald Eagle Creek ] Logan Spring Run</b>	Blair	WWF	None
		* * * * *		
5—Sink Run	Basin	Blair	TSF	None
<b>4—Logan Spring Run</b>	<b>Basin</b>	<b>Huntingdon</b>	<b>WWF</b>	<b>None</b>
3—Little Juniata River	Main Stem, <b>[ South Bald Eagle Creek to Spruce Creek ] Logan Spring Run to Confluence with Frankstown Branch</b>	Huntingdon	<b>[ TSF ] CWF</b>	None
4—Unnamed Tributaries to Little Juniata River	Basins, <b>[ South Bald Eagle Creek to Spruce Creek ] Logan Spring Run to Confluence with Frankstown Branch</b>	Huntingdon-Blair	WWF	None
<b>[ 4—Logan Spring Run</b>	<b>Basin</b>	<b>Huntingdon</b>	<b>WWF</b>	<b>None ]</b>
4—Elk Run	Basin	Blair	WWF	None
4—Gensimore Run	Basin	Huntingdon	WWF	None
4—Sinking Run	Basin	Huntingdon	CWF	None
4—Spruce Creek	Basin	Huntingdon	HQ-CWF	None
<b>[ 3—Little Juniata River</b>	<b>Main Stem, Spruce Creek to Confluence with Frankstown Branch</b>	<b>Huntingdon</b>	<b>CWF</b>	<b>None ]</b>
<b>[ 4—Unnamed Tributaries to Little Juniata River</b>	<b>Basins, Spruce Creek to Confluence with Frankstown Branch</b>	<b>Huntingdon</b>	<b>WWF</b>	<b>None ]</b>
4—McLain Run	Basin	Huntingdon	WWF	None
		* * * * *		

## § 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania**  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
2—Paxton Creek	Basin	Dauphin	WWF	None
2—Spring Creek	Basin	Dauphin	[ WWF ] CWF	None
	* * * * *			

## § 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania**  
*Allegheny River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Pine Creek	[ Main Stem ] Basin, Source to Caldwell Creek	Crawford	[ CWF ] HQ-CWF	None
[ 5—Unnamed Tributaries to Pine Creek	Basins	Warren-Crawford	CWF	None
5—Campbell Creek	Basin	Warren	CWF	None
5—Dunham Run	Basin	Warren	CWF	None ]
5—Caldwell Creek	Basin, Source to West Branch Caldwell Creek	[ Crawford ] Warren	HQ-CWF	None
6—West Branch Caldwell Creek	Basin	Crawford	EV	None
5—Caldwell Creek	Basin, West Branch Caldwell Creek to Mouth	Crawford	EV	None
4—Pine Creek	Basin, Caldwell Creek to Mouth	Crawford	CWF	None
[ 5—Henderson Run	Basin	Crawford	CWF	None ]
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## § 93.9v. Drainage List V.

**Ohio River Basin in Pennsylvania**  
*Monongahela River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Jacobs Creek	Basin [ from ], Bridgeport Reservoir Dam to [ Mouth ] Green Lick Run	Fayette-Westmoreland	WWF	None
5—Green Lick Run	Basin, Source to Latta Run	Fayette	EV	None
6—Latta Run	Basin	Fayette	CWF	None
5—Green Lick Run	Basin, Latta Run to T-753 Bridge	Fayette	CWF	None

5—Green Lick Run	Basin, T-753 Bridge to Mouth	Fayette	WWF	None
4—Jacobs Creek	Basin, Green Lick Run to Mouth	Fayette-Westmoreland	WWF	None
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[Pa.B. Doc. No. 03-1628. Filed for public inspection August 22, 2003, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 83]

## Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1517, 1518 and 6103 (relating to medical advisory board; reports on mental or physical disabilities or disorders; and promulgation of rules and regulations by department), proposes to amend Chapter 83 (relating to physical and mental criteria, including vision standards relating to the licensing of drivers) to read as set forth in Annex A.

