# DEP REGULATORY UPDATE

**January 2, 2019**

*(This update is designed to provide a quick snapshot of the current status of regulations within DEP)*

<table>
<thead>
<tr>
<th>Title of Regulation/Statutory Authority</th>
<th>Summary of Regulation and Contact</th>
<th>Status</th>
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</thead>
</table>
| **Noncoal Mining Program Fee Amendments (#7-523)**  
Noncoal Surface Mining and Conservation and Reclamation Act, Clean Streams Law  
25 Pa. Code Chapter 77 | This rulemaking increases fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking provides additional revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards.  
**CONTACT:** Bill Allen, 717-783-9580, wallen@pa.gov | CURRENT STATUS: Final  
Amended rulemaking adopted by the EQB at its December 18, 2018 meeting.  
**Background:**  
- Planned for IRRC consideration on October 18, 2018. Withdrawn from IRRC agenda on October 17, 2018.  
- Submitted to IRRC on September 14, 2018.  
- EQB adopted as final on August 21, 2018.  
- Draft Annex A presented to and discussed with the Aggregate Advisory Board on May 9, 2018.  
- IRRC comments received on April 4, 2018  
- EQB adopted proposed rulemaking on October 17, 2017. |
| **Triennial Review of Water Quality Standards & Updates to Toxics Management Strategy – Statement of Policy (#7-534)**  
40 CFR Section 131.20  
25 Pa. Code Chapters 93 and 16 | This rulemaking proposes to revise the Commonwealth’s water quality criteria and standards in Chapter 93 and update to Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act.  
**CONTACT:** Tom Barron, 717-787-9637, tbarron@pa.gov | CURRENT STATUS: Draft Final  
Program preparing draft final rulemaking.  
**Background:**  
- IRRC comments received on March 19, 2018.  
- Proposed rulemaking published in the *Pa. Bulletin* on October 21, 2017, opening a 69-day public comment period. Public comment period extended on December 30, 2017 and one hearing added. Public comment period, as extended, closed on February 16, 2018. A total of four public hearings were held on December 6, 8, and 14 (Wilkes Barre, Harrisburg, and Pittsburgh) and on January 30 in Norristown. To view public comments, access eComment.  
- EQB adopted proposed rule on April 18, 2017. |
<table>
<thead>
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| **Unconventional Well Permit Application Fees**  
(#7-542)  
2012 Oil and Gas Act  
25 Pa. Code Chapter 78a | This rulemaking proposes amendments to 25 Pa. Code §§ 78a.1 (relating to definitions and 78a.19 (relating to permit application fee schedule). These amendments are necessary to increase fees to support the administration of 58 Pa.C.S. Chapter 32 (related to development) (2012 Oil and Gas Act) by the DEP’s Office of Oil and Gas Management. The proposed rulemaking increases the current well permit application fees from $5,000 for nonvertical unconventional wells and $4,200 for vertical unconventional wells, to $12,500 for all unconventional well permit applications to administer the 2012 Oil and Gas Act.  
CONTACT: Kurt Klapkowski, 717-772-2199, kklapkowsk@pa.gov | CURRENT STATUS: Draft Final  
Program drafting final-form rulemaking.  
Background:  
- IRRC Comments received on September 12, 2018.  
- EQB adopted as proposed on May 16, 2018. |
| **Federal Office of Surface Mining (OSM) Program Consistency Rule**  
(#7-532)  
Surface Mining Conservation and Reclamation Act  
25 Pa. Code Chapters 86, 89, and 90 | This rulemaking proposes to amend Chapter 86 in order to comply with Federal regulatory requirements; to revise (Chapter 89) effluent limits for passive treatment systems to comply with Federal regulations, and to update (Chapter 90) coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act.  
CONTACT: Bill Allen, 717-783-9580, wallen@pa.gov | CURRENT STATUS: Proposed  
IRRC comments received on December 24, 2018.  
Background:  
- EQB adopted as proposed on May 16, 2018.  
