

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Corrective Amendment to § 16.102

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 16.102 (relating to approved EPA analytical methods and detection limits), as deposited with the Legislative Reference Bureau and the official text published at 35 Pa.B. 1223, 1227 and 1228 (February 12, 2005) and scheduled to be published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 365 (April, 2005)). The text of § 16.102(a)(3) was incorrect.

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 § 16.102. The corrective amendment to 25 Pa. Code § 16.102 is effective as of February 12, 2005, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 16.102 appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart A. PRELIMINARY PROVISIONS

ARTICLE I. ADMINISTRATIVE PROVISIONS

CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY—STATEMENT OF POLICY

Subchapter B. ANALYTICAL METHODS AND DETECTION LIMITS FOR TOXIC SUBSTANCES

GENERAL PROVISION

§ 16.102. Approved EPA Analytical and Detection Limits.

(a) Appendix A, Tables 2A and 2B contain the following data elements and is to be used as follows:

(1) Parameter + (CAS) is the chemical name preceded by an alphanumeric code for the priority pollutants. Other inorganics (metals) listed on the application form have also been included. The Chemical Abstracts Service (CAS) number, a unique chemical identifier, is also listed for completeness of identification. The CAS number should always be verified to ensure proper identification, particularly with chemicals with ambiguous or unfamiliar names, or both.

(2) Methods number + (description) includes the approved EPA procedures by identifying number and an abbreviated description of each. The methods are detailed in one or more of the following sources:

(i) *Methods for Chemical Analysis of Water and Wastes*, EPA 600/4-79-020, Revised March 1984.

(ii) 40 CFR Part 136 (relating to guidelines establishing test procedures). The EPA provides a list of still other

sources for these methods in 40 CFR Part 136. Methods that were not developed by the EPA, that is, have no EPA identifying method number, but are approved by the EPA for use in NPDES related analyses are marked with an asterisk (*) in Appendix A, Tables 2A and 2B.

(iii) *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, APHA-AWWA-WEF, 1998.

(iv) *Hach Handbook of Wastewater Analysis*, Hach Chemical Company, 1979.

(v) *Direct Current Plasma (DCP) Optical Emission Spectrometric Method for Trace Elemental Analysis of Water and Wastes, Method AES0029*. Applied Research Laboratories, Inc., 1986-Revised 1991, Fison Instruments, Inc.

(vi) *ASTM Annual Book of Standards, Section 11, Water*. American Society for Testing and Materials, 1999.

(3) MDL is the method detection limit for each chemical for each method. The MDL is defined as the minimum concentration that can be measured and reported with 99% confidence that the value is above zero—that is, something is really there. The MDL concentrations listed were obtained using reagent water. Similar results were achieved using representative wastewaters. The MDL achieved in a given analysis will vary depending on instrument sensitivity and matrix effects.

(i) When MDLs are not available, detection limits based on other criteria, such as instrument signal to noise ratios, are included in Appendix A. Table 3 Detection limits for metals are generally instrument detection limits.

(ii) For any pollutant with an effluent limitation below the method detection limit, the permittee is expected to generally achieve the detection limit of the most sensitive method that is below detection available.

(iii) If two approved analytical methods for the same parameter have detection limits that differ by less than 1 ug/l or a factor of 2 (whichever is greater), the permit may be written designating either method as acceptable. The permittee also has the option of using an alternate method approved by the Department and the EPA that the permittee selects as long as he achieves the level of detection of the cited method or the numerical water quality-based limit.

(iv) The primary source for detection limits in Appendix A, Tables 2A and 2B is EPA MDL studies. However, when the EPA has not performed an MDL study or reported the detection limit, other sources—particularly, Standard Methods—are consulted. When there is no literature on detection limit, the Department's Bureau of Laboratories may be asked to determine the detection limit based on an MDL study.

(4) Permittees will be required to meet the detection limits listed in Appendix A, Tables 2A and 2B. If the detection limit is not listed, a permittee shall develop a detection limit using an MDL study.

(5) When permittees cannot meet a listed detection limit, they may be granted case-specific MDLs if they submit complete documentation demonstrating a matrix effect in their particular effluent. The permittees shall follow the procedure for determining MDLs published as

Appendix B of 40 CFR Part 136 (relating to guidelines establishing text procedures). The Bureau of Laboratories will evaluate the data and advise the regional office of their decision.

organic pollutants. Further detail is contained in 40 CFR Part 136.

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(b) Appendix A, Table 3 gives a more detailed description of the EPA 600-series of analytical procedures for

DEPARTMENT OF ENVIRONMENTAL PROTECTION
[25 PA. CODE CH. 93]
Corrective Amendment to 25 Pa. Code § 93.9f

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9f (relating to Drainage List F) as deposited with the Legislative Reference Bureau and published at 33 Pa.B. 5420, 5422 and 5423 (November 1, 2003) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 350, January 2004), and as currently appearing in the *Pennsylvania Code*. When the amendments made by the Department at 33 Pa.B. 5420, 5422 and 5423 were codified, an entry for West Branch Perkiomen Creek was codified incorrectly.