### *Purpose of the Chapter*

The purpose of Chapter 83 is to set forth physical and mental criteria, including vision standards, for the licensing of drivers, formulated by the Medical Advisory Board (Board) under 75 Pa.C.S. §§ 1517 and 1518. In addition to their use by the Department in connection with its responsibilities under 75 Pa.C.S. (relating to the Vehicle Code), these physical and mental criteria are to be used by medical providers in conducting physical examinations of applicants for learner permits and driver licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in Chapter 83 to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

### *Purpose of the Proposed Rulemaking*

The purpose of the amendments to Chapter 83 is to provide for waiver of the seizure-free requirements for drivers who have a seizure disorder but who are not a threat to public safety and who would have their driving privileges recalled under the current regulations. The proposed rulemaking also proposes new vision criteria to provide a waiver from the corrective lens requirement for certain drivers whose combined vision would not be improved by the use of corrective lenses for one eye and to provide for a restricted license for certain drivers whose combined visual acuity is less than 20/70 but is at least 20/100.

The regulations reflect consultation with the Board, as required by 75 Pa.C.S. §§ 1517 and 1518. The Board, after having conducted in-depth reviews and discussions, has determined that the regulations require amendments to make them consistent with existing medical practice and improved technology. The Department has also actively sought the participation of representatives from hospitals, rehabilitation facilities and special interest groups. The proposed rulemaking reflects the collective concurrence of the constituencies consulted in developing the amendments to the existing regulations.

### *Summary of Significant Amendments*

Section 83.2 (relating to definitions) has been amended to add the terms “seizure” and “seizure disorder.” These terms replace the term “epilepsy” in § 83.4 (relating to epilepsy). This broader terminology takes into consideration a number of symptoms and conditions that are not specifically epilepsy but are seizure disorders that can affect a person’s ability to operate a motor vehicle safely. In addition, this definition states that the term “seizure disorder” does not include isolated events caused by acute illness, intoxication, metabolic imbalance or trauma. Many individuals are reported to the Department as having seizure disorders when, in fact, they have had a seizure attributable to something other than electrically diagnosed epilepsy.

Section 83.2 has been amended to add the term “aura.” This term defines the physical warning many people experience prior to a seizure or instead of a seizure. It does not cause a change in the individual’s ability to think clearly or in the ability to safely operate a motor vehicle.

Section 83.3 (relating to visual standards) has been amended to permit an individual to obtain a waiver of the requirement to wear corrective lenses provided a licensed optometrist or ophthalmologist certifies that the individual’s combined visual acuity would not be improved with use of corrective lenses.

Section 83.3 has been amended to permit an individual who does not meet the current visual acuity standard of 20/70 combined vision to apply for a special restricted license if the combined visual acuity is at least 20/100. Research has indicated that in this range of visual acuity there is still ample sight to operate a vehicle safely with some restrictions.

The driver would have to successfully pass both a driver’s examination and a complete vision examination. This special license granted would restrict the individual to daylight driving only, driving on roads other than freeways and driving a passenger vehicle weighing no more than 10,000 pounds; the special license would not permit the driver to operate a motorcycle. A complete vision examination will be required annually and there will also be an annual review of the individual’s driving record. The license will be recalled if there is a violation of the conditions or limitations.

Section 83.3 has been amended to reduce the required horizontal field of vision from 140° to 120°. Studies indicate that drivers with a field of vision of only 120° are still able to scan the area necessary to safely operate a motor vehicle.

Section 83.4 has been amended to eliminate the requirement for individuals 16 and 17 years of age to be seizure free for 2 years. In the past, seizure disorders in adolescents were difficult to distinguish from brain tumors and other similar neurological disorders. The 2-year waiting period was necessary to make a proper diagnosis. With diagnostic advances in this area, this concern has been eliminated.

Section 83.4 has also been amended to reduce the required seizure free period from 1 year to 6 months. Neurologists have indicated that advances in research and medication now allow them to determine, within a shorter time period, when an individual's seizure disorder is under control by medication. In addition, this section has also been amended to allow persons who experience only auras to retain their driving privilege. The aura does not interfere with the ability to drive and thus poses no risk.