- DEP discussed proposed regulatory amendments with the Mining and Reclamation Advisory Board’s Regulatory, Legislative and Technical Committee (MRAB) on March 30, 2017 and with the full Board on April 6, 2017. |
| **Water Quality Management and NPDES Permit Application Fee and Annual Fees**  
(#7-533)  
Pennsylvania Clean Streams Law  
25 Pa. Code Chapters 91 and 92a | This rulemaking proposes to amend fees related to water quality management permitting (Chapter 91) fee schedule for NPDES permit applications (Chapter 92a). Chapter 91 establishes, among other things, a water quality management (WQM) permitting program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. DEP began its Chapter 92a annual invoicing and fee collection program in December 2010. Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters. Chapter 92a also introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits. A fee analysis presented to the EQB in 2014 highlighted that, despite the 2010 fee increase, revenue continues to fall short of expenses, impeding the work of Programs to carry out necessary tasks for protecting water resources in the Commonwealth.  
CONTACT: Sean Furjanic, 717-787-2137, sefurjanic@pa.gov | CURRENT STATUS: Proposed  
EQB adopted proposed rule on December 18, 2018.  
Background:  
- Regulatory fee reports presented to the EQB on August 21, 2018.  
- DEP discussed proposed regulatory amendments with the Water Resources Advisory Committee (WRAC) on March 24, 2016 and September 22, 2016. Proposed regulatory amendments were also presented to WRAC on October 25, 2017. |
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<td>Water Quality Standards – Class A Stream Redesignations (#7-548) Clean Streams Law 25 Pa. Code Chapter 93</td>
<td>The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC’s fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations. CONTACT: Steve Taglang, 717-787-5017, <a href="mailto:staglang@pa.gov">staglang@pa.gov</a></td>
<td>CURRENT STATUS: Proposed EQB adopted proposed rule on December 18, 2018.</td>
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<td>Air Quality Fee Schedule Amendments (#7-536) Air Pollution Control Act 25 Pa. Code Chapters 127 and 139</td>
<td>This rulemaking proposes to revise existing requirements and fee schedules codified in Chapter 127, Subchapter I to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control (35 P. S. § 4006.3(a)). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the SIP or the Title V Program Approval, as appropriate. CONTACT: Susan Hoyle, 717-772-2329, <a href="mailto:shoyle@pa.gov">shoyle@pa.gov</a></td>
<td>CURRENT STATUS: Proposed EQB adopted proposed rule on December 18, 2018. Background: • Draft regulatory language presented to the Air Quality Technical Advisory Committee (AQTAC); with the SBCAC, and with the CAC. • DEP presented regulatory concepts to AQTAC on September 6, 2017 and December 14, 2017; with the SBCAC on December 14, 2017 and with the CAC on January 16, 2018.</td>
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<td>Additional Requirements for Control of Fine Particulate Matter in the Nonattainment New Source Review Program (#7-551) Air Pollution Control Act 25 Pa. Code Chapter 121 and 127</td>
<td>This rulemaking proposes to amend Chapter 127, Subchapter E to incorporate Federal requirements issued by the EPA on August 26, 2016, for the regulation of precursor emissions to the formation of particulate matter less than and equal to 2.5 micrometers in diameter (PM$<em>{2.5}$). The EPA's final rule requires states with nonattainment areas for PM$</em>{2.5}$ to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as PM$<em>{2.5}$ precursors. See 81 FR 58010. The proposed amendments would limit the emissions of VOC and ammonia as PM$</em>{2.5}$ precursors for new major sources or major sources being modified in certain counties of this Commonwealth that are designated as nonattainment for the PM$<em>{2.5}$ National Ambient Air Quality Standard. This proposed rulemaking would also add PM$</em>{2.5}$ significant impact levels (SIL) to conform with the EPA guidance for SILs published on April 17, 2018. CONTACT: Susan Hoyle, 717-772-2329, <a href="mailto:shoyle@pa.gov">shoyle@pa.gov</a></td>
<td>CURRENT STATUS: Proposed EQB adopted proposed rule on December 18, 2018. Background: • Draft Annex A presented to the Citizen’s Advisory Council (CAC), the Small Business Compliance Advisory Committee (SBCAC), and to the Air Quality Technical Advisory Committee (AQTAC).</td>
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<td>Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil (7-546) Air Pollution Control Act 25 Pa. Code § 123.22</td>