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 § 93.9f. The corrective amendment to 25 Pa. Code § 93.9f is effective as of January 3, 2004, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9f 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 II. WATER RESOURCES
CHAPTER 93. WATER QUALITY STANDARDS
DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania
Schuylkill River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—West Branch Perkiomen Creek	Basin, Source to SR 1022 Bridge (RM 12.9)	Berks	CWF	None
4—West Branch Perkiomen Creek	Basin, SR 1022 Bridge to SR 2069 Bridge (RM 8.0)	Berks	EV	None
4—West Branch Perkiomen Creek	Basin, SR 2069 Bridge to Mouth	Montgomery	CWF	None
3—Perkiomen Creek	Main Stem, Green Lane Reservoir Dam to Mouth	Montgomery	WWF, MF	None
4—Hosensack Creek	Basin	Montgomery	CWF	None
	* * * * *			

[Pa.B. Doc. No. 05-491. Filed for public inspection March 18, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION
[25 PA. CODE CH. 93]
Corrective Amendment to 25 Pa. Code § 93.9r

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9r (relating to Drainage List R) as deposited with the Legislative Reference Bureau, and the official text published at 33 Pa.B. 1227, 1228 (March 8, 2003) and codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 342), and as currently appearing in the *Pennsylvania Code*. The entry for Elk Creek in Elk County is not in proper order.

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 § 93.9r. The corrective amendment to 25 Pa. Code § 93.9r is effective as of May 3, 2003, the date the defective text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9r 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 II. WATER RESOURCES
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DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania
Clarion River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
	* * * * *			
4—Riley Run	Basin	Elk	WWF	None
4—Little Mill Creek	Basin	Elk	HQ-CWF	None
4—Mason Creek	Basin	Elk	CWF	None
4—Elk Creek	Basin	Elk	CWF	None
4—Island Run	Basin	Elk	CWF	None
4—Big Mill Creek	Basin	Elk	HQ-CWF	None
4—Connerville Run	Basin	Elk	CWF	None
4—Dog Hollow Run	Basin	Elk	CWF	None
4—Gillis Run	Basin	Elk	CWF	None
4—Little Toby Creek	Main Stem	Elk	CWF	None
	* * * * *			

[Pa.B. Doc. No. 05-492. Filed for public inspection March 18, 2005, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF AUCTIONEER EXAMINERS [49 PA. CODE CH. 1] Exam Fee Deletion

The State Board of Auctioneer Examiners (Board) amends §§ 1.23 and 1.41 (relating to auctioneer licensure examination; and schedule of fees) to read as set forth in Annex A.

A. Effective date

The amendments take effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

This final-form rulemaking is authorized under section 812.1 of The Administrative Code of 1929 (code) (71 P. S. § 279.3a) and sections 5 and 6 of the Auctioneer and Auction Licensing Act (act) (63 P. S. §§ 734.5 and 734.6).

C. Background and Purpose

The amendment to § 1.23 reflects that applicants must apply to the professional testing organization, not the

Board, to take the examination. The professional testing organization determines a candidate's eligibility to take the exam and administers the examination to eligible candidates. Section 812.1 of the code requires that the auctioneer licensing examination be prepared and administered by a professional testing organization. The amendment to § 1.23 clears confusion that may result from the existing regulation which directs candidates to apply to the Board to be tested.

The amendment to § 1.41 deletes the reference to the fee for the examination for auctioneers. This fee is set by the professional testing organization, not by the Board. To avoid the necessity of amending the section whenever the professional testing organization changes the fee, the Board is deleting the reference to the examination fee.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of the proposed rulemaking was published at 33 Pa.B. 4685 (September 20, 2003). Publication was followed by a 30-day public comment period during which the Board received no comments.

The Independent Regulatory Review Commission (IRRC) had no objections, comments or recommendations to offer on this final-form rulemaking. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

E. Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no fiscal impact on the Board or its licensees. This final-form rulemaking will have no fiscal impact on the private sector, the general public or political subdivisions. This final-form rulemaking will avoid preparation of new regulations each time that an examination fee is changed and will not create additional paperwork for the private sector.

This final-form rulemaking should not impose any legal, accounting or reporting requirements on the regulated community.

F. Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Therefore no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 20, 2003, the Board submitted a copy of the notice of proposed rulemaking published at 33 Pa.B. 4685 to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

The Board did not receive any comments from IRRC, the SCP/PLC and the HPLC or the public.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 9, 2004, the final-form rulemaking was approved by the HPLC. On February 9, 2005, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved effective February 9, 2005.

H. Contact Person

Further information may be obtained by contacting Tammy Radel, Administrative Assistant, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

I. Findings

The Board finds that:

- (1) Public notice of intention to adopt these amendments has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and no comments were received.
- (3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

J. Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 1, are amended by amending §§ 1.23 and 1.41 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

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

KENYON B. BROWN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 35 Pa.B. 1487 (February 26, 2005).)

Fiscal Note: Fiscal Note 16A-647 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS LICENSURE

§ 1.23. Auctioneer licensure examination.

(a) The Board will have a professional testing organization conduct the auctioneer licensure examination at least two times each year.

(b) The applicant for auctioneer's license shall apply to the professional testing organization designated by the Board for admission to the licensure examination and pay the fee directly to that organization.

(c) If an applicant fails the examination once, the applicant may take the next scheduled examination or the examination following the next scheduled examination. If an applicant fails the licensure examination twice, the Board, upon notice to the applicant, may require the applicant to complete additional training approved by the Board.

FEES

§ 1.41. Schedule of fees.

Applicants shall pay the following fees:

Application fee for auctioneer license	\$50
Biennial renewal fee for auctioneer license	\$200
Application fee for apprentice auctioneer license	\$30
Biennial renewal fee for apprentice auctioneer	\$100
Application fee for auction house and auction company	\$200
Special license to conduct auction	\$200
Application fee to approve course	\$45
Application fee to change sponsor	\$15
Application fee to change auction house or auction company license	\$15
Nonresident exam eligibility review	\$25
Certification of scores, permit or registration.	\$25
Verification of license, registration, permit or approval	\$15

[Pa.B. Doc. No. 05-493. Filed for public inspection March 18, 2005, 9:00 a.m.]