Additional changes have been made to the waiver provisions of § 83.4. A waiver of the freedom from seizure requirement for "a pattern of seizures immediately upon awakening" has been added to the waiver for strictly nocturnal seizures. Seizures which occur only while the individual is waking, and therefore not driving, pose no risk. The period of time for the establishment of a history of these patterns has been shortened to 2 years, as has the time period for the establishment of a history of experiencing only auras. Neurologists are now confident that the consistency of a pattern can be established in a much shorter period of time.

The waiver provisions of § 83.4 have also been amended to allow an individual who has had a seizure due to a prescribed change in or removal from medication while under medical supervision, to retain his driving privilege, provided the individual is returned to the medication with which the seizure disorder was previously controlled. Amendments to this section also allow an individual who has had a seizure due to a nonrecurring transient illness, toxic ingestion, metabolic imbalance or nonrecurring trauma, to retain his driving privilege. Seizures occurring as a result of these conditions are not true seizure disorders, but rather the seizure is secondary to the causing condition. Treatment of the underlying cause of the seizure eliminates the concern that additional seizures will occur.

A provision has also been added which clarifies the reporting requirements for single seizures. This will allow the Department to better ensure that individuals with uncontrolled seizure disorders will be identified.

Section 83.5 (relating to other physical and medical standards) has been amended to define and further clarify general disqualifications due to other physical and mental conditions likely to interfere with the ability to operate a motor vehicle safely. These general disqualifications have also been broken down into two categories to differentiate those conditions which require a physician to recommend recall of the driving privilege from those which automatically require that recall. A 6-month driving prohibition was added to § 83.5(a) for cerebral vascular insufficiency or cardiovascular disease resulting in syncopal attacks, loss of consciousness, vertigo, paralysis or loss of qualifying visual fields. A 1-year driving prohibition was added for periodic episodes of loss of consciousness that are of unknown etiology or not otherwise categorized.

Section 83.5(b) has been amended to include a short-term term disability provision wherein the physician will inform the patient that he has a short-term condition that will impair the ability to safely operate a motor vehicle, but because of the brevity of the condition will not be required to report the condition to the Department. This will be used for conditions that are self-correcting, normally healing, and fully recoverable, such as a broken arm.

Section 83.5 has been amended to eliminate standards for mental deficiencies. Functional mental ability to oper-

ate a vehicle safely can be demonstrated by successfully passing the complete driver's examination. The standards in this section regarding mental disorders have been expanded to better explain current psychiatric rationale and to stress the importance of the physician's clinical judgement.

Section 83.6 (relating to providers to report unqualified person) has been added to clarify the statutory requirement in 75 Pa.C.S. § 1518 that every provider is to report to the Department each person found to be unqualified to drive under Chapter 83. This was added to ensure that physicians are aware of their statutory reporting requirements.

#### *Persons and Entities Affected*

The proposed rulemaking affects all persons qualified or desiring to be qualified to drive, health care providers and the State Police.

#### *Fiscal Impact*

Implementation of the proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The proposed rulemaking will not impose additional costs on the medical community and may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers. It may impose additional costs on drivers wishing to apply for the restricted license for low vision drivers because of the requirement for an annual vision examination.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 11, 2003, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Sunset Provisions*

The Department will make the proposed rulemaking effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. The Department, however, will continue to closely monitor the regulations for effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Rebecca L. Bickley, Director, Bureau of Driver Licensing, 1101 South Front Street, Harrisburg, PA 17104, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.



Contact Person

The contact person for technical questions about the proposed rulemaking is Michael P. Kistler, Manager, Driver Safety Division, Bureau of Driver Licensing, 1101 S. Front Street, 4th Floor, Harrisburg, PA 17104, (717) 772-2119.

ALLEN D. BIEHLER, P. E., Secretary

Fiscal Note: 18-374. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS

§ 83.2. Definitions.

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

\* \* \* \* \*

**Aura**—An epileptic seizure which does not alter an individual's ability to think clearly or interfere with an individual's mechanical or sensory ability to operate a motor vehicle.