<td>This rulemaking proposes to amend 25 Pa. Code § 123.22 to reduce the maximum allowable sulfur content in No. 2 and lighter commercial fuel oil, sold for and used in combustion units, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. The rulemaking would require No. 2 fuel oil offered for sale, delivered for use, exchanged in trade or used in Pennsylvania to meet the new sulfur limit. Emissions of sulfur dioxide contribute to the formation of regional haze, which degrades visibility in urban and rural areas and contributes to fine particulate matter. CONTACT: Susan Hoyle, 717-772-2329, <a href="mailto:shoyle@pa.gov">shoyle@pa.gov</a></td>
<td>CURRENT STATUS: Draft Proposed Program developing proposed regulatory amendments. Anticipated for EQB consideration first quarter of 2019. Background: • DEP presented regulatory concepts to SBCAC on January 24, 2018 and to AQTC on February 8, 2018.</td>
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<td>Water Supply Replacement (7-545) Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapters 87 and 88</td>
<td>This rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. CONTACT: Bill Allen, 717-783-9580, <a href="mailto:wallen@pa.gov">wallen@pa.gov</a></td>
<td>CURRENT STATUS: Draft Proposed Program developing proposed regulatory amendments. Background: • DEP presented draft regulatory language to the Mining and Reclamation Advisory Board’s Regulatory, Legislative, and Technical Committee on April 19, 2018.</td>
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| Administration of Land Recycling Program (#7-552) Land Recycling Act 25 Pa. Code Chapter 250                                                                 | The rulemaking amends 25 Pa. Code Chapter 250 to update the MSCs established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. The regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. Additional changes to the regulations may be needed to clarify regulatory language, update outdated information, and to make other corrections. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. | CURRENT STATUS: Draft Proposed  
Program developing proposed regulatory amendments.  
Background:  
- DEP presented regulatory concepts to the Cleanup Standards Scientific Advisory Board (CSSAB) on August 1, 2018. |
| Control of VOCs from Gasoline Dispensing Facilities (Stage II) (#7-525) Air Pollution Control Act 25 Pa. Code § 129.82 | This rulemaking proposes to remove the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to still comply with existing Stage II regulatory maintenance requirements. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. | CURRENT STATUS: Pre-Draft Proposed  
Program developing proposed regulatory amendments. |
| Control of Emissions from the Oil and Natural Gas Industry (#7-544) Air Pollution Control Act 25 Pa. Code Chapter 129 | This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT) recommendations of the Control Technique Guidelines for the Oil and Natural Gas Industry finalized by the EPA on October 27, 2016. The proposed rulemaking would establish RACT requirements for volatile organic compounds and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. | CURRENT STATUS: Pre-Draft Proposed  
Program developing proposed regulatory amendments. |
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<td>Environmental Protection Performance Standards for Conventional Oil and Gas Operators (#7-539) 2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014 25 Pa. Code Chapter 78</td>
<td>This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. CONTACT: Kurt Klapkowski, 717-772-2199, <a href="mailto:kklapkowski@pa.gov">kklapkowski@pa.gov</a></td>
<td>CURRENT STATUS: Pre-Draft Proposed Program developing proposed regulatory amendments.</td>
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<td>Administration of the Storage Tank and Spill Prevention Program (#7-530) Storage Tank and Spill Prevention Act 25 Pa. Code Chapter 245</td>
<td>This rulemaking amends Chapter 245 to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. The proposed changes are expected to result in improvements in the routine operation, maintenance and monitoring of underground storage tanks which will help to further reduce the number of releases from underground storage tanks and, in turn, protect public health and the environment. CONTACT: Kris Shiffer, 717-772-5809, <a href="mailto:kshiffer@pa.gov">kshiffer@pa.gov</a></td>
<td>Published as final in the <em>Pennsylvania Bulletin</em> on December 22, 2018. Background: • IRRC approved on October 18, 2018. • EQB adopted as final on August 21, 2018. • Draft final Annex A presented to and discussed with the Storage Tank Advisory Committee (STAC) on May 17, 2018. • IRRC comments received on April 25, 2018. • Proposed rulemaking published in the <em>Pa. Bulletin on February 24, 2018</em>, opening a 30-day public comment period. Public comment period closed on March 26, 2018. To view and submit public comments, access eComment. • EQB adopted proposed rulemaking on October 17, 2017.</td>
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<td>Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications (#7-549) Clean Air Act, Air Pollution Control Act 25 Pa. Code Chapter 127</td>
