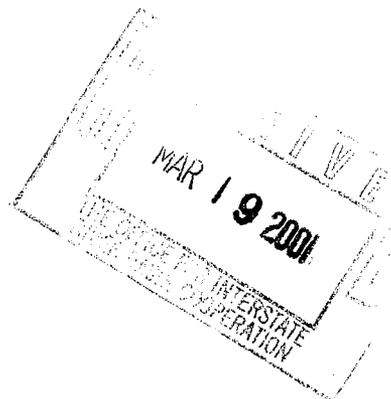


CZ10: RPC X



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

MAR 15 1998



Mr. E. James Tabor, Chief
Coastal Zone Management Program
Office for River Basin Cooperation
Department of Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Mr. Tabor:

This letter responds to your February 10, 2001 letter requesting that the Office of Ocean and Coastal Resource Management (OCRM) approve the following changes to the Pennsylvania Coastal Zone Management Program (PCZMP) as a routine program change: (1) regulatory changes affecting PCZMP enforceable policies in Title 25 PA Code Chapters 79, 80, 94, 109, 129, 131, and Title 58 of the PA Code, Chapter 75, 133; in addition, delete Title 25 PA Code Chapters 260-267, 269 and 270, and renumber existing or add new regulations in Title 25 PA Code Chapters 260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b, and 268a-270a; (2) three minor changes to the PCZMP's coastal zone boundary (3) the addition of five geographic areas of particular concern (GAPC); and (4) Notice of Incorporation of changes under the Federal Clean Air and Clean Water Acts. We also acknowledge your request, via Larry Toth's email to us, that the review period for this RPC began on February 20, 2001.

OCRM concurs with your finding that these proposed changes to the PCZMP are routine and not an amendment to the PCZMP. We find that the proposed changes augment and enhance the existing federally approved PCZMP.

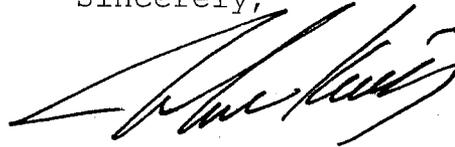
OCRM has identified the following amended enforceable policies as described in your program change analysis: Title 25 PA Code Chapters 79, 80, 94, 109, 129, 131, and Title 58 of the PA Code, Chapter 75, 133; in addition, delete Title 25 PA Code Chapters 260-267, 269 and 270, and renumber existing or add new regulations in Title 25 PA Code Chapters 260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b, and 268a-270a. These changes will be incorporated into the PCZMP.



In accordance with National Oceanic and Atmospheric Administration regulations at 15 CFR §923.84(b)(4)(C), Federal consistency will apply to these statutes after Pennsylvania publishes notice of our approval.

Please contact Neil Christerson at (301) 713-3155 ext. 167 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John King", written in a cursive style.

John King
Acting Chief
Coastal Programs Division



RPC X

**1998 and 1999 Proposed Routine
Program Changes to**

**Pennsylvania's Coastal Zone Management
Program**

December 2000

**Commonwealth of Pennsylvania
Tom Ridge, Governor**

**Department of Environmental Protection
James M. Seif, Secretary**

RPC X
TABLE OF CONTENTS

	Page
Introduction	1
Purpose.....	2
Proposed Changes.....	2
 <u>1998 Regulatory Program Changes</u>	
Introduction - General Regulatory Changes	3
25 PA Code Chapters 79 and 80.....	3
Analysis of Impact - Chapters 79 and 80 Regulatory Changes	4
Summary and Conclusion - Chapters 79 and 80 Regulatory Changes	5
 25 PA Code Chapter 94.....	 6
Analysis of Impact - Chapter 94 Regulatory Changes.....	7
Summary and Conclusion - Chapter 94 Regulatory Changes	8
 25 PA Code Chapters 129 and 131	 9
Analysis of Impact - Chapters 129 and 131 Regulatory Changes	10
Summary and Conclusion - Chapters 129 and 131 Regulatory Changes	10
 <u>1998 Boundary Change</u>	
Introduction - Section 306 Boundary Change	11
Proposed Route 291/Route 13 Boundary Expansion.....	11
Analysis of Impact - Route 291/Route 13 Boundary Expansion	15
Summary and Conclusion - Route 291/Route 13 Boundary Expansion.....	16
 <u>1998 Changes to Geographical Areas of Particular Concern</u>	
Introduction - GAPC Changes.....	17
Addition of Route 291/Route 13 Corridor, Chester Central Business District, and PECO Site GAPCs.....	 17
Route 291/Route 13 Corridor GAPC.....	17
Chester Central Business District GAPC.....	18
PECO Site GAPC.....	18
Analysis of Impact - Addition of Route 291/Route 13 Corridor, Chester Central Business District, and PECO Site GAPCs	 21
Summary and Conclusions of 1998 GAPC Changes - Addition of Route 291/Route 13 Corridor, Chester Central Business District, and PECO Site GAPCs.....	 23
 <u>1999 Regulatory Program Changes</u>	
Introduction - General Regulatory Changes	24
58 PA Code Chapter 75.....	24
58 PA Code Chapter 133.....	24
Analysis of Impact - Chapters 75 and 133 Regulatory Changes	25
Summary and Conclusion - Chapters 75 and 133 Regulatory Changes	25

25 PA Code Chapter 109.....	26
Analysis of Impact - Chapter 109 Regulatory Changes.....	27
Summary and Conclusion - Chapter 109 Regulatory Changes	27
25 PA Code Chapters 260-267, 269 and 270	28
Analysis of Impact - Chapter 260-267, 269 and 270 Regulatory Changes.....	29
Summary and Conclusion - Chapter 260-267, 269 and 270 Regulatory Changes	30
<u>1999 Changes to Geographical Areas of Particular Concern</u>	
Introduction - GAPC Changes.....	31
Addition of Pero Farm GAPC.....	31
Analysis of Impact - Addition of Pero Farm GAPC.....	34
Summary and Conclusion – Addition of Pero Farm GAPC.....	35
Addition of Gravel Pit Park GAPC	35
Analysis of Impact - Addition of Gravel Pit Park GAPC	35
Summary and Conclusion – Addition of Gravel Pit Park GAPC	37
<u>1998 and 1999 Regulatory Changes Required Under the Federal Clean Air and Clean Water Acts</u>	
Introduction - Incorporation of Federal Water Pollution and Air Pollution Requirements.....	38
Chapters 93 and 95 - 1999 Changes.....	40
Chapters 121 and 129 - 1999 Changes.....	40
Notice of Incorporation of Federal Water Pollution and Air Pollution Requirements	41

RPC X

1998 AND 1999 ROUTINE PROGRAM CHANGES TO PENNSYLVANIA'S COASTAL ZONE MANAGEMENT PROGRAM

INTRODUCTION

Under the Federal Coastal Zone Management (CZM) Act, coastal states can modify their approved CZM Programs. The Commonwealth of Pennsylvania is now submitting to the National Oceanic and Atmospheric Administration (NOAA) these modifications as Routine Program Changes (RPCs) rather than Program amendments. **An RPC is defined in CZM regulations (15 C.F.R. Section 923.84) as, “Further detailing of a state’s program that is the result of implementing provisions approved as part of the state’s approved management program that does not result in (an amendment).”**

An amendment is defined (15 C.F.R. Section 923.80(d)) as “Substantial changes in one or more of the following five coastal management program areas:

- 1. Uses Subject to Management** (15 C.F.R. Part 923, Subpart B) (i.e., permissible land and water uses within a coastal zone which have a direct and significant impact in coastal waters),
- 2. Special Management Areas** (15 C.F.R. Part 923, Subpart C) (i.e., criteria or procedures for designating or managing geographical areas of particular concern, or areas for preservation or restoration),
- 3. Boundaries** (15 C.F.R. Part 923, Subpart D),
- 4. Authorities and Organization** (15 C.F.R. Part 923, Subpart E) (i.e., the state regulations and organizational structure on which a state will rely to administer its coastal management program), and
- 5. Coordination, Public Involvement, and National Interest** (15 C.F.R. Part 923, Subpart F) (i.e., coordination with governmental agencies having interest and responsibilities affecting the coastal zone; the involvement of interest groups as well as the general public; and the provision for adequate consideration of the national interest involved in planning for and managing the coastal zone, including the siting of facilities (such as energy facilities) which are of greater than local significance).

PURPOSE

Therefore, the purpose of this paper is to demonstrate to NOAA that the following proposed changes to Pennsylvania's CZM Program are not substantial (amendments), but are routine program changes (RPCs) that further detail this Program.

PROPOSED CHANGES

Several CZM Program changes have occurred in 1998 and 1999. The Commonwealth of Pennsylvania is submitting these proposed changes to NOAA's Office of Coastal and Resource Management as RPCs, and not amendments.

The following are proposed RPCs to the Commonwealth of Pennsylvania Coastal Zone Management Program, and Final Environmental Impact Statement (FEIS) (August 1980). These changes are to:

Chapter 1 – Boundaries;

Chapter 2 – Coastal Zone Policy Framework, and concern general regulatory changes affecting the CZM Program's enforceable authorities;

Chapter 3 – Special Management Concerns, and concern revisions to CZM's Geographical Areas of Particular Concern; and

Chapter 4 – Program Authorities and Organization, and concern uses subject to management.

The following pages contain a discussion of every program change that had occurred in 1998 and 1999, an analysis of the impact that the change will have on Pennsylvania's CZM Program, and justification as to why the change constitutes an RPC and not a program amendment, as defined by the federal CZM regulations.

1998 REGULATORY PROGRAM CHANGES

INTRODUCTION – GENERAL REGULATORY CHANGES

CZM's enforceable policies are based on Commonwealth agencies' regulations which are incorporated into this Program. These regulations were in effect at the time of original CZM Program approval in 1980. However, over time these regulations have been amended, and as such change Pennsylvania's originally approved CZM Program. These subsequent changes will further detail the original Program.

In addition to the customary need driven regulatory amendments mentioned above, many recent amendments have originated through the Commonwealth's Regulatory Basics Initiative (RBI).

In August 1995, the Commonwealth announced its RBI, as an overall review of all state agencies' regulations and policies. It gave the regulated community, local governments, environmental interests and the general public the opportunity to identify specific regulations which are either more stringent than federal standards, serve as barriers to innovation, or are obsolete or unnecessary, or which impose costs beyond reasonable environmental benefits or serve as barriers to adopting new environmental technologies, recycling, and pollution prevention.

In February 1996, Governor Ridge executed Executive Order 1996-1 (Regulatory Review and Promulgation) establishing standards for the review, development, and promulgation of state regulations under RBI.

In general, these RBI changes make the Commonwealth's regulations consistent with the federal requirements, delete obsolete and unnecessary provisions, and apply the monitoring requirements in a consistent fashion for all affected resources.

Overall, the citizens of this Commonwealth will benefit from these changes because they will make the state's resource protection programs consistent with federal requirements and apply monitoring provisions for affected resources in a consistent manner. These provisions reduce unnecessary paperwork while continuing to provide the appropriate level of resource protection. Those regulatory changes resulting from the RBI will be noted.

The following to be discussed regulatory changes, which are presently in effect statewide, have been subjected to public comments and hearings, and have been approved by the Commonwealth's Environmental Quality Board, and Independent Regulatory Review Committee.

25 PA CODE CHAPTER 79 – Oil and Gas Conservation, and
25 PA CODE CHAPTER 80 – Gas Well Classification (Both Amended March 1998)

Through the RBI process, Chapters 79 and 80 were changed to make them consistent with federal requirements, and eliminate outdated and obsolete requirements.

