

Notice of Final Rulemaking
Department of Environmental Protection
Environmental Quality Board
(25 Pa. Code Chapter 301 – 303 and 305)

Administration of the Water and Wastewater Systems Operators' Certification Program

Order

The Environmental Quality Board (Board) by this order creates 25 Pa. Code Chapter 302 and deletes existing Chapters 301, 303, and 305 (relating to the administration of the water and wastewater systems operators' certification program). This final rulemaking describes the process the State Board for Certification of Water and Wastewater System Operators (Certification Board) will follow to administer the program and identifies the duties and responsibilities of the Department of Environmental Protection (Department) and the operators and owners of this Commonwealth's drinking water and wastewater treatment systems. Additionally, it establishes standards for operator certification, recertification, certification renewal and security training; defines the certification renewal period and requirements for certification renewal; establishes appropriate fees; and defines classifications and subclassifications for certification.

This order was adopted by the Board at its meeting of _____.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact Veronica Kasi, Chief, Division of Technical and Financial Assistance, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4053 or William Cumings, Bureau of Regulatory Council, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final rule is available electronically through the Department's web site at www.depweb.state.pa.us.

C. Statutory Authority

The final rulemaking is being made under the authority of section 4(c) of the Water and Wastewater Systems Operators' Certification Act (63 P.S. § 1004(c)) (Act), which directs the adoption of rules and regulations necessary to implement the act and section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20) which authorizes the Board to

promulgate rules and regulations necessary for the performance of the work of the Department.

D. Background and Purpose

This final rulemaking describes the policies and procedures the Certification Board and the Department will follow to implement their responsibilities and duties under the Drinking Water and Wastewater Systems Operators' Certification Act (63 P.S. §§1001 – 1015.1). (Act) This includes the procedures to be followed by applicants to become certified to operate a water or wastewater treatment system for the first time, to renew their certification, and to apply for reciprocity based on certification received from another state. The regulations also describe the procedure the Certification Board will follow for the review of all applications for certification, including the review of criminal history records. The regulations also define requirements for the suspension or revocation of an operator's certificate, upon petition by the Department and for the review of Department decisions related to operator training programs and courses. The final rule also establishes the standards and requirements for operators of water and wastewater systems to become certified and maintain their certification. It also establishes the duties and responsibilities of operators and owners related to the operation of a community or nontransient, noncommunity water system, water distribution system, wastewater treatment system treating more than 2,000 gallons per day (gpd) and a satellite wastewater collection system with a pump station. Finally, fees to cover the costs of program administration are established.

This final rule ensures that Pennsylvania's Operator Certification Program will continue to meet the Federal requirements established in the 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) for all State drinking water programs. This rule is more stringent than the Federal guidelines in one area. The federal guidelines apply only to drinking water system operators; this rule also applies to wastewater system operators. The decision to include wastewater system operators in the new requirements was made early in the process by the Certification Board and the Department after significant public input. This was done to improve program consistency and implementation.

The Department and the Certification Board worked very closely with the Small Systems Technical Assistance Center for Small Systems (TAC) and the Certification Program Advisory Committee (CPAC) to draft Chapter 302. All elements of the overall structure of the Operator Certification Program were discussed in-depth with the respective committees. This resulted in consensus on the essential requirements and standards for certification and the roles and responsibilities of operators and system owners.

E. Summary of Final-Form Rulemaking and Changes From Proposed to Final Form-Rulemaking

The Environmental Quality Board approved the proposed rulemaking with a 30-day public comment period on April 21, 2009. A notice of proposed rulemaking was published in the *Pennsylvania Bulletin* at 39 PaB. 3591 (July 11, 2009). Public

