

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 301, 302, 303 AND 305]

[Correction]

Administration of the Water and Wastewater Systems Operators' Certification Program

Typographical errors occurred in the first paragraph and the Fiscal Note for the final-form rulemaking which appeared at 40 Pa.B. 5294, 5300 (September 18, 2010).

The correct version of this text and the Fiscal Note is as follows, with ellipses referring to the correct portions of the final-form rulemaking:

The Environmental Quality Board (Board) adds Chapter 302 (relating to administration of the water and wastewater systems operators' certification program) and rescinds Chapters 301, 303 and 305 to read as set forth in Annex A. This final-form rulemaking describes the process the State Board for Certification of Water and Wastewater System Operators (Certification Board) will follow to administer the Water and Wastewater Systems Operators' Certification Program (Program) and identifies the duties and responsibilities of the Department of Environmental Protection (Department) and the operators and owners of drinking water and wastewater treatment systems in this Commonwealth. 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.

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Fiscal Note: Fiscal Note 7-433 remains valid for the final adoption of the subject regulations.

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[Pa.B. Doc. No. 10-1752. Filed for public inspection September 17, 2010, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 139]

Seasons and Bag Limits; Private Property Coupons

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), through its August 17, 2010, notational vote, amended § 139.4 (relating to seasons and bag limits for the license year) to reinstate 2,761 coupons on private land that would otherwise be denied.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 4390 (August 7, 2010).

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. For the 2010-2011 seasons, the number of Deer Management Assistance Program permits was capped at the 2009-2010 totals within each wildlife management unit without further action by the Board. The Board subsequently learned that applying this cap would result in 2,761 coupons not being issued for private property that is not enrolled in the Commission's Public Access programs. After public comment, the Commission determined it was never its intent to take action that would result in these 2,761 coupons not being issued. This final-form rulemaking reinstates those coupons that would otherwise have been denied.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . ." The amendments to § 139.4 were adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking has amended § 139.4 by establishing when and where it is lawful to hunt deer and also placing limits on the numbers that can be legally taken during the 2010-2011 license year.

3. Persons Affected

Persons wishing to hunt deer within this Commonwealth during the 2010-2011 license year may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and remain in effect until June 30, 2011.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been 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 the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth at 40 Pa.B. 4390.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 4390 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-310 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-1833. Filed for public inspection September 24, 2010, 9:00 a.m.]