Chapter 79 concerns drilling of conservation oil and gas wells. The only change was to Section 79.15(b) Fire Prevention. This section requires earthen dikes with a capacity of one and one-half times the capacity of the tank it surrounds. Under federal regulations (40 CFR 112), operators of oil storage tanks are now required to construct or maintain a secondary containment or dike around these tanks. This amendment to Chapter 79 adopts the same federal standard for oil tanks at conservation wells.

Chapter 80 deals with the classification of gas wells under the National Gas Policy Act of 1978 (Act). The classifications under the Act were established to provide price incentives for natural gas production, and to promote consistency in the data in applications received by the Department of Environmental Protection (DEP) to regulate gas wells.

These amendments delete Chapter 80 in its entirety. Chapter 80 was adopted in 1979, to allow DEP to conduct gas well classifications under the Federal Natural Gas Policy Act of 1978 (15 U.S.C.A. §§3301-3432; and 42 U.S.C.A. §7255). This program provided incentive well head gas prices to certain classifications of gas wells which might otherwise not be drilled. Due to deregulation of portions of the natural gas industry by the Federal Energy Regulatory Commission, this program was discontinued on January 1, 1993. Consequently, Chapter 80 is outdated and no longer needed.

ANALYSIS OF IMPACT – Chapters 79 and 80 Regulatory Changes

The regulatory amendments to Chapters 79 and 80 have been made as a result of requirements under, and changes to the Federal Natural Gas Policy Act of 1978, respectively.

Chapters 79 and 80 are contained in Policy VIII-2: Energy Facilities/Natural Gas found on page II-2-26 of our FEIS. This policy facilitates the production of natural gas supplies in Lake Erie using proper environmental safeguards that are designed to minimize adverse air and water quality impacts associated with resource exploration and development. As part of CZM's overall Energy Facility Siting policy, the Program is required to ensure that energy facilities such as oil and gas production facilities are sited in such a manner that the coastal areas' ecosystems are not unreasonably affected. The amendment to Chapter 79 which requires a second containment dike around oil tanks at conservation wells will further this policy by minimizing the potential of adverse water quality impacts.

As previously stated, Chapter 80 deals with the classification of gas wells. Since the main goal of CZM's Energy Facility Siting policy is the siting of gas wells in an environmentally safe manner, the classification of gas wells under the federal Gas Policy Act is not relevant to this policy.

Chapter 80 has been deleted from the Commonwealth's regulations because oil and gas well classification under the Federal Natural Gas Policy Act of 1979 has been terminated. As a result, reference to Chapter 80 will be deleted from the regulations cited under the Regulation(s) section of Policy VIII-2 on page II-2-26 of the FEIS.

The original Regulation(s) section read:

Regulation(s): 25 Pa. Code Chapters 79, 80, 105; 66 Pa. Code Chapter 1 et seq.

With the deletion, this section will now read:

Regulation(s): 25 Pa. Code Chapters 79, 105; 66 Pa. Code Chapter 1 et seq.

Overall, these amendments will benefit oil and gas operators by providing standards for oil spill prevention that are consistent with federal requirements, and eliminating outdated and obsolete requirements.

SUMMARY AND CONCLUSION – Chapters 79 and 80 Regulatory Changes

The regulatory amendments to Chapters 79 and 80 are not substantial changes to Pennsylvania's CZM Program, but are routine. The regulatory amendments to Chapters 79 and 80 are a direct result of amendments made to the Federal Natural Gas Policy Act of 1979. Chapter 80 will be deleted from the CZM Program since the gas well classification system has been deleted from the federal Act. Chapter 79 has been amended as a result of other changes made to the federal Act. Since the original Chapter 79 regulations were incorporated into Pennsylvania's CZM Program, amendments to the regulations must also be incorporated into the CZM Program. These changes are in keeping with the Pennsylvania CZM Program's and the national CZM objectives and policies.

These changes are routine changes in an enforceable policy related to **Uses Subject to Management**, and to CZM Program **Authorities**. Based on the previous discussion and impact analysis of the amendments to Chapters 79 and 80, we have determined that these regulatory changes further detail, and are routine changes to Pennsylvania's CZM Program.

25 PA CODE CHAPTER 94 – Municipal Waste Load Management
(Amended September 1998)

Chapter 94 is a pollution prevention program run by DEP. The program is intended to prevent pollution by requiring appropriate management of hydraulic and organic wasteload flows from municipal treatment sewage facilities.

Chapter 94 establishes the framework for monitoring sewer system and sewage treatment plant loading rates; projecting future loads; limiting additional contributions of sewage to overloaded facilities; planning for necessary facility expansion and encouraging pollution prevention options.

Through the RBI process, specific sections of Chapter 94 were identified as being obsolete, too prescriptive, or written in a way that caused significant noncompliance. The following changes to Chapter 94 are intended to meet the goals of the RBI by correcting identified regulatory deficiencies.

SECTION 94.1 – Definitions

This section has been amended by deleting obsolete definitions and definitions related to the pretreatment regulations, which have also been deleted.

SECTION 94.12 – Annual Report

Subsection (a) of this section has been reworded for clarity. The existing language in subsection (a)(1) and (2), relating to the content of loading graphs, has been deleted in its entirety and replaced with a new subsection (a)(1) and (2) providing less prescriptive requirements for loading graphs. The text of subsection (a)(4)-(6), relating to overload reduction plans and industrial waste discharges and other proposed new discharges to the sewerage system, has also been deleted due to its over prescriptive nature. A new subsection (a)(4) will provide the required format for the annual report related to anticipated future contributions of sewage from new land development, and new subsection (a)(8) has reworded the requirements for reporting industrial wastes discharged to the system. A new subsection (a)(9) contains the same requirement as the deleted subsection (a)(4).

SECTIONS 94.21 AND 94.22 – Existing and Projected Overload

These sections require the permittee of a sewerage facility to prepare a written plan setting forth actions the permittee will undertake to address either a hydraulic or organic overload at its facility. The type of plan required is more accurately a corrective action plan. Accordingly, the phrase “corrective action plan” has been inserted in lieu of existing terms referring to the plan.

SECTION 94.31 – Organic or Hydraulic Overload (Imposition of Ban)

This section outlines the conditions which will result in the imposition of a ban on connections. Bans will be imposed whenever the DEP determines that the sewerage facilities or a portion of a facility are either hydraulically or organically overloaded or that the discharge from the plant

causes pollution and one or more other conditions prevail. Among the “other conditions” specified is that the failure of the permittee to provide facilities to prevent an organic or hydraulic overload was not caused solely by the unavailability of federal construction grants under section 201 of the Clean Water Act for which the permittee has applied and remains eligible. This federal construction grants program no longer exists and the quoted language from paragraph (3) has accordingly been deleted from this regulation.

ANALYSIS OF IMPACT – Chapter 94 Regulatory Changes

Chapter 94 establishes the framework for monitoring sewer system and sewage treatment plant loading rates; projecting future loads; limiting additional contributions of sewage to overloaded facilities; and planning for necessary facility expansion. In addition, this chapter represents a vital pollution prevention element of the state water quality management program.

The short- and long-term health of the economy of this Commonwealth depends on clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment. The Commonwealth spends over \$1 billion per year in efforts to control pollutants through regulation of both industrial point source discharges and nonpoint sources. To meet the Commonwealth’s economic development and environmental protection goals successfully, the Commonwealth needs to adopt programs like pollution prevention that not only protect the environment, but also significantly reduce costs and increase the competitiveness of the regulated community. When pollution is prevented up front, it can reduce a company’s bottom-line costs and overall environmental liabilities. Sometimes a company can get out of the regulatory loop through a successful pollution prevention program. It also can get DEP out of the business of regulating pollution that may not need to be generated in the first place.

The regulatory changes to Chapter 94 reflect DEP’s encouragement of pollution prevention solutions to environmental problems.

The regulatory amendments require permittees of wastewater treatment facilities to project, through an annual evaluation of permitted facilities, the potential for either a hydraulic or organic overload 5 years into the future. When overloads are projected, the permittee is required to take appropriate action to either eliminate the source of the overload or to expand or upgrade the wastewater facilities to handle the projected increased loading. Therefore, Chapter 94 is a pollution prevention program to the extent that permittees are required to prevent overloads preferably by eliminating the source of the overload.

Individuals, consultants and sewage treatment plant permittees will benefit from the these regulatory changes. The simplification of the requirements related to the development of an annual report describing the organic and hydraulic wasteload entering a wastewater treatment plant will assist permittees in attaining compliance and should cut costs associated with the development of these reports. Additionally, eliminating obsolete regulations and modifying regulations which are too prescriptive while clarifying the remaining regulatory language will eliminate confusion regarding the regulations and promote compliance.

Chapter 94 is contained in two of CZM's policies: Policy IV-1: Wetlands (page II-2-16 of CZM's FEIS) and Policy IX-B.1: Intergovernmental Coordination/Water Quality (page II-2-29).

Wetlands Policy IV-1.1 preserves and protects Pennsylvania's coastal wetlands, and ensures that their functions and values such as groundwater recharge and water purification are maintained.

Policy IV-B.1 - Water Quality Policy identifies water quality as a prime concern in the Commonwealth's coastal areas, and cites poorly or inadequately treated waste discharges from municipal, nonmunicipal, and industrial sewage treatment plants as a specific water quality problem. Some specific actions to be undertaken through this policy are to regulate present and future point source discharges through issuance of permits which establish compliance schedules based on effluent limitations and receiving water standards; plan for future waste treatment needs and construct or upgrade municipal sewer systems and treatment plants; identify waste treatment facility needs, priorities and schedules; establish a regulatory program to provide for the creation of new discharges, and pretreatment of industrial and commercial wastes; and identify other means necessary to carry out the above.

The regulatory changes to Chapter 94 will help prevent sewage facility overloading and promote pollution prevention solutions to environmental problems. This up-front pollution prevention approach, rather than the later pollution cleanup approach, will help ensure that coastal waters do not become polluted. It will benefit CZM's Wetlands policy in that the groundwater recharge and water purification functions are maintained. These regulatory changes will also further the goals of our Water Quality policy, which promotes pollution prevention as a specific action to be undertaken.

SUMMARY AND CONCLUSION – Chapter 94 Regulatory Changes

The regulatory amendments to Chapter 94 are not substantial changes to Pennsylvania's CZM Program, but are routine. The Chapter 94 amendments are an effort by the Commonwealth to adopt programs to encourage pollution prevention at its source, rather than having to deal with it as a regulatory or violation action. Pollution prevention at its source significantly reduces costs and increases competitiveness of the regulated community.

Chapter 94 is currently in use throughout the Commonwealth. Since the original Chapter 94 regulations were incorporated into Pennsylvania's CZM Program, amendments to the regulations must also be incorporated into the CZM Program. These changes are in keeping with the Pennsylvania CZM Program's and the national CZM objectives and policies.

These changes are routine changes in an enforceable policy related to **Uses Subject to Management**, and to CZM Program **Authorities**. Based on the previous discussion and impact analysis of the amendments to Chapter 94, we have determined that these regulatory changes further detail, and are routine changes to Pennsylvania's CZM Program.

25 PA CODE CHAPTER 129 – Air Emission Sources, and
25 PA CODE CHAPTER 131 – Ambient Air Quality Standards (Both Amended September 1998)

Chapter 129 sets the weight of various air pollutants that are allowed to be emitted from various sources. Chapter 131 establishes the maximum concentrations of air contaminants which will be permitted to exist in the ambient air, at the point of its use, under various conditions and in various areas of this Commonwealth, and to provide standards against which existing air quality may be compared.

Through the RBI process, changes were made to Chapters 129 and 131 deleting obsolete alternative emission limitations and redundant requirements for dry cleaners to conform to federal requirements, and to delete sampling and testing requirements which are no longer necessary and not required by federal law.