comments were accepted from July 11, 2009 through September 9, 2009. The comment period was extended at the request of the regulated community and the Independent Regulatory Commission. The Department received comments from 77 commentators. Based on comments received during this official comment period and because the proposed regulation contained significant changes in several areas, the Department prepared an Advanced Notice of Final Rulemaking (ANFR) package for additional public comment. A notice of the availability of the ANFR was published in the *Pennsylvania Bulletin* at 40 PaB. 560 (January 23, 2010). This notice was optional as it is not required by the Regulatory Review Act. However, this procedure allowed the Department to solicit additional comments prior to presenting a final rulemaking package to the Board. Comments submitted to the Department on the ANFR are summarized and responded to by the Department in this Order and in a separate more detailed comment and response document. Comments from the ANFR were received through February 26, 2010 with the Department receiving comments from 13 commentators. In addition to the previous opportunities for public comment on the proposed regulations, the public was again provided an opportunity to comment at the Certification Board meeting on March 19, 2010. These comments were taken into consideration by the Certification Board in the preparation of their final comments on the regulations and both comment response documents prepared by the Department.

The following is a summary of each subchapter and the changes made from proposed to final-form rulemaking.

Subchapter A – This subchapter defines the universe of the regulated community impacted by these regulations, establishes definitions and clarifies the standards that must be met for certification. This subchapter was re-structured to split the universe of the regulated community between drinking water and wastewater systems and to highlight the standards of certification. A number of definitions were deleted. The following terms were added or edited:

Activated Sludge
Board Designated Agent
Board Secretary
Client ID
Conventional Filtration
Direct Filtration
Environmental Quality Board
Groundwater
Permitted Average Daily Discharge Flow
Political Subdivision
Programmable Logic Controls (PLC)
Recertification
SCADA System
Site Specific
Ultraviolet Disinfection

Administrative Hearing
Board Guidelines
Certificate Program
Contact Hour
Department
Environmental Hearing Board
Fee
Membrane Filtration
Person
Post-presentation Credits
Public Water System
Satellite Collection System
Single Entity Collection System
Upgrade

Subchapter B – This subchapter prescribes what a complete application should include for certification, recertification, upgrade, renewal and reciprocity along with how to obtain the appropriate Department approved application forms. In addition, this subchapter discusses Operator Certification Program Fees. Revisions to this subchapter were made to clarify how to obtain appropriate Department approved application forms from the Board Secretary or through the Department’s web site and to refine how the fees will be applied.

Subchapter C – This subchapter covers the procedures the State Board for Certification of Water and Wastewater Systems Operators (Certification Board) will follow in implementing its powers and duties as defined in the Act. These include the issuance of certificates for certification or recertification, upgrade, reciprocity, renewal, and extensions. Also, this subchapter prescribes the actions the Board can take to suspend, revoke, modify or reinstate an operator’s certificate upon petition by the Department or review Department training decisions. Revisions to this subchapter were made to provide more definitive time frames for these procedures.

Subchapter D – This subchapter identifies and explains the requirements for submission of a Criminal History Record (CHR), the investigation and review procedures the Board must adhere to, the prescribed actions the Board can take as a result of a CHR, and the time frame for action by the Certification Board. Changes in this section further clarified the requirements and responsibilities of the applicant, the Department and the Certification Board.

Subchapter E – This subchapter prescribes the general requirements for Administrative Hearings. These hearings will be conducted by the Certification Board in accordance with these procedures whenever the Department petitions the Certification Board to suspend, modify or revoke an operator’s license. There were no substantive changes to this Subchapter.

Subchapter F – This subchapter discusses the examination requirements. This includes general provisions for developing and administering valid certification examinations (using psychometric principles and recognized industry standards) to measure an applicant’s knowledge, skills and abilities to make process control decisions. Additionally, this subsection discusses the roles and responsibilities for the Department, the Certification Board and approved examination providers in the preparation and administration of these examinations. Eligibility requirements that an applicant must comply with in order to take an examination are also defined. Revisions to this subchapter were made to limit the situations where an operator must re-take an examination.

Subchapter G – This subchapter discusses the minimum education, examination, and experience requirements; defines the methodology for determining qualifying experience and creates an accelerated certification option for systems having to upgrade the system for various reasons that will require the available operators to also upgrade their license. Provisions for accelerated certification were modified in response to comments to clarify

that operators who meet the requirements for accelerated certification do not have to meet additional experience requirements.