<td>This final-omitted rulemaking amends 25 Pa. Code § 127.621(b) (relating to application for use of general plan approvals and general operating permits) to add the option of electronic means for delivery of applications for air quality general plan approvals (GPA) and general operating permits (GP). CONTACT: Susan Hoyle, 717-772-2329, <a href="mailto:shoyle@pa.gov">shoyle@pa.gov</a></td>
<td>Published as final and effective in the <em>Pennsylvania Bulletin</em> on November 10, 2018. Background: • IRRC approved on October 18, 2018. • EQB adopted as final on August 21, 2018. • Draft Annex A presented to the Citizen’s Advisory Council (CAC), the Small Business Compliance Advisory Committee (SBCAC), and to the Air Quality Technical Advisory Committee (AQTAC).</td>
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<td>Radiological Health (#7-499) Radiation Protection Act and Radon Certification Act 25 Pa. Code Chapters 215-221, 223-228, 230, 232 and 240</td>
<td>This rulemaking proposes to amend Chapters 215—240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. CONTACT: John Chippo, 717-787-2480, <a href="mailto:jchippo@pa.gov">jchippo@pa.gov</a></td>
<td>Published as final in the <em>Pennsylvania Bulletin</em> on October 27, 2018. Rulemaking will take effect on January 24, 2019 (90 days after publication). Background: • IRRC approved on August 16, 2018. • EQB adopted on June 19, 2018. • Draft final Annex A presented to Radiation Protection Advisory Committee (RPAC) on October 19, 2017. • IRRC comments received on July 26, 2017. • Proposed rulemaking published in the <em>Pa. Bulletin on May 13, 2017</em>, opening a 45-day public comment period. Public comment period closed on June 26, 2017. To view public comments, access eComment. • Proposed rulemaking adopted by the EQB on October 18, 2016.</td>
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| U.S. Nuclear Regulatory Commission (NRC) Consistency Rule Radiation Protection Act 25 Pa. Code Chapters 215, 217, 230, and 232 | This rulemaking amends Chapters 215, 217, 230 and 232 to exclude specific provisions of Title 10, Chapter I (relating to Nuclear Regulatory Commission) of the Code of Federal Regulations (CFR) from incorporation-by-reference in these chapters. The Commonwealth and the NRC entered into an agreement in 2008 in which the Commonwealth agreed to oversee and regulate most types of radioactive materials used in Pennsylvania. As part of that agreement, the Commonwealth’s radioactive materials program must remain compatible with NRC’s radioactive materials program. The Commonwealth meets this requirement by incorporating the appropriate NRC regulations by reference. The NRC recently identified provisions of 10 CFR that should be excluded from the Commonwealth’s incorporation-by-reference.  
CONTACT: John Chippo, 717-787-2480, jchippo@pa.gov | Published as final and effective in the *Pennsylvania Bulletin* on September 15, 2018.  
**Background:**  
- IRRC approved on August 16, 2018.  
- Concepts for this final-omitted rulemaking and reasons for using this expedited approach were discussed with and received the support of RPAC at its October 19, 2017, meeting. |
| Safe Drinking Water General Update and Fees Pennsylvania Safe Drinking Water Act 25 Pa. Code Chapter 109 | This rulemaking proposes to strengthen turbidity standards for surface water filtration plants, update and clarify permitting requirements for new sources, and clarify source water protection requirements and other sections of Chapter 109. This rulemaking also proposes to establish new annual fees and increase permit fees to supplement state costs for administering the Safe Drinking Water Program.  
CONTACT: Ed Chescatti, 717-772-2184, echescatti@pa.gov | Published as final in the *Pennsylvania Bulletin* on August 18, 2018. Deferred implementation dates included in this rulemaking.  
**Background:**  
- IRRC approved on June 28, 2018.  
- EQB adopted on April 17, 2018.  
- IRRC comments received in October 25, 2017.  
- Proposed rule adopted by the EQB on May 17, 2017. |
| Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; and Additional RACT Requirements for Major Sources of NOx and VOCs Air Pollution Control Act 25 Pa. Code Chapter 129 | This rulemaking proposes to amend existing surface coating regulations to reduce the emissions of volatile organic compounds from industrial cleaning solvents not regulated elsewhere in 25 Pa. Code Article III to meet the Clean Air Act “reasonably available control measures,” including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards will be consistent with the recommendations of the EPA included in the corresponding CTG for industrial cleaning solvents. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the SIP.  
CONTACT: Susan Hoyle, 717-772-2329, shoyle@pa.gov | Published as final and effective in the *Pennsylvania Bulletin* on August 11, 2018.  