The regulatory changes are:

SECTION 129.56 – Storage Tanks Greater Than 40,000 Gallons Capacity Containing Volatile Organic Compounds (VOC)

This section will allow the owners and operators of volatile organic liquid storage tanks to empty the tanks and repair the seals within 45 days if the floating roof seals are defective. A 30-day extension may be requested from DEP if the request includes a demonstration that alternative storage capacity is unavailable. Section 129.56 did not include a time frame for repairing or emptying of defective organic liquid storage tanks. This revision ensures that §129.56 is consistent with the federal procedures in 40 CFR 60.113b(b)(4)(iii) (relating to testing and procedures).

SECTION 129.67 (b)(2) – Graphic Arts Systems

This section revises the graphic arts systems requirements by adding the term “less water.” This term was inadvertently omitted during a previous rulemaking (22 Pa.B. 2720 (May 23, 1992)). The addition of the term “less water” clarifies that water is not to be considered when demonstrating compliance with the requirements.

SECTION 129.70 – Perchloroethylene (PCE) Requirements

Section 129.70 has been deleted. In 1981, as part of its ozone strategy, DEP adopted PCE requirements for certain dry cleaning facilities which emitted more than 100 tons per year of VOCs. The EPA no longer considers PCE to be a photochemically reactive compound and removed the compound from its listing of VOCs. Consequently, §129.70 is no longer necessary as a result of EPA’s finding. However, new and existing dry cleaning facilities in this Commonwealth with the potential to emit more than 10 tons of PCE a year must comply with the National Emission Standards for Hazardous Air Pollutants (NESHAP) for PCE dry cleaning facilities published at 58 FR 49354 (September 22, 1993). The NESHAP for those PCE dry

cleaning facilities specifies control of PCE emissions to the level of the Maximum Achievable Control Technology (MACT) required under Section 112 of the Clean Air Act.

SECTION 131.3 – Ambient Air Quality Standards

The sulfate (as sulfuric acid [H₂SO₄]) ambient air quality standard in §131.3 has been deleted since it is not required by federal law and there is no compelling state interest to retain those standards.

ANALYSIS OF IMPACT – Chapters 129 and 131 Regulatory Changes

Chapters 129 and 131 are found in two CZM policies:

Policy VIII-I: Energy Facility Siting/Permitting found on page II-2-25 of our FEIS. This policy ensures through regulations, by permit, that energy facilities such as oil and gas refineries, electric generating stations (coal, hydro, oil, and gas), electric generating substations, gas drilling, and liquification of natural gas operations locating in the coastal areas are sited in such a manner that the coastal areas' ecosystems are not adversely affected.

CZM's Energy Facility Siting policy ensures that energy producing facilities are sited in such a manner that the coastal area's ecosystems are not adversely affected. The amendments to Section 129.56 will not impact the siting of energy producing facilities in the coastal areas, but may be beneficial to them after they have been sited/constructed in Pennsylvania's coastal areas.

Policy IX-B.2: Intergovernmental Coordination/Air Quality found on page II-2-31 of our FEIS. This policy requires the Pennsylvania CZM Program to adopt, by reference, the requirements of the Federal Clean Air Act, and to incorporate these requirements into the Commonwealth's CZM Program.

These regulatory changes were made to make Commonwealth regulations (and CZM policies) consistent with several federal air quality laws.

SUMMARY AND CONCLUSION – Chapters 129 and 131 Regulatory Changes

The regulatory changes to Chapters 129 and 131 were made to make the Commonwealth's regulations consistent with several federal air quality laws.

Chapters 129 and 131 are currently in use throughout the Commonwealth. Since the original Chapters 129 and 131 regulations were incorporated into Pennsylvania's CZM Program, amendments to the regulations must also be incorporated into the CZM Program. These changes are in keeping with the Pennsylvania CZM Program's and the national CZM objectives and policies.

These changes are routine changes in an enforceable policy related to **Uses Subject to Management**, and to CZM Program **Authorities**. Based on the previous discussion and impact analysis of the amendments to Chapters 129 and 131, we have determined that these regulatory changes further detail, and are routine changes to Pennsylvania's CZM Program.

1998 CHANGES TO THE PENNSYLVANIA COASTAL ZONE BOUNDARY

INTRODUCTION – SECTION 306 BOUNDARY CHANGE

Section 306 of the Federal Coastal Zone Management Act of 1972, as amended, provides for formal changes to states' coastal boundaries through the RPC process. Section 304 of the Act defines the coastal zone as the coastal waters (including the lands therein and thereunder) and adjacent shorelands, strongly influenced by each other. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact upon the coastal waters.

The following discussion will show that this boundary expansion is necessary to include land uses that directly and significantly impact upon Delaware Estuary coastal waters, and merits inclusion in Pennsylvania's Delaware Estuary Coastal Zone.

ROUTE 291/ROUTE 13 BOUNDARY EXPANSION – Delaware Estuary

The Delaware County Coastal Zone Task Force, in cooperation with the Delaware County Planning Department proposes to expand Delaware County's Coastal Zone boundary in a northerly direction, in order to include three adjacent areas which have a direct and significant impact upon Delaware County's Coastal Zone: Routes 291/13 corridor, the Amtrak Railroad corridor, and the City of Chester's Central Business District.

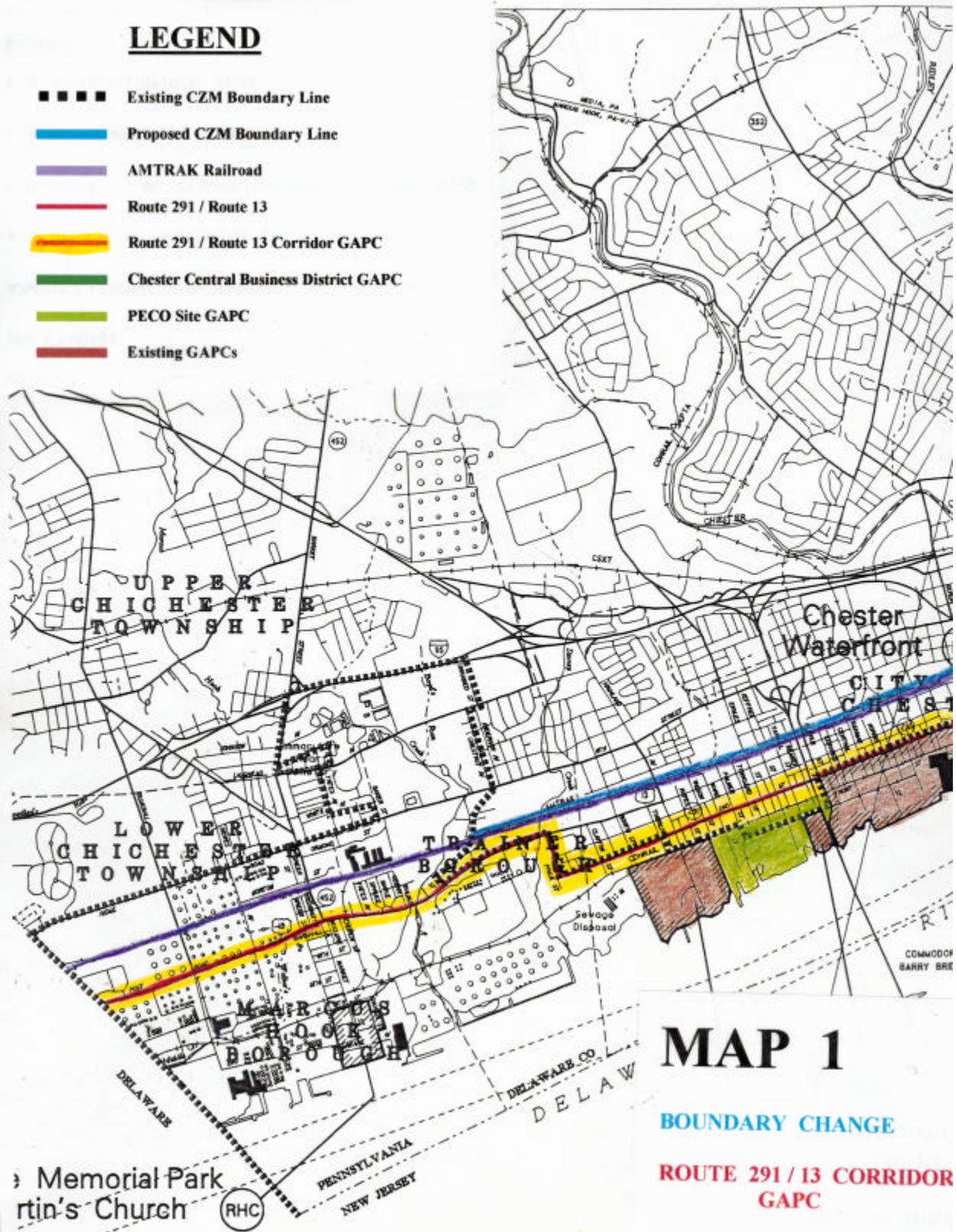
In Trainer borough (see Map 1), the present coastal zone boundary will be moved northward approximately 3 blocks to the northern Right-Of-Way of the Amtrak Railroad. In an easterly direction, the new boundary will follow the northern Amtrak Right-Of-Way from the existing coastal zone boundary located at the eastern 100-year floodplain of Marcus Hook Creek, to Penn Street. This will encompass both sides of Routes 291 and 13.

In the City of Chester (see Map 2) the next boundary change will occur along the 100-year floodplain of Chester Creek. The current boundary along the western 100-year floodplain of Chester Creek, between 8th Street and 5th Street, will be moved west, and will now follow Penn Street between 8th and 5th Streets.

The last boundary change in the City of Chester (see Map 2) will begin on the existing CZM boundary, at a point where it is intersected by 9th Street. From this point, the new boundary will run east on 9th Street to Madison Street, south on Madison Street to 4th Street, and then easterly along 4th Street to a point where it intersects the existing CZM boundary on Caldwell Street. These two boundary changes will form the Chester Central Business District, and encompass both sides of Route 291, the Amtrak rail line, and adjacent industrial, commercial, and residential properties.

