

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 78]

Oil and Gas Wells

The Department of Environmental Protection (Department) is soliciting comments on proposed changes to its regulations for the construction of oil and gas wells. The updated casing and cementing requirements will provide an increased degree of protection for both public and private water supplies.

The proposed rulemaking would incorporate and update existing requirements, with modifications regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells, and the protection of water supplies. The amended sections are §§ 78.1, 78.51, 78.52, 78.71—78.73, 78.81—78.85, 78.88 and 78.89, 78.91—78.96 and 78.122. The proposed modifications include updated material specifications and performance testing and revised design, construction, operational, monitoring, plugging, water supply replacement, and gas migration reporting requirements. With this proposed rulemaking, the Department is adding additional measures that will further minimize the concerns associated with gas migration.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for proposed rulemaking prior to submission to the Environmental Quality Board (Board), the Department believes further discussion would serve the public interest in this instance. A copy of the draft proposed regulations is available on the Department's web site at www.depweb.state.pa.us (DEP Keyword: "Oil and Gas") or by contacting the Bureau of Oil and Gas Management at (717) 772-2199. Following the Department's consideration of the public comments on this proposal, the Department will summarize the comments and responses and submit an official proposed rulemaking to the Board. Additional public comments will be solicited following approval by the Board.

Written Comments: Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765 (express mail: Rachel Carson State Office Building, 5th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Department by March 2, 2010.

Electronic Comments: Comments may be submitted electronically to the Department at ra-epoilandgas@state.pa.us and must also be received by the Department by March 2, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-4526 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can best accommodate their needs.

JOHN HANGER,
Secretary

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STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

Fees—Landscape Architect

The State Board of Landscape Architects (Board) proposes to amend § 15.12 (relating to fees) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fees for landscape architects from \$125 to \$194.

Effective Date

The proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The new biennial renewal fees will take effect for the biennial period commencing June 1, 2011.

Statutory Authority

Section 5(a) of the Landscape Architects' Registration Law (act) (63 P.S. § 905(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.

Background and Need for Amendment

Under section 5(a) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees. The biennial renewal fee has not been increased since 1983. It currently stands at \$125.

At the March 12, 2009, Board meetings the Department of State's Bureau of Finance and Operations (BFO) staff presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2006-2007 and 2007-2008, and projected revenue and expenses through 2017-2018. BFO projects that, without an increase to the biennial renewal fee, the Board will incur a deficit of \$37,849.33 in FY 2011-2012, a deficit of \$22,849.33 in FY 2012-2013, a deficit of \$95,849.33 in FY 2013-2014, a deficit of \$86,849.33 in FY 2014-2015, a deficit of \$165,849.33 in FY 2015-2016, a deficit of \$162,849.33 in FY 2016-2017, and a deficit of \$247,849.33 in FY 2017-2018. These deficits are significant for a Board that has less than 1,000 licensees, and annual expenditures of less than \$100,000 most years. BFO recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 5(a) of the act. As a result, the Board voted to increase the biennial renewal fee from

\$125 to \$194. BFO anticipates that the proposed new biennial renewal fees will enable the Board to avoid the projected deficits and meet its estimated expenditures for years to come. The Board has a stable population base of landscape architects and a low adjudicatory docket.

Description of Proposed Amendments

Based upon the previous expense and revenue estimates provided to the Board, the Board proposes to amend § 15.12 to increase the fee for biennial renewal of licenses for landscape architects from \$125 to \$194.

Fiscal Impact

The proposed rulemaking will increase the biennial renewal fee for landscape architects by \$69 or approximately \$35 per year. There are currently 989 actively licensed landscape architects. The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewals fees; however, the proposed rulemaking should not create additional paperwork for the private sector.

Sunset Date

The act requires the Board to monitor its revenue and costs on a FY and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 14, 2010, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 rulemaking within 30 days of the

close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of any comments, recommendations and objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christopher Grovich, Board Counsel, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JAMES W. BARNES, L. A.,
Chairperson

Fiscal Note: 16A-619. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

	* * * * *
Biennial registration fee	\$ [125] 194
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