\* \* \* \* \*

**Licensed optometrist**—A doctor of optometry licensed by the State Board of [Optometrical Examiners] Optometry.

\* \* \* \* \*

**Nocturnal**—As used in relation to seizures, the term means occurring during sleep.

\* \* \* \* \*

**Seizure**—A paroxysmal disruption of cerebral function characterized by altered consciousness, altered motor activity or behavior identified by a physician as inappropriate for the individual.

**Seizure disorder**—Condition in which an individual has experienced a single seizure of electrically diagnosed epilepsy, or has experienced more than one seizure not including seizures resulting from an acute illness, intoxication, metabolic disorder or trauma.

\* \* \* \* \*

§ 83.3. Visual standards.

(a) *Driving without corrective lenses.* A person with visual acuity of 20/40 or better combined vision may drive without corrective lenses [ , but if that person has less visual acuity than 20/40 in one eye, that eye shall be corrected to its best visual acuity ].

(1) If a person with visual acuity of 20/40 or better combined vision, however, has less visual acuity than 20/40 in one eye, the vision in that eye shall be corrected to its best visual acuity.

(2) A person with visual acuity of 20/40 or better combined vision and who has visual acuity of less than 20/40 in one eye, may drive without corrective

**lenses upon determination by a licensed optometrist or ophthalmologist that the person's combined vision would not be improved by the use of corrective lenses.**

(b) *Driving with corrective lenses.* A person with less visual acuity than 20/40 combined vision shall wear lenses correcting [ his ] combined vision to 20/40 or better while driving, except that if correction to 20/40 is not possible, the person may drive in daylight hours only if one of the following are met:

\* \* \* \* \*

(c) *Visual acuity of less than 20/70.*

(1) A person with visual acuity of less than 20/70 combined vision but at least 20/100 combined vision with best correction may apply for and may be issued a restricted license only upon recommendation of a licensed optometrist or ophthalmologist or licensed physician who has equipment to properly evaluate visual acuity, and only if the following conditions or limitations are satisfied:

(i) The person takes and successfully passes a complete vision examination, including plotted visual fields, upon application and annually thereafter.

(ii) The person takes and successfully passes a driver's examination upon application.

(iii) The person's driving privilege is limited to roads other than freeways.

(iv) The person's driving privilege is limited to passenger vehicles weighing no more than 10,000 pounds, and excludes operation of a motorcycle.

(v) If determined by the Department to be appropriate, the person's driving privilege is limited to driving within a specific geographic area.

(2) Violation of these conditions or limitations shall result in the recall of the restricted license. In addition, an annual review of the person's accident and violation history will be conducted by the Department and the restricted license may be recalled if the Department determines that the person was involved in an at fault accident or convicted of two moving violations committed within a 1-year period.

(d) *Visual acuity of less than 20/100.* A person with visual acuity of less than [ 20/70 ] 20/100 combined vision with best correction [ is ] will not [ authorized ] be qualified to drive.

[ (d) ] (e) *Vision requirements.* A person shall have a combined field of vision of at least [ 140° ] 120° in the horizontal meridian, excepting the normal blind spots.

[ (e) ] (f) *Sight in one eye.* A person may be adequately sighted in only one eye and still meet the requirements of this section [ ; however, the ]. The person's driving privilege will be restricted to vehicles having mirrors so located as to reflect to the person a view of the highway for a distance of at least 200 feet to the rear.

[ (f) ] (g) \* \* \*

§ 83.4. [ Epilepsy ] Seizure disorder.

(a) *General.* A person [ suffering from epilepsy may ] who has a seizure disorder will not be qualified to drive unless [ their personal licensed ] a

physician reports that the person has been free from seizure for [ a period of ] at least [ 1 year ] 6 months immediately preceding, with or without medication. A person will not be disqualified if the person has experienced only an aura during that period.

(b) [ *Applicants between the ages of 16 and 18 years.* Applicants between the ages of 16 and 18 years applying for their first license shall have been free from seizure for a period of at least 2 years immediately preceding, with or without medication.