LEGEND

- ■ ■ ■ Existing CZM Boundary Line
- ▬ Proposed CZM Boundary Line
- ▬ AMTRAK Railroad
- ▬ Route 291 / Route 13
- ▬ Route 291 / Route 13 Corridor GAPC
- ▬ Chester Central Business District GAPC
- ▬ PECO Site GAPC
- ▬ Existing GAPCs



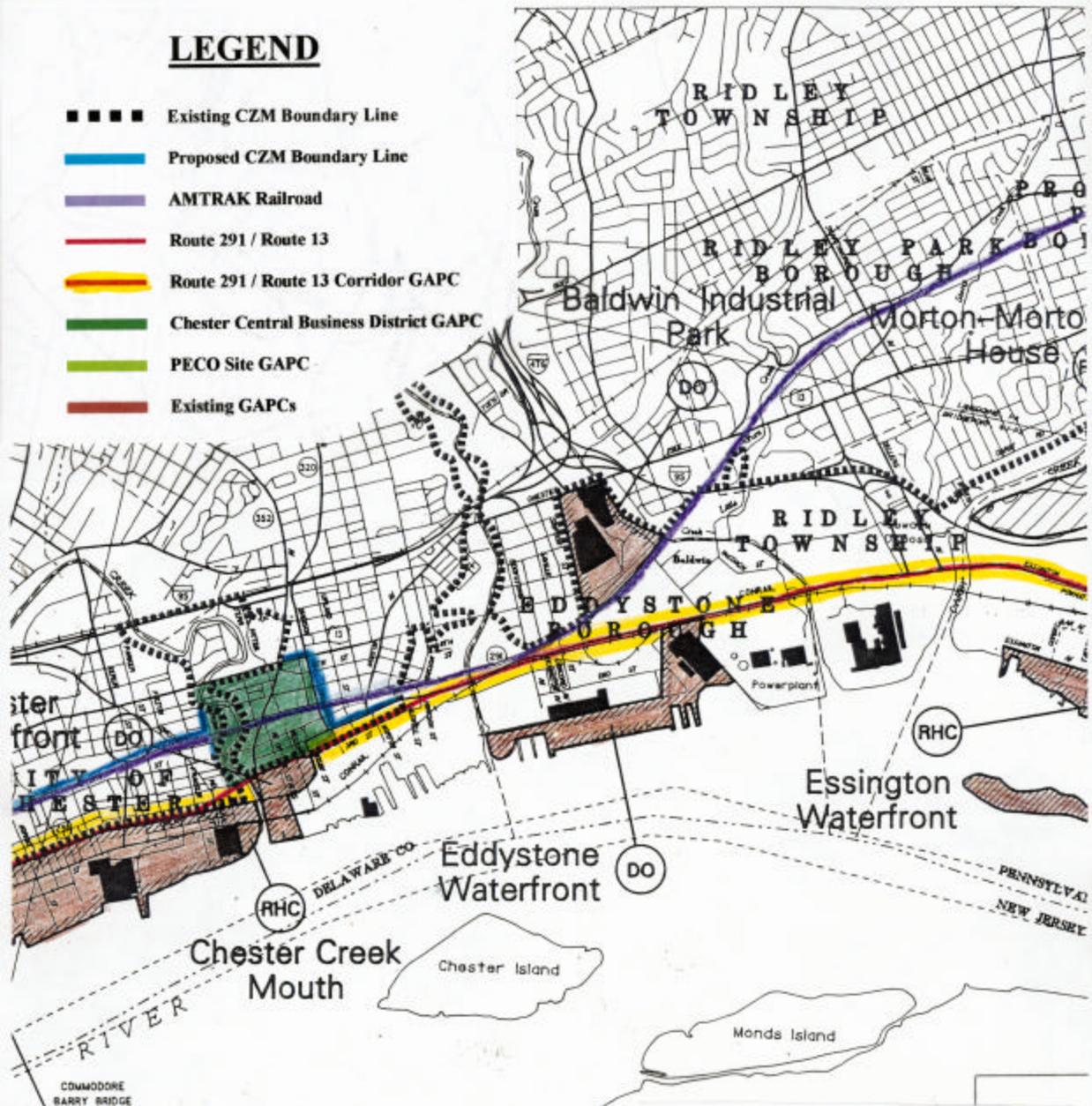
MAP 1

BOUNDARY CHANGE

ROUTE 291 / 13 CORRIDOR GAPC

LEGEND

- ■ ■ ■ Existing CZM Boundary Line
- ▬ Proposed CZM Boundary Line
- ▬ AMTRAK Railroad
- ▬ Route 291 / Route 13
- ▬ Route 291 / Route 13 Corridor GAPC
- ▬ Chester Central Business District GAPC
- ▬ PECO Site GAPC
- ▬ Existing GAPCs



MAP 2

BOUNDARY CHANGE

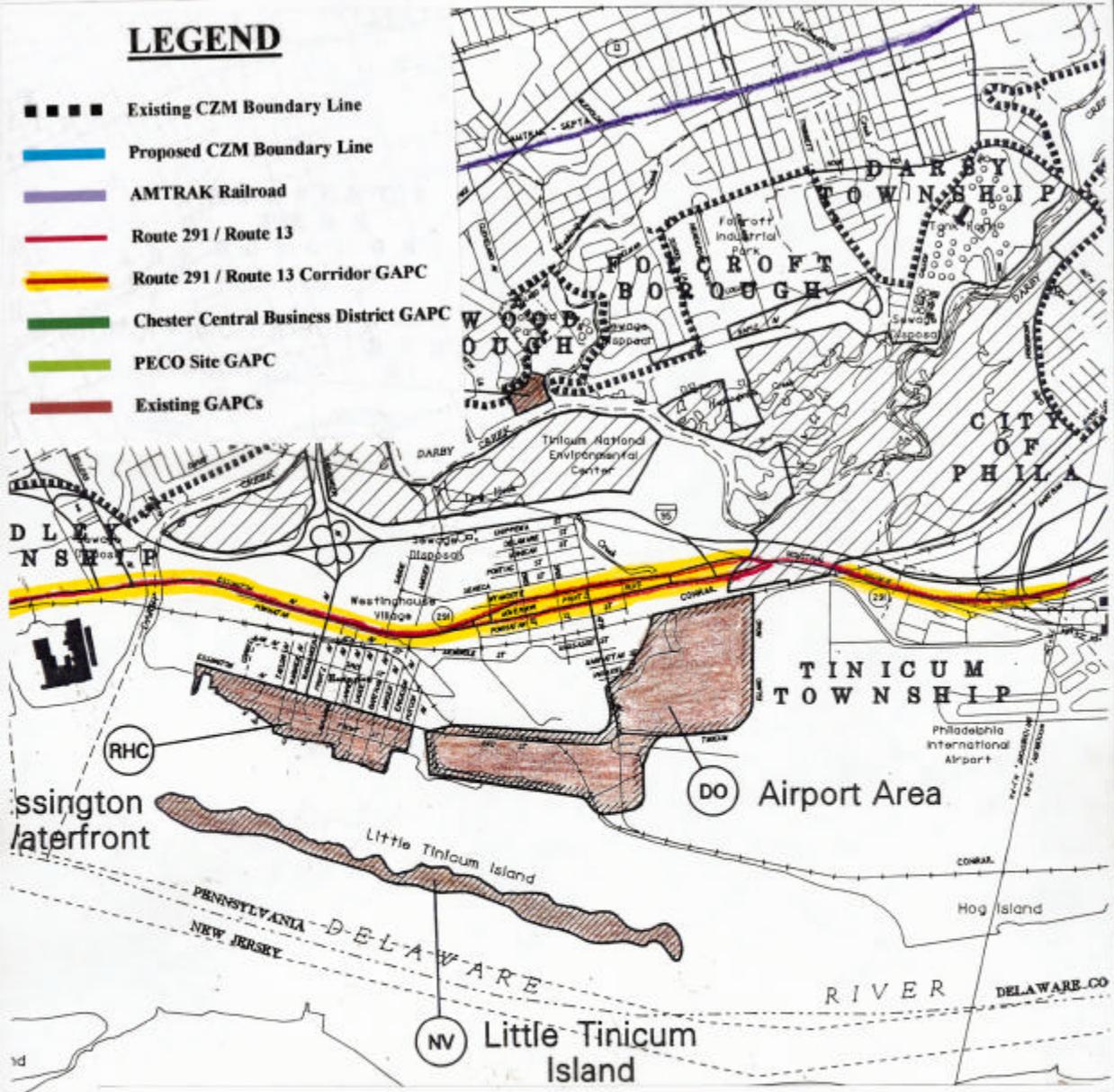
ROUTE 291 / 13 CORRIDOR GAPC

Commodore Barry Bridge Area

Terminal Area

LEGEND

- ■ ■ ■ Existing CZM Boundary Line
- ▬ Proposed CZM Boundary Line
- ▬ AMTRAK Railroad
- ▬ Route 291 / Route 13
- ▬ Route 291 / Route 13 Corridor GACP
- ▬ Chester Central Business District GACP
- ▬ PECO Site GACP
- ▬ Existing GACPs



MAP 3

BOUNDARY CHANGE

ROUTE 291/13 CORRIDOR
GACP

Route 291 (see Maps 1, 2 and 3) has been aptly referred to as the Industrial Highway due to its long-standing history as the road which served the industrial waterfront. It is now the subject of a number of efforts involving revitalization of Delaware County's waterfront area. Specific activities involving this highway include widening, realignment, etc. by PennDOT, as well as major promotion (including a name change to the "International Parkway") by the Chamber of Commerce and others including coastal zone municipalities. Additionally, the Delaware County Coastal Zone Task Force, in conjunction with the Chamber of Commerce, has formed a task force to pursue a highway beautification project that would involve development and implementation of a landscape plan for the highway corridor running the length of Route 291 and Route 13 from the Philadelphia International Airport to the state line. The major goal of this project is to develop/enhance a transportation corridor that presents a consistent positive image of the industrial waterfront as a whole by making it a more accessible and inviting place for businesses to locate and citizens to access cultural and recreational facilities in the coastal zone. This highway corridor is considered to be the primary means of traveling via automobile or truck to and from areas within the County's coastal zone; therefore, it is extremely important to not only the economic health of Delaware County's waterfront, but to the County as a whole.

The Amtrak Railroad line on which SEPTA runs local passenger train service from Wilmington to Philadelphia is also another important means of access through Delaware County's coastal zone (see Maps 1, 2 and 3). This railroad, which parallels the waterfront from the state line to Eddystone Borough, is an integral component in any coastal zone revitalization scenario. This is evidenced by the award-winning redevelopment of Baldwin Tower in Eddystone which capitalizes on the fact that it has direct access to a rail line that runs between Wilmington and Philadelphia. Given the historic nature of the Chester Train Station/Transportation Center located along this rail line and its ability to support business in the City of Chester's Coastal Zone, it is logical that it too be included as part of Delaware County's Coastal Zone boundary expansion. It should be noted that there are currently efforts underway on the part of Senator Santorum and Amtrak to enhance this area's viability through provision of an Amtrak stop at this location.

The City of Chester's Central Business District is an area of great historic, cultural, and economic significance. As such, it is cited as an important area for revitalization in the City's award-winning comprehensive plan and economic development strategy entitled "Vision for the Year 2000."

ANALYSIS OF IMPACT – Route 291/Route 13 Boundary Expansion

The Delaware County Waterfront Resources Management Plan - 1992 (pages 78-80) discusses the importance of the existing highway and rail systems serving the Coastal Zone. This section of the report cites Route 291 as "...the primary means of access through the County's waterfront, serving a number of major industries and offices." Therefore, land use and redevelopment potential within the area immediately adjacent to the Delaware River is directly impacted by the ability of Routes 291/13 to provide safe, direct, and attractive access to this area. The proposed expansion of the Delaware County Coastal Zone is consistent with the methodology for defining the coastal zone boundary contained in both the CZM Program's Technical Record (1978) and the CZM Program's FEIS (1980). In particular, refer to the section of the Technical Record entitled Guiding Principles for the Coastal Zone Boundary (beginning on page 6-6), and the

section of the FEIS entitled Defining the Coastal Zone Boundary (beginning on page II-1-9), both of which discuss “direct and significant impacts” of the water on the land and vice versa. Furthermore, the section of the Technical Record entitled Guiding Principles for the Coastal Zone Boundary states that “Highways, railroads and communication and utility rights-of-way are essential infrastructure facilities for the support of marine, industrial, commercial and residential land uses along the riverfront. Also, many manufacturers and business services are closely associated with principal coastal industries and port facilities. These land uses contribute to the vitality and economic efficiency of the port.” It continues as a Guiding Principal that “Principal highways, railroads, rights-of-way, and other infrastructure should be included within the coastal zone, as should business-serving and ancillary industries in close proximity to coastal industries.”

This boundary expansion has been approved by the Delaware Estuary Coastal Zone Steering Committee and the State Coastal Zone Advisory Committee.

SUMMARY AND CONCLUSION – Route 291/Route 13 Boundary Expansion

The Route 291/Route 13 boundary change is not a substantial change to the Delaware Estuary Coastal Zone, but routine. Activities lying within the proposed Routes 291/13 boundary expansion area do have direct and significant impacts upon the coastal zone, and should be included in future state and federal consistency reviews.