Subchapter H – This subchapter establishes standards for the training approval program, establishes the continuing education requirements for certificate renewal and defines the system security training requirements. Significant revisions were made to Section 302.804 in response to comments to add criteria to define when the Department would require additional training. The Department would also be required to notify the operators needing to take this additional training in writing.

Subchapter I – This subchapter deals with the classification and subclassification of water and wastewater systems. Revisions to Sections 302.901 and 302.902 identified what conditions or circumstances the Department would consider when defining a change in classification and/or subclassification of a water or wastewater system. These include an increase in capacity that changes the class of the system, the addition or loss of a treatment technology, other federal or state regulatory changes relating to a treatment technology used at a system and the issuance of a permit changing the class or subclassification of a system.

Subchapter J – This subchapter outlines the certification classes and subclassifications for water and wastewater operators. Also, operator-in-training status, grandparented operators and laboratory supervisor certification are discussed. Section 302.1006 was revised to ensure consistency with Chapter 252, Laboratory Accreditation regulations.

Subchapter K – This subchapter applies to a professional engineer registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148 – 158.2) who has been successfully examined in civil, environmental or sanitary engineering and is a certified operator, or an applicant for operator certification. Also, provisions for issuance of initial certification and experience requirements for professional engineers are discussed.

Subchapter L – This subchapter defines the duties owners and operators may perform, identifies who can make process control decisions, lists the components of a process control plan, defines Standard Operating Procedures and its contents, characterizes the number of operators required at a system and defines the role of the operator in responsible charge. In addition, this subchapter defines the conditions under which an owner can choose to use a circuit rider or a Programmable Logic Controls (PLCs) and supervisory control and data acquisition system (SCADA) to ensure process control decisions are made properly by a certified operator. Significant changes were made to this Subchapter to refine the duties of operators and owners to address concerns of commentators about the level of operator liability, define criteria under which the Department would require a process control plan, to further refine who can make process control decisions at a system and to eliminate the need for an operator to submit written reports to the owner when the operator suspects conditions exist that are, or may, result in a violation. The operator would still be required to report such conditions to the owner, orally or otherwise. Required compliance was clarified to only include those federal or

state laws or rules and regulations promulgated thereto or permit conditions and requirements applicable to the operation of water or wastewater systems. The final section in this Subchapter was added to provide that fines and penalties for violations of certain sections of the Act will only be assessed after an order of the Department has been violated.

F. Summary of Comments and Responses Regarding the Proposed Rulemaking

The Environmental Quality Board approved the proposed rulemaking with a 30-day public comment period on April 21, 2009. A notice of proposed rulemaking was published in the *Pennsylvania Bulletin* at 39 PaB. 3591 (July 11, 2009). Public comments were accepted from July 11, 2009 through September 9, 2009. The comment period was extended at the request of the regulated community and the Independent Regulatory Commission. The Department received comments from 77 commentators. Based on comments received during this official comment period and because the proposed regulation contained significant changes from existing regulations in several areas, the Department prepared an Advanced Notice of Final Rulemaking (ANFR) package for additional public comment. A notice of the availability of the ANFR was published in the *Pennsylvania Bulletin* at 40 PaB. 560 (January 23, 2010). Comments from the ANFR were received through February 26, 2010 with the Department receiving comments from 13 commentators. In addition to the previous opportunities for public comment on the proposed regulations, the public was provided an opportunity to comment at the Certification Board meeting on March 19, 2010. These comments were taken into consideration by the Certification Board in the preparation of their final comments on the regulations and both comment response documents prepared by the Department.