(c) [ *Waiver.* Waiver of the freedom from seizure requirement may be made upon specific recommendation by a licensed physician [ who specializes in neurology or neurosurgery ] if one of the following conditions apply:

(1) A strictly nocturnal pattern of [ the condition ] seizures or a pattern of seizures occurring only immediately upon awakening has been established over a period of at least [ 3 ] 2 years immediately preceding, with or without medication [ ; or ].

(2) A specific prolonged aura accompanied by sufficient warning has been established over a period of at least [ 5 ] 2 years immediately preceding, with or without medication.

(3) The person previously had been free from seizure for a 6 month period and the subsequent seizure or seizures occurred as a result of a prescribed change in or removal from medication while under the supervision of a licensed physician. This waiver will only be provided upon reinstatement of previous medication.

(4) The person previously had been free from seizure for 6 months and the subsequent seizure or seizures occurred during or concurrent with a nonrecurring transient illness, toxic ingestion, metabolic imbalance or nonrecurring trauma.

(c) *Reporting requirements for physicians.* Every physician who treats a person who has experienced a single seizure shall provide, consistent with 75 Pa.C.S. § 1518(b) (relating to reports on mental or physical disabilities or disorders), a report to the Department which shall constitute cause for the Department to direct the person to undergo an examination prescribed under 75 Pa.C.S. § 1519 (relating to determination of incompetency).

#### § 83.5. Other physical and medical standards.

(a) *General disqualifications.* A person [ afflicted by ] who has any of the following conditions [ may ] will not be qualified to drive [ if, in the opinion of the examining physician, the conditions are likely to interfere with the ability to control and safely operate a motor vehicle ]:

(1) [ Loss or impairment of the use of a foot, leg, finger, thumb, hand or arm, as a functional defect or limitation.

(2) \* \* \*

[ (3) ] (2) Cerebral vascular insufficiency or cardiovascular disease [ , including hypertension, with accompanying signs and symptoms. ] which, within the preceding 6 months, has resulted in one or more of the following:

(i) Syncopal attack or loss of consciousness.

(ii) Vertigo, paralysis or loss of qualifying visual fields.

[ (4) ] (3) Periodic episodes of loss of consciousness [ , attention or awareness from whatever cause ] which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding.

(b) *Disqualification on provider's recommendation.* A person who has any of the following conditions will not be qualified to drive if, in the opinion of the provider, the condition is likely to impair the ability to control and safely perform motor functions necessary to drive a motor vehicle:

(1) Loss of a joint or extremity as a functional defect or limitation.

(2) Impairment of the use of a joint or extremity as a functional defect or limitation.

(i) The provider shall inform the patient of the prohibition against driving due to the functional impairment.

(ii) The provider shall inform the Department in writing of the impairment if the condition has lasted or is expected to last longer than 90 days.

[ (5) ] (3) Rheumatic, arthritic, orthopedic, muscular, vascular or neuromuscular disease.

(i) The provider shall inform the patient of the prohibition against driving due to the functional impairment.

(ii) The provider shall inform the Department in writing of the impairment if the condition has lasted or is expected to last longer than 90 days.

(4) Cerebral vascular insufficiency or cardiovascular disease which, within the preceding 6 months, has resulted in lack of coordination, confusion, loss of awareness, dyspnea upon mild exertion or any other sign or symptom which impairs the ability to control and safely perform motor functions necessary to operate a motor vehicle.

[ (6) ] Mental deficiency or marked mental retardation in accordance with the International Classification of Diseases. For diagnostic categories, terminology and concepts to be used in classification, the physician should refer to the *Diagnostic and Statistical Manual* of the American Psychiatric Association and the *Manual on Terminology and Classification in Mental Retardation* of the American Association on Mental Deficiency.

(7) [ (5) ] Mental [ or emotional ] disorder, whether organic or [ functional. ] without known organic cause, as described in the current Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association, 1700 18th Street NW, Washington, DC 20009, especially as manifested by the symptoms set forth in subparagraphs (i)—(iii). While signs or symptoms of mental disorder may not appear during examination by the physician, evidence may be derived from the applicant's history as provided by self or others.