The proposed boundary change is in conformance with the Pennsylvania CZM Program’s methodology and guiding principles for determining the coastal zone boundary. Furthermore, the boundary change complies with the Federal CZM Act and promulgated regulations at 15 CFR Part 923 Subpart D - Boundaries.

This boundary change is not a substantial change to Pennsylvania’s Delaware Estuary Coastal Zone Boundary. Based on the previous discussion and impact analysis, we have determined that this program change to Pennsylvania’s coastal **Boundaries** is routine, and will further detail Pennsylvania’s CZM Program. This boundary change results from and is in conformance with Section 306 of the federal CZM Act.

1998 CHANGES TO GEOGRAPHICAL AREAS OF PARTICULAR CONCERN (GAPC)

INTRODUCTION – GAPC CHANGES

The Federal CZM Act, while noting the importance of the entire coastal zone, finds that certain areas are of greater significance. As a requirement for program approval, the Act required the Pennsylvania CZM Program to inventory and denote these geographical areas of particular concern (GAPCs). In addition, the Act further required the Pennsylvania CZM Program to make provision to denote future GAPC areas in order to preserve, protect, and restore them. The approved Pennsylvania CZM Program has met both of these requirements. (See FEIS page II-3-1 - Purpose of Designated and Nominated GAPC.)

GAPCs can either be designated or nominated. Designated GAPCs are designated by virtue of state ownership, state regulation, or contractual agreement with the agency, or entity responsible for management of the GAPC. Nominated GAPCs are those areas which the public, state, and federal agencies, interest groups, and other affected parties identified as deserving special management attention by CZM.

ADDITION OF ROUTE 291/ROUTE 13 CORRIDOR, CHESTER CENTRAL BUSINESS DISTRICT, AND PECO SITE GAPCs – Delaware Estuary

As part of the proposed Route 291/Route 13 boundary expansion, Delaware County Planning Department is also proposing to nominate the following areas as Overlap GAPCs: The Route 291/Route 13 Corridor, the Chester Central Business District, and the PECO site.

When denoting a GAPC, the distinction between a development, recreational, historical, and cultural GAPC is sometimes not easily defined. In this case, these three areas possess developmental, recreational, historical, and cultural opportunities. As such, by nominating these three areas as Overlap GAPCs, the areas' total potential can be realized.

These three areas meet the FEIS criteria (page II-3-4) for all four GAPC descriptions.

ROUTE 291/ROUTE 13 CORRIDOR GAPC

As previously discussed under the Route 291/Route 13 Boundary Expansion section of the document, Routes 291/13 have and will continue to play a major role in the development of Delaware County's Coastal Zone. The intention of nominating the Route 291/Route 13 Corridor as a GAPC is to be able to develop and enhance this transportation corridor so that it presents a consistent positive image of the industrial waterfront by making it a more accessible and inviting place for businesses to locate and citizens to access recreational and cultural facilities in the coastal zone.

This proposed GAPC area (see Maps 1, 2 and 3) will extend one block north and south from the Route 291/13 right-of-way line for its entire length from the Delaware State line, east to the

City/County of Philadelphia boundary. This one block distance will extend to the first arterial/collector street in each municipality. In those municipalities along the Route 291/13 corridor where blocks have not been plotted, such as along Post Road in Marcus Hook (see Map 1), the distance from the right-of-way will be equal to the width of a block, as defined in each municipality's zoning ordinance. In those instances where the width of a block is not defined, it will be 320 feet -- the width of a block as defined in the City of Chester's Zoning Ordinance.

The one exception to this one block distance will be where Route 291/13 passes through the John Heinz Environmental Center (JHEC) (see Map 3). In this area, the Route 291/13 Corridor GAPC will extend north and south one block, or up to the JHEC property line, whichever is less.

The Route 291/13 transportation corridor is presently the subject of a number of revitalization efforts by local, county, and state agencies. As a nominated GAPC, Delaware County Planning Department will be able to apply for CZM and other state funding to assist the municipalities in the promotion and orderly development of highway related activities anticipated for this corridor. The Route 291/Route 13 Corridor GAPC is approximately 1,000 acres.

CHESTER CENTRAL BUSINESS DISTRICT GAPC

The City of Chester's Central Business District has also been nominated as an Overlap GAPC (see Map 2). The Chester Central Business District is bounded by 9th Street on the north, Madison Street on the east, Third Street on the south, and Penn Street on the west (see Map 4). This 50-acre District contains the Amtrak rail line and Chester Train Station/Transportation Center, which has the ability to support port related business activities in the coastal zone. It should be noted that there are currently efforts underway on the part of Senator Santorum and Amtrak to enhance this area's visibility through provision of an Amtrak stop at this location.

The City of Chester's Central Business District is an area of great historic, cultural, and economic significance. As such, it is cited as an important area for revitalization in the City's award-winning comprehensive plan and economic development strategy entitled "Vision for the Year 2000."

As a nominated GAPC, the City of Chester or Delaware County will be able to apply for CZM funding to develop this site for office and commercial use, or for governmental services.

PECO SITE GAPC

Another area recommended for GAPC nomination consists of two adjacent parcels in the City of Chester: the 88-acre Philadelphia Electric Company (PECO) property, and an approximate 2 acre parcel located north of the existing Commodore Barry Bridge GAPC (see Map 1). The PECO site is bounded by Front Street on the north, Reaney Street on the east, Delaware River on the



MAP 4

CHESTER CENTRAL
BUSINESS DISTRICT
GAPC



south, and Highland Avenue to the west (see Map 5). PECO is currently in the process of clearing the site for redevelopment.

The two acre parcel is bounded by Front Street on the north, Flower Street on the east, the Commodore Barry Bridge Park GAPC on the south, and Renney Street on the west (see Map 5). This 90 acre area lies between two existing GAPCs: the Chester Terminal Area GAPC, a Development Opportunity GAPC, and the Commodore Barry Bridge GAPC, a Recreational/Historical/Cultural GAPC (see Map 1). The PECO site has been the subject of study relative to its potential for expansion of the Commodore Barry Bridge Park GAPC. Due to its location between two distinctly different GAPCs, and the potential for either industrial/commercial redevelopment or recreation, it has been recommended that this area also be nominated as an Overlap GAPC.

As a nominated GAPC, the City of Chester or Delaware County Planning Department will be able to apply for CZM funding to develop this site. Possible future developments envisioned include a marina with other water-related activities, retail/commercial area, sports center, public exhibition area or residential development. This new GAPC will be referred to as “Chester’s Riverview.”

ANALYSIS OF IMPACT – Addition of Route 291/Route 13 Corridor, Chester Central Business District, and PECO Site GAPCs.

The Route 291/Route 13 Corridor, Chester Central Business District and PECO site areas are being nominated as Overlap GAPCs. As previously mentioned these sites each possess a variety of future developmental, recreational, historical and cultural opportunities. Page II-3-8 of the FEIS encourages the development of Overlap GAPCs which recognize the dual potential of these sites which are not mutually exclusive of either.

Page II-3-6 of the FEIS lists the following suggested High Priority Activities for Development Opportunity GAPCs:

- Activities that upgrade the efficiency of highways and railroads that are conduits for goods delivered to the port.
- Development, expansion, or upgrading of the port’s cargo handling capabilities to meet both current and future demands.
- Provision of expanded government services to manufacturers already located within Development Opportunity Areas to make the area more attractive to manufacturing and stop the trend of relocations outside of the coastal zone.

Page II-3-7 of the FEIS lists the following High Priority Activities for Recreational, Historic or Cultural GAPCs:

- Activities that maintain or increase the resource value of these GAPC such as better access and walkways, increased parking, improved security, new park equipment, public boat launches, landscaping, etc.

- Activities which provide financial support, e.g., subsidies, public acquisition, or fund raising.
- For lands in private ownership, acquisition of easements that permit access to the shoreline should be encouraged.

As can be seen by the previously listed High Priority Activities lists, these three sites have the dual potential to be a Development Opportunity GAPC and a Recreational/Historical/Cultural GAPC. Therefore, they will be nominated as Overlap GAPCs.

As previously discussed in this RPC's section dealing with the Route 291/Route 13 boundary expansion, the orderly development of the Route 291/Route 13 transportation corridor will have a great affect on the development of Delaware County's port facilities, and adjacent developable areas. The Route 291/Route 13 Corridor, Chester Central Business District and PECO Site nomination will complement the development of this transportation corridor and vice versa. Nomination of these three areas as GAPCs has been approved by the Delaware Estuary Coastal Zone Steering Committee and the State Coastal Zone Advisory Committee.

By nominating the Route 291/Route 13 Corridor, Chester Central Business District and Chester's Riverview (i.e., PECO Site) areas as Overlap GAPCs, CZM financial support can be used to develop and enhance these areas, promote development of port facilities, and provide for additional recreational opportunities in Delaware County's portion of the coastal zone.

As a result of adding Route 291/Route 13 Corridor, Chester Center Business District and Chester's Riverview as GAPCs, the FEIS' Inventory of GAPC (page II-3-9) will be revised. With the revision (*in bold italics*) the Inventory will read as follows:

Delaware Estuary Coastal Zone

Delaware County GAPC

<u>Identification No.</u>	<u>Natural Value Areas</u>	<u>Approx. Size (Acres)</u>
NV-1	Little Tinicum Island	103
<u>Development Opportunity Areas</u>		
DO-1	Chester Terminal Area	77
DO-2	Chester Waterfront	227
DO-3	Baldwin Industrial Park	64
DO-4	Eddystone Waterfront	85
DO-5	Airport Area	250
<u>Recreational, Cultural, Historic Value Areas</u>		

<u>Identification No.</u>	<u>Natural Value Areas</u>	<u>Approx. Size (Acres)</u>
R-1	Market Square Memorial Park and Saint Martin's Church	32
R-2	Commodore Barry Bridge Area	10
R-3	Chester Creek Mouth	5
R-4	Essington Waterfront	84
R-5	Morton-Mortonson House	5
<u>Overlap Areas</u>		
<i>OV-1</i>	<i>Route 291/Route 13 Corridor</i>	<i>1000</i>
<i>OV-2</i>	<i>Chester's Riverview (PECO Site)</i>	<i>90</i>
<i>OV-3</i>	<i>Chester Central Business District</i>	<i>50</i>

SUMMARY AND CONCLUSIONS OF 1998 GAPC CHANGES - Addition of Route 291/Route 13 Corridor, Chester Central Business District and Chester's Riverview GAPCs.

These three areas will complement and support the orderly development of the Route 291/Route 13 transportation corridor through Delaware County. The areas are adjacent to the corridor and contain road and rail transportation systems, open space for port development, industrial, commercial, and recreation development, as well as port related businesses and government facilities.

The addition of these three GAPCs are not substantial changes to the existing Inventory of GAPC, but are routine. By nominating these areas as GAPCs, CZM financial support can be used to develop and enhance these areas, promote development of port facilities, and provide for additional recreational opportunities in Delaware County's portion of the coastal zone.

These GAPC changes are routine changes to Pennsylvania's CZM Program's **Special Management Areas**. Based on the previous discussion and impact analysis concerning the addition of the Route 291/Route 13 Corridor, Chester Central Business District, and Chester's Riverview GAPCs, we have determined that these GAPC changes further detail Pennsylvania's CZM Program, and are routine changes to Pennsylvania's CZM Program.

1999 REGULATORY PROGRAM CHANGES

INTRODUCTION – GENERAL REGULATORY CHANGES

CZM's enforceable policies are based on Commonwealth agencies' regulations which are incorporated into this Program. These regulations were in effect at the time of original CZM Program approval in 1980. However, over time these regulations have been amended, and as such change Pennsylvania's originally approved CZM Program. These subsequent changes will further detail the original Program. As previously mentioned, those regulatory changes resulting from the RBI will be noted.