**Background:**  
- IRRC approved on June 28, 2018.  
- EQB adopted on April 17, 2018.  
- IRRC comments received on September 20, 2017.  
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</thead>
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| **Disinfection Requirements Rule** (#7-520) *Pennsylvania Safe Drinking Water Act* 25 Pa. Code Chapter 109 | This rulemaking amends Chapter 109 to revise the minimum disinfectant residual level maintained in public water distribution systems and the related monitoring and reporting requirements. This rulemaking also clarifies other existing provisions to obtain primacy for the Federal Long Term 2 Enhanced Surface Water Treatment Rule, Short-term Revisions to the Lead and Copper Rule, and the Stage 2 Disinfection Byproducts Rule. **CONTACT:** Dawn Hissner, 717-772-4018, dhissner@pa.gov | Published as final and effective in the *Pennsylvania Bulletin* on April 28, 2018. **Background:**  
- EQB adopted final-omitted rulemaking on December 12, 2017.  
- IRRC comments received on May 19, 2016.  
- Proposed rule published in the *Pa. Bulletin on February 20, 2016*, opening the public comment period. Public hearings held on March 28, April 5, and April 7 (Harrisburg, Norristown, Pittsburgh). Public comment period closed April 19, 2016. To view comments, visit eComment.  
- Proposed rulemaking adopted by the EQB at its November 17, 2015 meeting. |

| **Repeal of Gasoline Volatility Requirements** (#7-529) *Air Pollution Control Act* 25 Pa. Code Chapters 121 and 126 | This rulemaking amends Chapter 126, Subchapter C (relating to gasoline volatility requirements) codified in §§ 126.301—126.303 (relating to compliant fuel requirements; recordkeeping and reporting; and compliance and test methods) by adding language to § 126.301 that makes §§ 126.301—126.303 no longer applicable to the Pittsburgh-Beaver Valley Area upon the effective date of approval by the U.S. Environmental Protection Agency (EPA) of the removal, suspension, or replacement of Chapter 126, Subchapter C as a Federally enforceable control measure in the Commonwealth’s State Implementation Plan (SIP). **CONTACT:** Susan Hoyle, 717-772-2329, shoyle@pa.gov | Published as final and effective in the *Pennsylvania Bulletin* on April 7, 2018. **Background:**  
- EQB adopted final-omitted rulemaking on December 12, 2017.  
- Draft final Annex A presented to the Citizen’s Advisory Council (CAC) on September 19, 2017.  
- IRRC comments received on May 31, 2017.  
- Proposed rulemaking published in the *Pa. Bulletin on February 25, 2017*, opening a 60-day public comment period. Public comment period closed on May 1, 2017. Three public hearings were held on March 28, 29, and 30 (Pittsburgh, Norristown, Harrisburg). To view public comments, access eComment.  
- Proposed rulemaking adopted by the EQB on October 18, 2016. |
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<td>Administration of Land Recycling Program (#7-538) &lt;br&gt; Land Recycling Act &lt;br&gt; 25 Pa. Code Chapter 250</td>
<td>This rulemaking amends transcription and input errors for the toxicity values for Aldrin, beryllium, and cadmium presented in the 2016 version of the 25 Pa. Code, Chapter 250 rulemaking, which resulted in the calculation of incorrect Statewide health standard Medium Specific Concentrations. &lt;br&gt; CONTACT: Troy Conrad, 717-783-9480, <a href="mailto:tconrad@pa.gov">tconrad@pa.gov</a></td>
<td>Published as final-omitted and effective in the Pennsylvania Bulletin on March 17, 2018. &lt;br&gt; Background: &lt;br&gt; • IRRC approved final-omitted regulation on February 22, 2018. &lt;br&gt; • EQB adopted final-omitted rulemaking on December 12, 2017. &lt;br&gt; • This final-omitted rulemaking was discussed with and received the support of the Cleanup Standards Scientific Advisory Board (CSSAB) at its November 16, 2016, meeting.</td>
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<td>Water Quality Standards - Sobers Run, et al., Stream Redesignations (#7-535) &lt;br&gt; Pennsylvania Clean Streams Law &lt;br&gt; 25 Pa. Code Chapter 93</td>
<td>This rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by DEP to determine the appropriate designated use of the candidate waterbodies. The streams in this proposed rulemaking were evaluated in response to four petitions. Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. &lt;br&gt; CONTACT: Steve Taglang, 717-787-5017, <a href="mailto:staglang@pa.gov">staglang@pa.gov</a></td>