(i) Inattentiveness to the task of driving because of, for example, preoccupation, hallucination or delusion.

(ii) **Contemplation of suicide, as may be present in acute or chronic depression or in other disorders.**

(iii) **Excessive aggressiveness or disregard for the safety of self or others, or both, presenting a clear and present danger, regardless of cause.**

(6) **Periodic episodes of loss of attention or awareness which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding, as reported by a licensed physician.**

[ (8) ] (7) \* \* \*

[ (9) Another ] (8) **Any other condition which, in the opinion of [ the examining licensed physician, could interfere with ] a provider, is likely to impair the ability to control and safely operate a motor vehicle.**

[ (b) ] (c) *Special driving examination.* A person [ **afflicted by** ] who has any of the conditions enumerated in subsection [ (a)(1), (5) or (9) ] (b)(1), (2), (3) or (8) may be required to undergo a special driving examination to determine driving competency. The person may be restricted to driving [ **a vehicle equipped in a manner prescribed by the examining licensed physician or by the Department** ] only when utilizing appropriate adaptive equipment.

**§ 83.6. Providers to report unqualified persons.**

**Physicians and other persons authorized to diagnose and treat disorders and disabilities defined by the Medical Advisory Board shall report to the Department, in writing, the full name, date of birth and address of every person 15 years of age and older diagnosed as having any specified disorder or disability within 10 days, under 75 Pa.C.S. § 1518 (relating to reports on mental or physical disabilities or disorders).**

[Pa.B. Doc. No. 03-1629. Filed for public inspection August 22, 2003, 9:00 a.m.]

**[67 PA. CODE CH. 175]  
Vehicle Equipment and Inspection**

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority in 75 Pa.C.S. §§ 4103, 4107, 4702 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection), to read as set forth in Annex A.

*Purpose of Chapter 175*

The purpose of Chapter 175 is to implement 75 Pa.C.S. §§ 4101—4982 (relating to vehicle characteristics), which establishes minimum standards for vehicle equipment and performance and makes unlawful the sale and use of items which do not comply with standards.

*Purpose of the Proposed Rulemaking*

The purpose of the proposed rulemaking is to ensure that all vehicles registered in this Commonwealth are equipped with appropriate exhaust emission control systems as required by State and Federal law. Section 4107 of 75 Pa.C.S. (relating to unlawful activities) makes it unlawful for persons to willfully and intentionally remove or render inoperative an item of vehicle equipment which was required to be installed at the time of the vehicle's

manufacture. See 75 Pa.C.S. § 4107(b). The Clean Air Act (act) (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Parts 51 and 85 (relating to regulations for preparation, adoption and submittal of implementation plans; and control of air pollution from mobile sources) require vehicle manufacturers to install the emission control equipment which is the subject of this proposed rulemaking. As applied in this Commonwealth, other provisions of the act provide for the testing of this required vehicle emissions equipment in 25 counties in this Commonwealth. However, there are currently no provisions in Department regulations requiring inspection for even the presence of this required equipment in the remaining 42 counties under which to ensure that vehicle owners are in compliance with 75 Pa.C.S. § 4107(b) and that this equipment has not been removed or rendered inoperative. The proposed rulemaking provides for an inclusion in the safety inspection regimen of a visual inspection for the presence of the required equipment in vehicles registered in the counties not subject to emissions testing.

The proposed rulemaking also eliminates the requirement that inspection stations forward original official inspection report sheets to the Department and retain duplicate copies in station files. The proposed rulemaking requires only retention of the original official inspection report sheets in the station files.

*Significant Provisions of the Proposed Rulemaking*

The proposed rulemaking adds § 175.80(d) (relating to inspection procedure). This adds a visual inspection for the presence of the catalytic converter, exhaust gas recirculation valve, positive crankcase ventilation valve, fuel inlet restrictor, air pump and evaporative control system components. The section also requires a determination by the inspector as to whether the device is the correct type for the vehicle and if it appears to be properly connected.