These regulatory amendments which are presently in effect statewide have been subjected to public comments and hearings, and have been approved by the Commonwealth's Environmental Quality Board, and Independent Regulatory Review Committee.

58 PA CODE CHAPTER 75 – Endangered, Threatened and Candidate Species (Amended September 1999)

Chapter 75 protects Pennsylvania's vulnerable native aquatic species. Chapter 75 is a list of fishes, reptiles, amphibians and aquatic organisms that the Pennsylvania Fish and Boat Commission (PAF&BC) has determined over various years of study, require protection. The species on these lists have declined in distribution and abundance to levels resulting in a determination that these species are endangered (Section 75.1), threatened (75.2) or candidate (75.3) in the Commonwealth.

Through the 1998 and 1999 public comment period, PAF&BC decided to add 15 new species. Subsequently, these three lists were further modified by upgrading or downgrading species' protection by moving them among the lists. Since species that are endangered or threatened are essentially equally protected, the changes in classification will make little difference.

58 PA CODE CHAPTER 133 – Wildlife Classification (Amended February 1999)

Chapter 133 protects Pennsylvania's vulnerable birds and mammals not defined as Furbearers or Game Animals under Pennsylvania's hunting regulations. The Pennsylvania Game Commission (PAGC) has reviewed the status of birds on their list of birds of special concern (Section 133.21), and have changed the endangered and threatened status of seven birds. The status of five birds have been upgraded while the status of two birds, Osprey and Common Tern, have been downgraded.

Since species that are endangered or threatened are essentially equally protected, the changes in classification will make little difference, with one exception. The status of the Dickcissel is being changed from "undetermined" to "threatened." As such it will receive increased protection.

ANALYSIS OF IMPACT – Chapters 75 and 133 Regulatory Changes

Through advisement from several study committees, the PAF&BC and PAGC have amended their respective Species of Special Concern lists. These amendments, based on biological studies, essentially add, remove, or reclassify species on these lists. A species on these lists is afforded additional protection under Chapters 75 and 133.

Chapters 75 and 133 are contained in Policy IV-1 and IV-1.1: Wetlands found on page II-2-16 of CZM's FEIS. These policies preserve and protect Pennsylvania's native fish and bird habitat, including habitat which may be home to Pennsylvania's Species of Special Concern listed in Chapters 75 and 133, respectively.

By incorporating these regulatory changes into the Pennsylvania CZM Program, the program will be able to provide additional protection to these species during the Program's federal and state consistency reviews.

SUMMARY AND CONCLUSION – Chapters 75 and 133 Regulatory Changes

The regulatory amendments to Chapters 75 and 133 are not substantial changes to the Pennsylvania CZM Program, but are routine. These amendments are currently in use throughout Pennsylvania. Since the original regulations were incorporated into Pennsylvania's CZM Program, their amendments will also serve to strengthen the Program. These changes are in keeping with the Pennsylvania CZM Program's, and the national CZM objectives and policies.

These changes are routine changes in enforceable policies related to **Uses Subject to Management**, and CZM Program **Authorities**. Based on the previous discussion and impact analysis of the amendments to Chapters 75 and 133, we have determined that these regulatory changes further detail Pennsylvania's CZM Program, and are not substantial changes to Pennsylvania's CZM Program.

25 PA CODE CHAPTER 109 – Safe Drinking Water (Amended April 1999)

Chapter 109 protects the public health and safety by assuring that public water systems provide a safe and adequate supply of water for human consumption by establishing drinking water quality standards, permit requirements, design and construction standards, system management responsibilities and requirements for public notification. A public water system also includes providing water for bottling or bulk hauling for human consumption.

Representatives of the large in-state bottled drinking water operations have expressed concerns over the time and expense involved in obtaining permit amendments and the type of in-plant modifications which require permit amendments. The primary reason for their concern was that the requirements were affecting their ability to implement timely business decisions.

In response, a workgroup was formed from various stakeholders. The purpose of the workgroup was to develop a framework for a permit by rule for bottled water systems to streamline the permitting process and minimize business disruption while ensuring regulatory efficiency, compliance and protection of public health. As a result, the workgroup developed these permit by rule regulatory changes.

The permit by rule provides in-state permitted bottlers an option to obtaining a permit amendment for substantial modifications to the bottling, processing or manufacturing facilities provided certain specified criteria are met. Specific criteria include: the source type (groundwater not under the direct influence of surface water or finished water from a community water system or both); the source water quality (does not exceed Food and Drug Administration (FDA) quality standards for health related chemical and radiological contaminants and requires only disinfection to meet the Pennsylvania primary maximum contaminant levels); use of acceptable treatment technologies; and demonstrated compliance with the national standards of the FDA and the International Bottled Water Association (IBWA) Model Bottled Water Code as determined by an annual on-site evaluation conducted by a third-party organization such as the NSF. (The NSF is an internationally recognized third-party inspection and certification agency. The NSF's bottled water certification program verifies that a bottling facility and product waters meets the requirements of the federal FDA regulations governing bottled water.) The bottler would first notify DEP of the intent to operate under the permit by rule. A bottled water system operating under the permit by rule would file with DEP descriptions of substantial modifications such as replacement of equipment or addition of a new product line within 30 days of operation of the modification.

New in-state bottled water systems would still be required to obtain a public water system permit for the construction and operation of the bottled water system after which they could operate under the permit by rule option if qualified. The permit by rule does not include modifications to the collection facilities, including the addition of new sources, which would continue to require a permit amendment from DEP under the present permitting requirements. Any bottler seeking to use the permit by rule would have to comply with other applicable laws administered by DEP as required by the Pennsylvania Safe Drinking Water Act and comply with other requirements of Chapter 109 including design, construction, operation, monitoring and reporting.

ANALYSIS OF IMPACT – Chapter 109 Regulatory Changes

As discussed above, these amendments establish a permit by rule for in-state permitted bottled water systems that meet certain specified criteria. Bottlers in this Commonwealth who elect to operate under the permit by rule should realize time and cost savings from the streamlined permitting process by being able to make timely business decisions such as installation of a new or additional production line or replacement equipment without first obtaining a DEP permit amendment. Along with the revised requirements for submitting new or additional product labels, this will provide bottlers in this Commonwealth greater flexibility and opportunity to respond to market conditions and increase competitiveness with out-of-state bottlers.

Chapter 109 is contained in Policy IV-1: Wetlands, found on page II-2-16 of our FEIS. This policy preserves, protects, enhances, and restores coastal wetlands. It ensures the protection of wetlands' functions and values, and protects the habitat of federal and state threatened and endangered species. In addition, the policy requires that any wetlands which are impacted in the coastal zone area will be replaced and/or mitigated within the coastal zone area.

Chapter 109 protects the public health and safety by assuring that public water systems provide a safe and adequate supply of water for human consumption by establishing drinking water quality standards, permit requirements, design and construction standards, system management responsibilities and requirements for public notification. As can be seen by the previous discussion, the incorporation of these amendments into Chapter 109 will not affect CZM's Wetlands policy.

SUMMARY AND CONCLUSION – Chapter 109 Regulatory Changes

The regulatory amendments to Chapter 109 are not substantial changes to the Pennsylvania CZM Program, but are routine. These amendments are currently in use throughout Pennsylvania. Since the original regulations were incorporated into Pennsylvania's CZM Program, their amendments will also serve to strengthen the Program. These changes are in keeping with Pennsylvania's CZM Program and the national CZM objectives and policies.

These changes are routine changes in enforceable policies related to **Uses Subject to Management** and CZM Program **Authorities**. Based on the previous discussion and impact analysis of the amendments to Chapter 109, we have determined that these regulatory changes further detail Pennsylvania's CZM Program, and are not substantial changes to Pennsylvania's CZM Program.

25 PA CODE CHAPTERS 260-267, 269 and 270 – Hazardous Waste Management (Amended May 1999)

These chapters deal with the management and permitting of hazardous waste facilities in Pennsylvania. These facilities include treatment, storage, and disposal, as well as generators of hazardous waste. The amendments to these chapters delete Chapters 260-267, 269 and 270, and renumber existing or add new hazardous waste regulations in Chapters 260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b, and 268a-270a.

Numerous federal statutes applicable to hazardous waste management activities are administered by federal agencies, including the Environmental Protection Agency (EPA). The EPA administers the Resource Conservation and Recovery Act (RCRA) (42 U.S.C.A. §§6901-6992) and federal regulations at 40 CFR Parts 260-272 (Hazardous and Solid Waste Amendments) which contain the basic federal hazardous waste program requirements. RCRA provides that states may apply for and receive authorization from EPA for all or parts of the state hazardous waste management program, under 42 U.S.C.A. The EPA authorization essentially eliminates the dual federal and state permitting requirements for the hazardous waste management activities that are covered entirely within the scope of the state program authorized by the EPA, and thereby allows the regulated community to comply with state law in lieu of the affected parts of federal law.

In 1986 the Commonwealth received authorization to administer the RCRA requirements under DEP's hazardous waste program. The state program's regulations are found under DEP's Chapters 260-267, 269 and 270.

In 1984 RCRA was amended by adding the Hazardous and Solid Waste Amendments (HSWA) 40 CFR Parts 260-272). Pennsylvania however, is not authorized to administer the HSWA requirements. As such the regulated community must still comply with EPA's HSWA requirements, in addition to the Commonwealth's RCRA requirements. Therefore, with these regulatory changes, DEP will seek HSWA authorization so that the regulated community will only need to comply with Pennsylvania's hazardous waste requirements to be in compliance with both RCRA and HSWA. (NOTE: On November 27, 2000, the Commonwealth received EPA authorization to administer the HSWA requirements.)

The amendments delete the current text of DEP's hazardous waste regulations and replace them with new chapters that incorporate by reference the federal hazardous waste regulations. The purpose of incorporating by reference is to ensure that DEP's hazardous waste regulations are consistent with the federal regulations, and to maintain this consistency in the future as the federal program evolves.

The amendments are formatted so that the first section of each DEP chapter contains language to incorporate by reference each corresponding HSWA regulation.. Individual DEP sections are identified by a small letter "a" that was included in the section number. The sections with an "a" contain DEP additions to, deletions from or modifications of the federal regulations that had been incorporated. In most instances, DEP's chapter numbers corresponded to the parallel federal part numbers; DEP's subchapter numbers corresponded to the parallel federal subpart numbers; and

DEP's section numbers corresponded to the parallel federal section numbers. As an example, former Chapter 260.1 is now numbered as 260a.1. Chapter 261.1 is now numbered as 261a.1, Chapter 262.10 as 262a.10, and so on. In instances for which no DEP section number existed for a federal counterpart section, DEP decided to incorporate the federal section without modification.

ANALYSIS OF IMPACT – Chapters 260-267, 269 and 270 Regulatory Changes

Chapters 260-267, 269 and 270 contain the Commonwealth's hazardous waste management regulations. The regulatory amendments to these chapters result from a regulatory review under DEP's Regulatory Basics Initiative.

The amended regulations incorporate by reference the federal regulatory requirements for hazardous waste management, and add Commonwealth requirements to the federal requirements in instances in which DEP has identified a compelling state interest that requires the Commonwealth to modify or add to the federal requirements. As a result of the incorporation by reference, the final-form regulations align more closely the text and numbering system of DEP's regulations found in Chapters 260a-266a, 266b and 268a-270a with the federal numbering system found in 40 CFR Parts 260-273. In addition, the amended regulations will eliminate the confusion caused by using two different sets of regulations -- those used by EPA and those used by DEP -- for managing hazardous waste in this Commonwealth. Since most states have hazardous waste regulations that closely resemble the federal regulations, amending the Commonwealth's hazardous waste regulations to follow the federal regulations will allow companies to comply more easily on an interstate basis. In addition, most of DEP's regulations mirror the intent of the federal rules and many DEP regulations use the same language that the federal rules use. Most of the DEP requirements that have federal analogs use the same section numbers as the federal numbering system. Consequently, all classes of hazardous waste generators, transporters, and treatment/storage and disposal facilities will benefit from the regulatory changes DEP's amended regulations provide the regulated community with consistency between the state and federal regulatory requirements, language and numbering systems.