The major changes made to the final rulemaking in response to comments received during the public comment period can be categorized as follows:

- **Definitions** – A number of definitions were revised as suggested by the commentators. In addition, the definitions for conventional filtration, membrane filtration and ground water were revised to insure continued consistency with Department regulations for the Safe Drinking Water Program.
- **Scope** – This section was revised to more accurately capture the standards that must be met to ensure compliance.
- **Fees** – While the actual fee structure did not change, further clarification as to how the fees would be applied was added. Several commentators requested that a dedicated fund for the program fees be established.
- **Collection Systems** – The Section distinguishing the requirement for a certified operator based on ownership was deleted. The definitions for single entity and satellite collection systems were revised to parallel statutory language.
- **Laboratory Supervisor Subclassification** – Sections referring to this subclassification were revised to insure consistency between Chapter 302 and provisions of Chapter 252, relating to Laboratory Accreditation. Provisions for the grandparenting of existing laboratory supervisors were added. In addition, language

providing existing certified operators, who want to continue as the laboratory supervisor, will have twelve months after the Certification Board starts offering this subclass to satisfy the standards for certification.

- **Operator Liability** – A new section 1209 (Assessment of Fines and Penalties) has replaced the previous Section 1209 (Satellite Collection Systems). Section 1209 was added to provide the Department's assessment of a penalty for violations of certain sections of the act will be based on a person's failure to comply with an order of the Department. This has always been the intention of the Department and the way the program has been implemented since 2002. In addition operator responsibility for compliance was limited to only those laws, rules and regulations and permit conditions related to the operation of a water or wastewater system. Responsibility for results of Standard Operating Procedures was limited to only those actions taken by operators under the direct supervision of the operator in responsible charge.
- **Duties of Operators** – The duties of operators were revised to parallel statutory language. Additional language to further clarify the statutory requirement for a report from the operator to an owner regarding violations and potential violations was deleted.
- **Process Control Decisions** – Language pertaining to Department staff making process control decisions under specific situations was deleted.
- **Process Control Plans** – Language was added to clarify when the Department would ask for the development of these plans and who would be responsible for their development.
- **Security Training** – Further definition as to when and how the Department could require additional security training beyond the initial training course was added.

The major changes made to the final rulemaking in response to comments received during the ANFR can be categorized as follows:

- **Scope** – This section was revised to more accurately capture who is impacted by the regulations.
- **SCADA Systems** – Language was revised to more accurately reflect the level of input an available operator should have in the programming, operation and maintenance of a SCADA system and how the use of these systems impact the operation of a water or wastewater system.
- **Circuit Riders** – Language was changed to insure the requirements for the use of a circuit rider only apply to those systems owned by different entities but operated by the same available operator. In addition the content and requirements for a general workplan were modified.

The following were comments received during the public comment period that did not result in a change in the final rulemaking. The same topic was also raised by some commentators as part of the ANFR:

- **Available Operator Report** – Commentators wanted the submittal of this report eliminated. However, the Department feels this report is an essential tool to ensure

accuracy of the Department's records to comply with federal and statutory requirements.

- **Consequences of Process Control Decisions** – A complete level of comfort with the issue of operator liability and the consequences of process control decisions can not be reached in regulation because of the need to consider each situation on a case-by-case basis. Language provided by commentators as part of the ANFR process would have transferred much of this responsibility to the owner, instead of the operator. Federal guidelines and requirements do not allow for this transference.

The following comment was received during the ANFR process that did not result in a change in the final rulemaking:

- **Automatic Extensions** – Commentators wanted an automatic 90-day extension of an operator's renewal cycle if the operator had completed some, but not all, of the continuing education hours needed for certificate renewal. The existing framework allows for these extensions to be awarded upon request to the Certification Board. The Certification Board needs to continue to review these situations on a case-by-case basis and award the extensions when warranted.

One final issue identified by the commentators during the public comment period that did not result in a change in the final rulemaking at this time is allowing operators to “bank” extra continuing education credits from one renewal cycle to the next cycle. At the request of CPAC, TAC and the Certification Board, the Department has initiated further research on the feasibility of implementing a “banking” option. To that end, the Department has committed to working with CPAC, TAC, the Certification Board and other representatives of the regulated community, including approved training providers and certified operators, to explore issues relevant to the successful implementation of a “banking” option. If such an option appears to be feasible, the Department may initiate regulatory revisions to allow for the banking of extra continuing education credits. The Department's analysis will be done as soon as possible, but no later than three years from now when the Department is required to submit its first review of the proposed fee structure.