The subsection will be applicable to vehicles registered in counties where there is not an emission inspection program. In counties where there is a current inspection/maintenance inspection program, verification of the presence and appropriateness of these components is already a part of the emissions inspection performed under Chapter 177 (relating to enhanced emission inspection program).

In addition, the proposed rulemaking modifies § 175.42(c) (relating to recording inspection), which currently requires inspection stations to forward completed official inspection report sheets to the Department and retain duplicate copies in station files for 2 years. The amendment would eliminate the need to forward the original sheets to the Department and require only that the original sheets be kept in station files for the 2-year period. This recordkeeping change will not impair the enforceability of the section.

*Persons and Entities Affected*

The amendment to § 175.80 will affect the owners of vehicles registered in the counties in this Commonwealth where there is not a current emission inspection program. The amendment will also affect certified safety inspection stations in those counties. Some inspection stations in counties having a current emission inspection program may also be affected to the extent that vehicles registered in neighboring counties where there is not an emission inspection program may seek to have a safety inspection performed at that station.

The amendment to § 175.42 will provide paperwork relief to all safety inspection stations.

*Fiscal Impact*

The proposed rulemaking may result in additional cost to consumers with vehicles registered in counties where there is not an emission inspection program if a vehicle fails to pass the safety inspection because of these new components of the inspection. Additional market-driven marginal increases in the cost of inspection could also result because of the addition of the new visual inspection procedures. The amendment to § 175.42 will marginally reduce the cost for inspection stations in eliminating postage and duplicating costs associated with sending the original inspection report sheets to the Department and retaining duplicate copies. The fiscal impact of these amendments cannot, however, be measured with any precision.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 2003, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Transportation. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Sunset Provisions*

The Department is not establishing a sunset date since these amendments are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

*Contact Person*

The contact person for technical questions about the proposed rulemaking is Kristen Singer, Vehicle Inspection Division, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, krsinger@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

**Fiscal Note:** 18-385. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter C. CERTIFICATE OF INSPECTION

§ 175.42. Recording inspection.

\* \* \* \* \*

(c) [ *Duplicates* ] *Records retention.* [ An ] The original official inspection report sheet shall be [ maintained in duplicate and, upon completion of the entire sheet, the original copy shall be forwarded immediately to the Bureau of Motor Vehicles, Vehicle Control Division, Post Office Box 8696, Harrisburg, Pennsylvania 17105. The duplicate copy shall be ] retained as a garage record and kept on file at the station for 2 years. At the close of each inspection period, [ the original report shall be returned to the Bureau at once ] the official inspection report sheet shall be placed in the station's files, even though all spaces may not have [ not ] been used, and a new inspection report sheet shall be started for the new inspection period.

\* \* \* \* \*

(f) [ *Enclosures prohibited.* Letters, checks, sticker requisitions or other items may not be enclosed when forwarding the report forms to the Vehicle Control Division.

(g) ] \* \* \*

\* \* \* \* \*

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

§ 175.80. Inspection procedure.

\* \* \* \* \*

(d) *Visual inspection of emission control system.* Vehicles registered in counties where there is not an emission inspection program under Chapter 177 (relating to emission inspection program), shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards.

(1) The visual inspection shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(2) Provided that the make and model year of the vehicle would have originally been equipped with the device, reject if one or more of the following apply:

(i) The catalytic converter has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

(ii) Exhaust gas recirculation (EGR) valve has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.

**(iii) Positive crankcase ventilation (PCV) valve has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.**

**(iv) Fuel inlet restrictor has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.**

**(v) Air pump has been removed, disconnected or appears to be the wrong type for the certified vehicle configuration.**

**(vi) Evaporative control system components have been removed, disconnected or appear to be the wrong type for the certified vehicle configuration.**

**(e) *Beneath the vehicle inspection.*** A beneath the vehicle inspection shall be performed as follows:

\* \* \* \* \*

**[ (e) ] (f) \* \* \***

\* \* \* \* \*

[Pa.B. Doc. No. 03-1630. Filed for public inspection August 22, 2003, 9:00 a.m.]

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