Regulatory Chapters 260-267, 269 and 270 are contained in Policy VIII-1: Energy Facility Siting/Permitting found on page II-2-25 of CZM's FEIS. This policy ensures through regulations, by permit, that energy facilities such as oil and gas refineries, electric generating stations (coal, hydro, oil and gas), electric generating substations, gas drilling, and liquification of natural gas operations locating in the coastal areas are sited in such a manner that the coastal areas' ecosystems are not adversely affected.

These regulatory amendments deal with hazardous waste. Specifically, they manage and permit hazardous waste facilities in Pennsylvania. As can be concluded by the previous discussion of changes, the siting of energy facilities in the coastal areas will not be affected by the regulatory changes to Chapters 260-267, 269 and 270. However, these regulatory amendments may be beneficial to energy facilities after they have been sited/constructed in Pennsylvania's coastal zones. These regulatory amendments will also benefit other facilities in the coastal areas that generate hazardous wastes, by relieving them of unnecessary regulatory burdens.

As a result of the incorporation by reference of HSWA regulations, and subsequent renumbering of Chapters 260-267, 269 and 270, the regulations Section of Policy VIII-1 will be revised.

The original Regulation(s) section read:

Regulation(s): 25 Pa. Code Chapters 75, 91, 92, 93, 95, 97, 101, 102, 105, 121, 123, 124, 127, 129, 131, 133, 135, 260, 261, 262, 263, 264, 265, 266, 267, 269, 270, 271, 272, 273, 275, 277, 279, 281, 283, 285, 287, 288, 289, 291, 293, 295, 297, 299, 6 Pa. Code Chapter V et seq.

With the revisions (*in bold face italics*), this section will now read:

Regulation(s): 25 Pa. Code Chapters 75, 91, 92, 93, 95, 97, 101, 102, 105, 121, 123, 124, 127, 129, 131, 133, 135, **260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b, 268a, 269a, 270a**, 271, 272, 273, 275, 277, 279, 281, 283, 285, 287, 288, 289, 291, 293, 295, 297, 299, 6 Pa. Code Chapter V et seq.

SUMMARY AND CONCLUSION – Chapters 260-267, 269 and 270 Regulatory Changes

DEP has reviewed all of its hazardous waste regulations pursuant to the RBI. As a consequence of its review, DEP has determined that continuing to regulate hazardous waste in this Commonwealth under a regulatory scheme that differs from the schemes found in the federal regulations and in other states' regulations creates confusion for the regulated community. In addition, DEP has determined that adopting the federal regulations with some modification that is justified by an identified compelling state interest will protect human health and the environment. The regulatory amendments to these Chapters are intended to align DEP's hazardous waste program with the federal program by incorporating by reference the applicable federal hazardous waste regulations, and to maintain this consistency in the future as the federal program evolves.

The regulatory amendments to Chapters 260-267, 269 and 270 are not substantial changes to the Pennsylvania CZM Program, but are routine. The amended regulations are currently in use throughout the Commonwealth. Since the original regulations were incorporated into Pennsylvania's CZM Program, their amendments will also serve to strengthen the CZM Program. These changes are in keeping with the Pennsylvania CZM Program's and the national CZM objectives and policies.

These changes are routine changes in enforceable policies related to **Uses Subject to Management** and CZM Program's **Authorities**. Based on the previous discussion and impact analysis of these changes, we have determined that these changes further detail Pennsylvania's CZM Program, and are routine changes.

1999 CHANGES TO GEOGRAPHICAL AREAS OF PARTICULAR CONCERN (GAPC)

INTRODUCTION – GAPC CHANGES

The Federal CZM Act while noting the importance of the entire coastal zone, finds that certain areas (GAPCs) are of greater significance. As a requirement for program approval, the Act required the Pennsylvania CZM Program to inventory and denote these geographical areas of particular concern.

In addition, the Act further required the Pennsylvania CZM Program to make provisions to denote future GAPC areas in order to preserve, protect and restore them. The approved Pennsylvania CZM Program has met both of these requirements. (See FEIS page II-3-1 - Purpose of Designated and Nominated GAPC.)

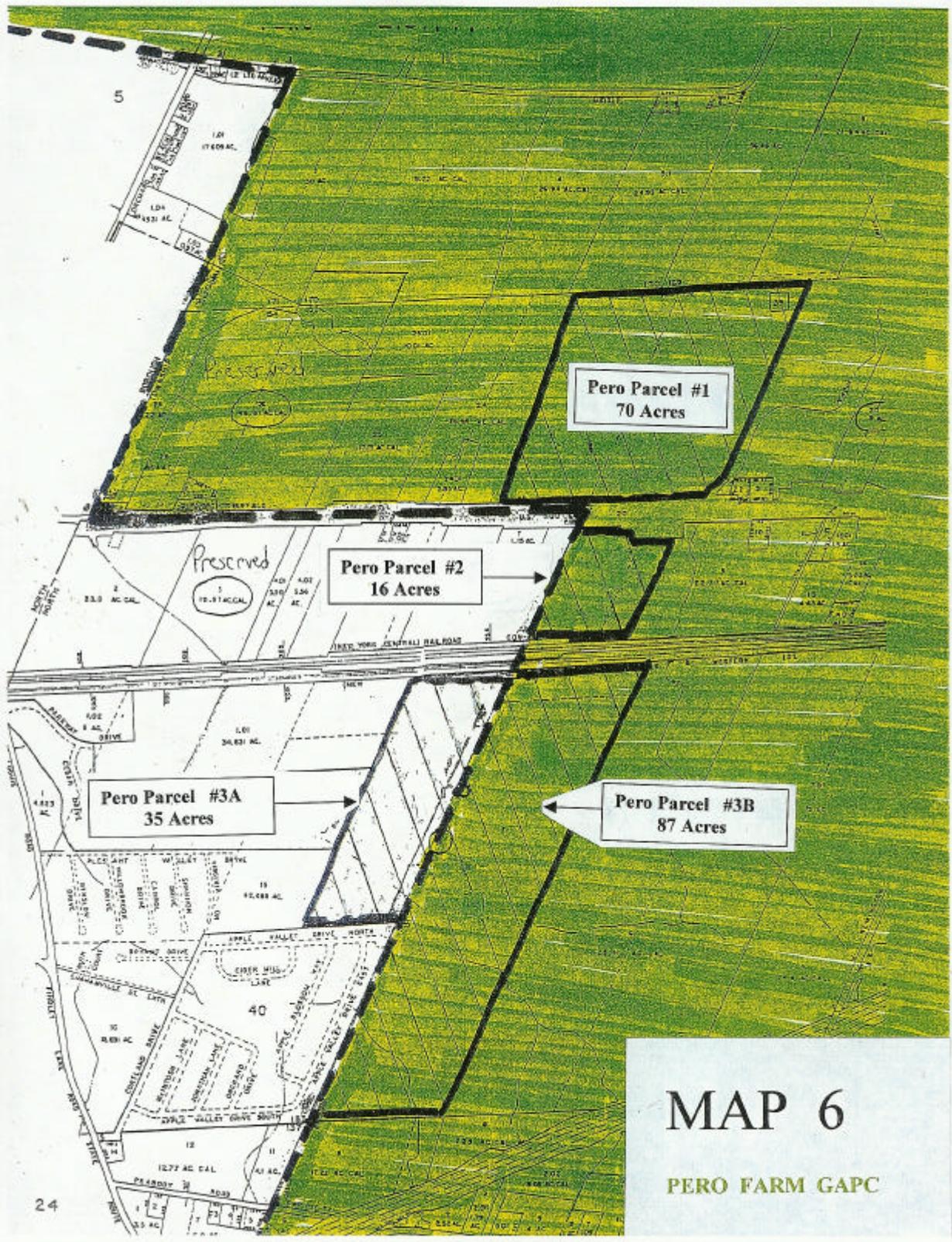
GAPCs can either be designated or nominated. Designated GAPCs are designated by virtue of state ownership, state regulation, or contractual agreement with the agency or entity responsible for management of the GAPC. Nominated GAPCs are those areas which the public, state, and federal agencies, interest groups, and other affected parties identified as deserving special management attention by CZM.

ADDITION OF PERO FARM GAPC – Lake Erie

The entire Pero Farm will be designated as an area of significant natural value at the request of the Lake Erie Coastal Zone Steering Committee.

The John and Debra Pero Farm is located within the Lake Erie Coastal Zone, in North East Township. The farm consists of three parcels of land covering approximately 208 acres (see Map 7). All three parcels are used to raise Concord and Niagara grapes. Parcel 3, the largest covers approximately 122 acres, is located just north of Interstate 90, and immediately east of a mobile home park. Thirty-five acres of Parcel 3 (see Map 6, Pero Parcel #3A) do not lie within a GAPC, while the remaining 173 acres of the farm are located in a Natural Value GAPC called Harborcreek and North East Township Prime and Unique Agricultural Land. Nearly all of the land surrounding the Pero farm, with the exception of the land immediately to the west, is in agricultural use.

The current Natural Value GAPC boundary line runs through the 122 acre parcel and overlays a municipal tract line. This tract line may have been chosen for the sake of simplicity when the GAPC was originally established, or an assumption may have been made that part of the Pero Farm would be developed. Whatever the case, the Pero family has no interest in developing any portion of their farm and would like to see the entire farm permanently preserved. By designating this 35 acre section of Parcel 3 as a Natural Value GAPC, CZM funds can be used to protect this land in perpetuity. A CZM grant will be used by Erie County as the County's monetary



ERIE CO.

LAKE ERIE

Lake Erie Bluff

NV



contribution, as required under Commonwealth's Farmland Preservation Program of 1988 (Act 149).

ANALYSIS OF IMPACT – Addition of PERO Farm GAPC

Areas of significant natural value are determined according to the concentration of natural characteristics that are either valuable as amenities, or unique to the coastal environment. These land-based characteristics include woodlands, uplands, wildlife habitats, and prime agricultural and erodible soils.

The Erie County Agricultural Land Preservation Board (Board) has appraised the agricultural value of the property, and has determined that it is one of the top producing agricultural properties in Erie County. Due to the agricultural value of the property, and the Pero family's desire to preserve their farm for agricultural purposes, the Pennsylvania Department of Agriculture (PDA) has entered into an agreement with the Pero family for the purchase of an Agricultural Conservation Easement. The purchase of this easement will entrust to PDA, the responsibility for maintaining the property as an agricultural conservation area, and thereby insure the protection of the prime agricultural soils situated on the property.

One of the major goals of the CZM Program is the protection and enhancement of these unique areas, and the encouragement of only those uses which will not interfere with the area's natural functions. The CZM Program's FEIS (page 11-3-5) lists agricultural activities which occur within prime and unique soils areas as a High Priority Activity.

Through the purchase of an Agricultural Conservation Easement, PDA will be responsible for the management and protection of this GAPC.

The designation of the Pero Farm GAPC has been approved by the Lake Erie Coastal Zone Steering Committee and the State Coastal Zone Advisory Committee.