<td>Published as final and effective in the Pennsylvania Bulletin on February 10, 2018. &lt;br&gt; Background: &lt;br&gt; • IRRC approved final-form regulation on November 16, 2017. &lt;br&gt; • Final-form rulemaking adopted by the EQB on August 15, 2017. &lt;br&gt; • IRRC Comments received on August 24, 2016. &lt;br&gt; • Proposed rulemaking published on June 11, 2016, opening a 45-day public comment period. Public comment period closed on July 25, 2016. To view comments, access eComment. &lt;br&gt; • Proposed rulemaking adopted by the EQB on April 19, 2016.</td>
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<td>Underground Coal Mine Safety Sensitive Ground Fault (#7-527) &lt;br&gt; Bituminous Coal Mine Safety Act &lt;br&gt; 25 Pa. Code Chapter 208</td>
<td>This rulemaking includes revisions to Chapter 208 in order to enhance the safety of electrical cables in underground mines through the use of more sensitive ground fault protection. &lt;br&gt; CONTACT: Colvin “Craig” Carson, 724-404-3154 <a href="mailto:cocarson@pa.gov">cocarson@pa.gov</a></td>
<td>Published as final and effective in the Pennsylvania Bulletin on January 13, 2018. &lt;br&gt; Background: &lt;br&gt; • IRRC approved final-form regulation on November 16, 2017. &lt;br&gt; • Final-form rulemaking adopted by the BCMS on September 5, 2017. &lt;br&gt; • IRRC Comments received on May 17, 2017. &lt;br&gt; • Proposed rulemaking published in the Pa. Bulletin on March 18, 2017, opening a 30-day public comment period. Public comment period closed on April 17, 2017. To view public comments, access eComment. &lt;br&gt; • Proposed rulemaking adopted by the BCMS on September 13, 2016.</td>
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| **Handling and Use of Explosives (#7-522)**  
  Explosives Act of 1937; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act  
  25 Pa. Code Chapters 210 and 211 | This rulemaking revises current explosives regulations to address blasting activities relating to seismic exploration. The rulemaking also updates explosives use requirements, enforcement authority and eliminates outdated requirements.  
  **CONTACT:** Rick Lamkie, 814-472-1885, rlamkie@pa.gov | Published as final and effective in the *Pennsylvania Bulletin* on **June 23, 2018**.  
  **Background:**  
  • IRRC approved on **April 19, 2018**.  
  • EQB adopted final-form rulemaking on **February 20, 2018**.  
  • Draft final Annex A presented to the Aggregate Advisory Board on **November 2, 2016**.  
  • Draft final Annex A presented to MRAB on **July 21, 2016**.  
  • IRRC comments received April 27, 2016.  
  • Proposed rulemaking approved by the EQB at its **September 15, 2015**, meeting. |
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<td>Underground Coal Mine Safety Proximity Detection Systems (#7-526) Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208</td>
<td>This rulemaking adds regulatory provisions relating to proximity detection systems. Currently in Pennsylvania, safety requirements involving the use of proximity detection systems on continuous mining machines at underground bituminous coal mines are implemented pursuant to recently published Federal Mine Safety and Health Administration regulations. This rulemaking makes those Federal regulations independently enforceable by the Commonwealth. These requirements ensure that continuous mining machines at underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents and injuries. CONTACT: Colvin “Craig” Carson, 724-404-3154, <a href="mailto:cocarson@pa.gov">cocarson@pa.gov</a></td>
<td>CURRENT STATUS: Withdrawn In December of 2016, BCMS tabled moving forward with this rule until federal implementation concerns are resolved. On March 5, 2018, BCMS voted to formally withdraw the regulation. Background: • IRRC letter received May 18, 2016. • Proposed rule published in the PA Bulletin on March 19, 2016, opening the public comment period. Public comment period closed on April 18, 2016. To view comments, visit eComment. • BCMS approved proposed rulemaking on December 8, 2015. • MSHA final rule effective March 2015. Board of Coal Mine Safety approved moving forward with the development of draft regulatory language to incorporate federal rule into Pennsylvania regulations on June 23, 2015.</td>
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