G. Benefits, Costs and Compliance

Benefits - The intended results of these regulations are to protect the environment, ensure the public's health and safety and promote the long-term sustainability of the Commonwealth's drinking water and wastewater treatment systems by ensuring that certified operators with the appropriate knowledge, skills and abilities are available to make the necessary process control decisions. Therefore, the biggest beneficiary of these regulations is the general public.

The classification and subclassification framework more accurately reflects what the operator needs to understand to operate a system effectively and successfully. This framework was developed in partnership with representatives of the regulated community to meet their needs. In addition, in some instances, once certified, many operators will

receive an increase in pay. Finally, the system owners may also benefit from cost savings realized through more effective and efficient operation of their water or wastewater system.

Implementation of these regulations will ensure continued approval of Pennsylvania’s Operator Certification Program by EPA. This approval is reviewed on an annual basis. If the EPA chooses not to approve the program, the state stands to lose approximately \$5.8 million per year in federal funding for the State Revolving Loan Fund, administered by the Pennsylvania Infrastructure Investment Authority.

Compliance Costs - Any individual responsible for making process control decisions at a drinking water or wastewater treatment system in Pennsylvania must be appropriately certified for that system. A process control decision is any decision that changes or maintains water quality or water quantity to protect public health or the environment. All owners of a drinking water community or nontransient noncommunity water system, drinking water distribution system, wastewater treatment system treating more than 2000 gallons per day or a satellite wastewater collection system with a pump station must designate at least one certified operator to make all the process control decisions for the system.

The estimated costs to the operator to comply with provisions of these regulations are summarized below in Table 1.

Table 1. Estimated Costs to the Operator

Requirement	Cost	Description / Comments
Initial certification	\$150	Paid to the Department, this fee is incurred when a person submits an application to become a certified operator. This certification is valid for 3 years.
Certification Renewal	\$60	Paid to the Department, this cost is incurred once every 3 years after the initial certification period.
Examination fee: for both initial certification and certain upgrades to license	\$35 per examination session	Paid to the Department. Operators are allowed to take as many examinations as they think they can complete in four hours. Most operators are able to complete the necessary examinations needed for the more common treatment systems within one or two sessions.
Examination Provider Registration fee	Varies	Paid to the Approved Examination Provider. These fees are not established by the Department, however, we recommend less than \$100. Fees are designed to allow the Approved Examination Provider the ability to recover incurred costs.
Criminal History Record	\$10	One time fee charged by the Pennsylvania

		State Police.
Continuing Education	\$240 – \$900	Paid to one of the Department’s Approved Training Providers. Depends on number of hours needed and average cost per hour for training

These regulations authorize an annual service fee for system owners, based on the amount of flow the system is permitted to treat. The assessment of this fee is tied to the classification of the system and the certification class needed by the system owner’s designated available operator(s). The maximum fee that any one owner of more than one system pays is \$10,000. The only other cost for compliance for the owner is the actual costs for hiring a certified operator. The average cost to hire a certified operator is between \$30,000 and \$80,000 per year (based on a limited survey of operators completed in 2003). It is strongly advised that owners hire more than one certified operator. However, unless there are problems at the system, this responsibility is left to the owner. If necessary, the Department does have the authority to order the owner to hire additional certified operators, to address specific environmental compliance problems. In addition, the owner may choose to cover the operator’s costs for obtaining continuing education contact hours. This is an arrangement negotiated between the owners and their certified operators.

Compliance Assistance Plan

The Department is implementing a comprehensive training and compliance assistance strategy to assist operators and owners who are required to comply with provisions of the Operator Certification Program. This includes web-based training through the Department’s EarthWise Academy, additional classroom training as needed, a comprehensive training approval process and packaged training programs. This comprehensive strategy is designed to take advantage of existing training expertise in the industry; and promote a market for training providers to meet the training needs of this program. Additional compliance assistance is available through the Drinking Water Capability Enhancement Program, the Wastewater Diagnostics Program and the Drinking Water and Wastewater Outreach Assistance Provider Programs.