As a result of designating the Pero Farm as a GAPC, the FEIS' Inventory of GAPC (see page II-3-11) will be revised. With the revisions (**in bold italics**), the inventory will read as follows:

<u>Identification No.</u>	<u>Natural Value Areas</u>	<u>Approx. Size (Acres)</u>
**NV-1	Lake Erie Bluff	--
NV-5	Harborcreek and North East Township Prime and unique Agricultural Land	21,000
*/**NV-6	McCord Vineyard	185.54
*/** <i>NV-7</i>	<i>Pero Farm</i>	<i>208.00</i>

* Denotes state ownership

** Denotes state regulated

SUMMARY AND CONCLUSION – Addition of Pero Farm GAPC

The addition/designation of the Pero Farm GAPC is not a substantial change to CZM's existing Inventory of GAPC, but is routine. The entire Pero Farm (approximately 208 acres) is presently located within the Lake Erie Coastal Zone. Approximately 173 acres of this farm is presently a nominated Natural Value GAPC (Harborcreek and North East Township Prime and Unique Agricultural Land). CZM will add the remaining 35 acres, and then designate the entire Pero Farm as a Natural Value GAPC.

The Pero Farm contains prime agricultural soils. Through state ownership (purchase of conservation easement), state regulation, and contractual agreement with PDA, CZM will be able to better preserve and protect this prime agricultural site.

This GAPC change is a routine change to **Special Management Areas** of Pennsylvania's CZM Program. Based on the previous discussion and impact analysis concerning the addition of GAPC, we have determined that this GAPC change further details Pennsylvania's CZM Program and is a routine change to Pennsylvania's CZM Program.

ADDITION OF GRAVEL PIT PARK GAPC – Lake Erie

Gravel Pit Park has been nominated as an area of significant recreational, cultural and historic value. The 62-acre park is entirely within the Lake Erie Coastal Zone (see Map 7). Approximately 10 acres of the Park (Parcel 1) is presently a nominated GAPC (see Map 8). Therefore, this RPC will nominate the remaining 52.25 acres of the Park as a GAPC. The 52.25 acres consist of Parcel 2 - 47.25 acres, and Parcel 3 - 5.0 acres (see Map 8).

Gravel Pit Park is located on the north side of Route 20, approximately three-quarters of a mile west of the Borough of North East (See Map 7). The site is bounded by vineyards to the north, private property under various uses to the east and west, and Route 20 to the south. The park is located in an area with a mix of commercial and agricultural uses, along with some small-scale residential development. The Park, which has been owned by North East Township since approximately 1967, includes the following facilities: a playground, 3 basketball courts, a baseball field, six shelter pavilions, 40+ picnic tables, 8 barbecue pits with grills, a stage for outdoor performances, restrooms, and 60 paved parking spaces. The Township Garage and Municipal Building are also located on the site, as are roughly 200 unpaved parking spaces.

The nomination of Gravel Pit Park has been approved by the Lake Erie Coastal Zone Steering Committee, and the State Coastal Zone Advisory Committee.

ANALYSIS OF IMPACT – Addition of Gravel Pit Park GAPC

Local park areas have significant social value to citizens as a resource for recreational and cultural activities associated with the coastal zone. NOAA has suggested that a goal of state coastal programs should be to protect, maintain, or restore these areas. Pennsylvania CZM Program's

FEIS (page II-3-7) has listed the following activities as High Priority uses of areas of significant recreational, historic, or cultural value:

1. Activities that maintain or increase the resource value of these GAPC's, such as better access and walkways, increased parking, improved security, new park equipment, public boat launches, landscaping, etc.
2. Activities which provide financial support.

By nominating the entire 52.25 acres of Gravel Pit Park as a significant recreational, historical, or cultural value GAPC, CZM financial support (grants) can be used to maintain, and increase the resource value of this Park. The nomination of Gravel Pit Park as a GAPC is in conformance with all of CZM's Policies found in our FEIS on pages II-2-3 through II-2-35, inclusive.

As a result of adding Gravel Pit Park as a GAPC, the FEIS' Inventory of GAPC (pages II-3-11) will be revised. With the revision (**in bold italics**), the inventory will read as follows:

<u>Identification No.</u>	<u>Recreational, Cultural and Historic Value</u>	<u>Approx. Size (Acres)</u>
R-7	Sixmile Access Area	75
R-8	Shades Beach County Park	50
R-9	Twentymile Creek Access Area	75
<i>R-10</i>	<i>Gravel Pit Park</i>	<i>62.25</i>

SUMMARY AND CONCLUSION – Addition of Gravel Pit Park GAPC

The addition of Gravel Pit Park is not a substantial change to the existing Inventory of GAPC, but is routine. By nominating this area as a GAPC, CZM financial support can be used to preserve, protect, and provide for additional recreational opportunities in Pennsylvania's Coastal Zones.

This GAPC change is a routine change to **Special Management Areas** of Pennsylvania's CZM Program. Based on the previous discussion and impact analysis concerning the addition of Gravel Pit Park GAPC, we have determined that this GAPC change further details Pennsylvania's CZM Program, and is a routine change to Pennsylvania's CZM Program.

1998 and 1999 REGULATORY CHANGES REQUIRED UNDER THE FEDERAL CLEAN AIR AND CLEAN WATER ACTS

INTRODUCTION – INCORPORATION OF FEDERAL WATER POLLUTION AND AIR POLLUTION REQUIREMENTS

Section 307(f) of the Federal CZM Act and 15 CFR Section 923.44 of the approval regulations calls for the “incorporation” of the requirements of the Federal Water Pollution Control Act, as amended, and the Federal Clean Air Act, as amended, into coastal zone management programs.

As a result, states are not required to submit these requirements to OCRM as program changes. However, states must notify OCRM, federal, state, and local agencies, and other interested parties, of the incorporation of these requirements into their state coastal management programs. As such, Pennsylvania’s CZM Program is taking this opportunity to provide the required notification. (See FEIS page II-5-14 - Incorporation of Water Pollution and Air Pollution Requirements.)

**1998 REGULATORY CHANGES REQUIRED UNDER THE FEDERAL
CLEAN AIR AND CLEAN WATER ACTS**

There were no changes in calendar year 1998.

1999 REGULATORY CHANGES REQUIRED UNDER THE FEDERAL CLEAN AIR AND CLEAN WATER ACTS

25 PA CODE CHAPTER 93 – Water Quality Standards and

25 PA CODE CHAPTER 95 – Wastewater Treatment Requirements (Both amended July 1999)

Chapter 93 sets forth water quality standards for the waters of the Commonwealth, including wetlands. These standards are based upon water uses which are to be protected and will be considered by DEP in its regulation of discharges.

The Commonwealth's Water Quality Standards, which are set forth in part in Chapter 93, implement sections 5 and 402 of The Clean Streams Law and Section 303 of the Federal Clean Water Act (CWA) (33 U.S.C.A. §1313). Water quality standards consist of the designated uses of the surface waters of this Commonwealth and the specific numeric and narrative criteria necessary to achieve and maintain those uses. In addition to protection of uses, portions of the regulations focus on preventing degradation to High Quality (HQ) Waters.

The federal antidegradation requirements in 40 CFR 131.12 (relating to antidegradation policy) provide for three tiers of water quality protection. Under Tier 1, existing instream water uses and the level of water quality necessary to protect and maintain the existing uses shall be maintained and protected. This level of protection is defined by meeting established water quality standards and is applicable to all surface waters. Tier 2, or HQ Waters, are to be maintained and protected at existing quality unless lowering of water quality is necessary to accommodate important economic or social development in the area in which the surface water is located. Where surface waters of high quality constitute an Outstanding National Resource Water (ONRW), that water quality shall be maintained and protected (Tier 3). In the long-standing Commonwealth program (since 1968) Exceptional Value (EV) Waters are more broadly defined than the Federal Tier 3 definition.

As a result of this broad definition, a portion of the Commonwealth's antidegradation program was disapproved by the Environmental Protection Agency in 1994. The changes made to Chapter 93 will make the Commonwealth's antidegradation program acceptable with federal standards.

The regulatory changes to Chapter 95 were made in order to refer to the antidegradation requirements of Chapter 93.

25 PA CODE CHAPTER 121 – General Provisions, and

25 PA CODE CHAPTER 129 – Standards for Sources (Both amended April 1999)

Chapter 121 contains definitions applicable to the Commonwealth's air quality regulations. Chapter 129 contains emission standards for all sources of emissions in the Commonwealth.

Section 129.51 has been modified to remove the requirement that equivalency determinations be submitted to the United States Environmental Protection Agency (EPA) as a State

Implementation Plan (SIP) amendment. Section 129.73 (relating to aerospace manufacturing and rework) establishes requirements to control Volatile Organic Compound (VOC) emissions from aerospace manufacturing and rework facilities. The changes to Chapter 121 add definitions of terms used in the substantive sections of Chapter 129.

These regulatory changes adopt regulations which establish alternative VOC emission limitations for aerospace coatings and solvents, including extreme performance coatings. These coatings and solvents are required to be used by the United States Department of Defense, the United States Department of Transportation and the National Aeronautics and Space Administration, or to meet military and aerospace specifications provided that the alternative limitations are authorized by the federal Clean Air Act.

The aerospace industry includes manufacturing facilities that produce an aerospace vehicle or its components and all facilities that rework or repair these aerospace products. An aerospace vehicle or its components are generally considered to be any fabricated or processed parts, or completed unit of any aircraft including, but not limited to, airplanes, helicopters, missiles, rockets and space vehicles. In addition to manufacturing and rework facilities, some shops may specialize in providing a service, such as chemical milling, rather than actually producing a component or assembly. In addition to these facilities, there are numerous subcontractors that manufacture or rework aerospace vehicles or components.

Aerospace manufacturing facilities range in size from small shops that produce a single aerospace component, such as propellers, to large corporations that produce the entire aircraft. Aerospace rework facilities, however, are usually large facilities that must be able to rework or repair every facet of several modes of large commercial or military aircraft.

The EPA has worked with the aerospace industry to develop control techniques and guidelines related to VOC emissions from aerospace manufacturing and rework operations as well as Maximum Achievable Control Technologies (MACT) to control hazardous air pollutants.

Under the federal Clean Air Act, if EPA adopts Control Technique Guidelines (CTG), states with nonattainment areas are required to adopt these EPA requirements.

The regulatory amendments to Chapters 121 and 129 were made to incorporate the provisions of the CTG and MACT into the Commonwealth's air quality regulations.

NOTICE OF INCORPORATION

Chapters 93, 95, 121 and 129 are contained in the following CZM policies:

- Policy III-I: Fisheries Management/Support Fish Life, page II-2-13 (Chapter 93)
- Policy IV-I: Wetlands/Wetlands, page II-2-16 (Chapters 93 and 95)
- Policy VIII-I: Energy Facility Siting/Permitting, page II-2-25 (Chapters 93, 95, 121 and 129)

- Policy IX-B.1: Intergovernmental Coordination/Air Quality, page II-2-29 (Chapters 93 and 95)
- Policy IX-B.2: Intergovernmental Coordination/Air Quality, page II-2-31 (Chapters 121 and 129)

As a result of Section 307(f) of the CZM Act, the Pennsylvania CZM Program is providing notice that these aforementioned regulatory changes, required by the Federal Clean Air and Clean Water Acts, have been incorporated into the Pennsylvania CZM Program.

This fact sheet and related environmental information are available electronically via Internet. For more information, visit us through the Pennsylvania homepage at <http://www.state.pa.us> or visit DEP directly at <http://www.dep.state.pa.us> .



www.GreenWorks.tv - A web space dedicated to helping you learn how to protect and improve the environment. The site features the largest collection of environmental videos available on the Internet and is produced by the nonprofit Environmental Fund for Pennsylvania, with financial support from the Pennsylvania Department of Environmental Protection, 877-PA-GREEN.