

PROPOSED RULEMAKING ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

[Correction]

Triennial Review of Water Quality Standards

An error occurred in the document proposing to amend 25 Pa. Code Chapter 93 (relating to water quality standards), which appeared at 38 Pa.B. 236, 248 (January 12, 2008).

The Human Health Criteria for 1,3-Dichloro-Propylene (PP NO 18V) should be .34 not 34. The Criteria Continuous Concentrations for Methylene Chloride (PP NO 22V) should be 2400 not 200.

The correct version of the criteria for these chemicals is as follows, with ellipses referring to the text of Table 5 (relating to water quality criteria for toxic substances), which appeared at 38 Pa.B. 248.

§ 93.8c. Human health and aquatic life criteria for toxic substances.

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**TABLE 5
WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES**

Fish and Aquatic Life Criteria

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	<i>CRL</i>
18V	1,3-DICHLORO-PROPYLENE	00542756	61	310	.34	CRL
22V	METHYLENE CHLORIDE	00075092	2400	12000	4.6	CRL

[Pa.B. Doc. No. 08-46. Filed for public inspection January 11, 2008, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 247]

Death Benefits

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code § 247.7 (relating to death benefits) by adding subsection (c). This new subsection states what information should be contained on a State Employees' Retirement System (SERS) nomination of beneficiary form for it to be considered valid by SERS.

A. Effective Date

The proposed amendment will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. Contact Person

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150,

Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. Statutory Authority

This proposed amendment is being promulgated under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. Background and Purpose

This additional subsection states what information must be contained on a SERS nomination of beneficiary form for it to be considered valid by SERS.

E. Benefits, Costs and Compliance

Benefits

The proposed amendment is intended to alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The proposed amendment is not expected to impose any additional compliance costs.

F. Sunset Review

A sunset review is not applicable.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed additional subsection to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed additional subsection, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed additional subsection, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed additional subsection to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final publication of the additional subsection by the Board.

H. Public Comments

Written Comments. Interested persons are invited to submit comments regarding the proposed additional subsection to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments. Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.7. Death benefits.

* * * * *

(c) Beneficiary nomination. To be considered valid, any nomination of beneficiary form filed by a member after _____ (Editor's Note: The blank

refers to the effective date of adoption of this proposed rulemaking.) should contain the following information, all of which should be current as of the date of the member's execution thereof:

(1) If a natural person is designated by the member as the member's beneficiary, included with that designation should be the name of the person along with the person's date of birth and address. (A designation solely by relationship is not a valid nomination.)

(2) If a trust is designated by the member as the member's beneficiary, included with that designation should be the name of the trust along with the names of the trustees, the date the trust was established and the addresses of the trustees.

(3) If the member's estate is designated by the member as the member's beneficiary, included with that designation should be the names of the executors of the estate and the addresses of the executors.

(4) If a corporation, partnership, limited liability company, business trust, other association, governmental entity (other than the Commonwealth) or foundation is designated by the member as the member's beneficiary, included with that designation should be the full name of the corporation, partnership, limited liability company, business trust, other association, governmental entity or foundation along with the full name and address of the individual at the entity who should be contacted upon the death of the member.

[Pa.B. Doc. No. 08-177. Filed for public inspection February 1, 2008, 9:00 a.m.]

[4 PA. CODE CH. 241]

Definitions

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code § 241.1 (relating to definitions) regarding the definition of "beneficiary."

A. Effective Date

The proposed amendment will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. Contact Person

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. Statutory Authority

This proposed amendment is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. Background and Purpose

This proposed amendment will clarify the definition of the term "beneficiary" by defining the words "person" or "persons." It also removes the gender specific terms

currently in the definition and replaces them with gender neutral terms. Finally, it removes the operative provisions regarding payment to an estate or next of kin if a beneficiary is not designated by a member.

E. *Benefits, Costs and Compliance*

Benefits

The proposed amendment is intended to alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The proposed amendment is not expected to impose any additional compliance costs on State employees.

F. *Sunset Review*

A sunset review is not applicable.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendment to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final-form publication of the amendment by the Board.

H. *Public Comments*

Written Comments. Interested persons are invited to submit comments regarding the proposed amendment to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments. Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-8. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.1. Definitions.

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

* * * * *

Beneficiary—The person or persons, as defined in 1 Pa.C.S. § 1991 (relating to definitions), last designated in writing to the Board by a member to receive [his] the member's accumulated deductions or a lump sum benefit upon the death of [such] the member. [If one is not designated, the recipient shall be the estate of the member or next of kin under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), to the extent applicable.]