Paperwork Requirements

The following is a list of paperwork requirements for the operator as established in Chapter 302. Beyond the operator’s time and the program fees identified above, there are no additional costs for this paperwork.

1. Certification Examination Registration Form (to register to take an examination)
2. Application for Certification Action (for certification, re-certification, certification upgrade, or certification through reciprocity)

3. Application for Certification Renewal (done once every three years)
4. Criminal History Report from the Pennsylvania State Police
5. Application for Exemption (only needed if operator will not be able to complete requirements for initial certification or certification renewal due to extenuating circumstances such as military service or health problems)
6. The development and approval of Standard Operating Procedures, if the operator and owner choose to utilize this tool to ensure all process control decisions are made by an available operator.
7. The development and approval of a Process Control Plan that describes all the operational procedures for a drinking water or wastewater treatment system. This will only be required by the Department on a case-by-case basis; depending on the level of non-compliance at the system and the existence of equivalent plans, such as an Operation and Maintenance Plan, an Emergency Response Plan or Standard Operating Procedures.
8. The development of a Management Plan or contract, if an operator wants to serve as a circuit rider, where he or she is responsible for more than one drinking water or wastewater treatment system. The Management Plan or contract should identify the systems, their characteristics, points of contact, and the number of visits or expected hours the operator will complete in a designated time frame. System specific plans must also be developed for each system to include procedures to be followed by personnel at the system when the circuit rider isn't at the system.
9. The operator must notify the owner of any violations or potential violations at the system. Recommendations, if the operator has any, for resolving the problem should also be included.

The owner will need to report the names, addresses and level of certification of all operators designated as available operators for the system upon written request from the Department. Changes in available operators must be reported within ten days. If the owner(s) chooses to designate an operator(s) in responsible charge in order to utilize standard operating procedures, the name(s), addresses and level of certification of these operators must also be reported to the Department upon request.

Any training provider who would like to provide training to operators to meet the training or continuing education requirements must become an approved training sponsor, and have all courses approved. This process is documented in the "Training Provider Manual for the Pennsylvania Water and Wastewater System Operator Training Program," DEP ID: 383-2300-002.

Any entity which would be an Approved Examination Provider must become approved and comply with the Certification Board guidelines for the scheduling of examinations and the registration of applicants.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101-13109) established a national policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives by ensuring that qualified, certified operators are making all operational decisions in Pennsylvania's drinking water and wastewater treatment systems. The water and wastewater treatment system operator is the key element in overall process control. By improving the certified operator's capabilities, more effective treatment and removal of pollutants and better use of available resources will result. Testing and training programs are designed to focus on different ways the operator can more effectively operate his or her system to minimize and prevent pollution and conserve energy.

I. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 30, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 *Pa.B.* 3591, and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the official public comment period and other documents when requested. In preparing these final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act, on (blank) , these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on (blank) and approved the final-form regulations.

K. Findings of the Board

The Board finds that:

1. Public notice of proposed rulemaking was 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 regulations promulgated thereunder at *1 Pennsylvania Code* §§ 7.1 and 7.2.
2. A public comment period was provided as required by law, and all comments were considered. Also, the Department undertook an ANFR (optional process not required by law), to allow an additional 30 day comment period. Notice of the ANFR was published in the *Pennsylvania Bulletin* at 40 PaB. 560 (January 23, 2010).
3. These regulations do not enlarge the purpose of the proposal published in the *Pennsylvania Bulletin* at 39 PaB. 3591 (July 11, 2009).
4. These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

L. Order of the Board

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

- (a) The regulations of the Department of Environmental Protection, *25 Pennsylvania Code*, Chapter 302, are adopted to read as set forth in Annex A.
- (b) Existing regulations at *25 Pennsylvania Code* Chapters 301, 303, and 305 are deleted and the sections reserved as set forth in Annex A.
- (c) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.
- (d) The Chairperson of the Board shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.
- (e) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.
- (f) This order shall take effect immediately.

BY:

JOHN HANGER
Chairman
Environmental Quality Board