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[Pa.B. Doc. No. 08-178. Filed for public inspection February 1, 2008, 9:00 a.m.]

[4 PA. CODE CH. 241]

Electronic Submission of Documents and Electronic Transactions

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code Chapter 241 (relating to preliminary provisions) by adding § 241.2 (relating to electronic submission of documents and electronic transactions).

A. *Effective Date*

The proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) and the Electronic Transactions Act (act) (73 P.S. §§ 2260.101—2260.903).

D. *Background and Purpose*

The proposed new section authorizes the State Employees' Retirement System (SERS) to the extent authorized by a policy adopted by the Board, to allow members to submit documents or conduct benefit transactions using electronic media. The submission of documents and the

conduct of benefit transactions using electronic media must be in accordance with the act and other applicable laws of the Commonwealth.

E. *Benefits, Costs and Compliance*

Benefits

The proposed rulemaking is intended to permit the Board to establish a policy whereby members of SERS may submit documents to and conduct electronic benefit transactions with SERS using electronic media. This proposed rulemaking, once it is implemented, may save both time and cost to SERS' members.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The proposed rulemaking is not expected to impose any additional compliance costs.

F. *Sunset Review*

A sunset review is not applicable.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final-form publication of the rulemaking by the Board.

H. *Public Comments*

Written Comments. Interested persons are invited to submit comments regarding the proposed rulemaking to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments. Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-9. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.2. Electronic submission of documents and electronic transactions.

(a) The System may, in accordance with the Electronic Transactions Act (73 P.S. §§ 2260.101—2260.903), and other applicable laws of the Commonwealth, and to the extent authorized by a policy adopted by the Board, allow members to submit documents or conduct benefit transactions using electronic media.

(b) A policy adopted by the Board may include provisions requiring a member using electronic media to:

(1) Acknowledge that SERS will not be held responsible in the event the document submitted using electronic media is not accurately received by SERS.

(2) Agree to hold SERS harmless in the event of any fraud, mistake or negligence, whether intentional or unintentional, in connection with filings made or transactions conducted using electronic media.

(3) Agree to indemnify the System for any losses that may result directly or indirectly from filings made or transactions conducted using electronic media.

[Pa.B. Doc. No. 08-179. Filed for public inspection February 1, 2008, 9:00 a.m.]

[4 PA. CODE CH. 247]

Termination of Annuities

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code § 247.6 (relating to termination of annuities) by deleting subsection (a).

A. *Effective Date*

The proposed amendment will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. *Statutory Authority*

This proposed amendment is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) (Retirement Code).

D. *Background and Purpose*

The subsection to be deleted contains obsolete language and language that is repetitive of language in the Retirement Code. Deleting this subsection will avoid potential confusion on the part of members of the State System of Employees' Retirement System (SERS) and the agency's personnel and potential litigation.

E. *Benefits, Costs and Compliance*

Benefits

The proposed deletion of this subsection would benefit SERS and its members. This subsection is unnecessary, parts of which are repetitive and parts of which are obsolete. Deleting this subsection will avoid potential confusion on the part of members of SERS and its personnel and potential litigation.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposed amendment.

Compliance Costs

The proposed amendment is not expected to impose any additional compliance costs.

F. *Sunset Review*

A sunset review is not applicable.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed amendment has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendment to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final publication of the amendment by the Board.

H. *Public Comments*

Written Comments. Interested persons are invited to submit comments regarding the proposed amendment to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board

must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments. Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-10. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.6. Termination of annuities.

[(a) *Return to service and multiple service election.* An annuity payable under the code shall be automatically discontinued if the annuitant returns to State service except as otherwise provided in section 5706 of the code (relating to termination of annuities). An annuity payable under the code shall also cease if the annuitant enters school service and elects multiple service membership within 30 days thereafter and for all periods of State and school service until there is a subsequent discontinuance thereof. No annuitant entering school service, who has failed to elect multiple service membership within 30 days thereafter, shall be eligible to elect multiple service membership.

[(b) *Disability annuitant.*] The requirement that the subsequent annuity of a member who returns to active service, having once been on retirement, be reduced on the basis of benefits received prior to superannuation age, **[shall] does not [be applicable] apply** to a member who returns to active State service from a disability annuity.

[Pa.B. Doc. No. 08-180. Filed for public inspection February 1, 2008, 9:00 a.m.]