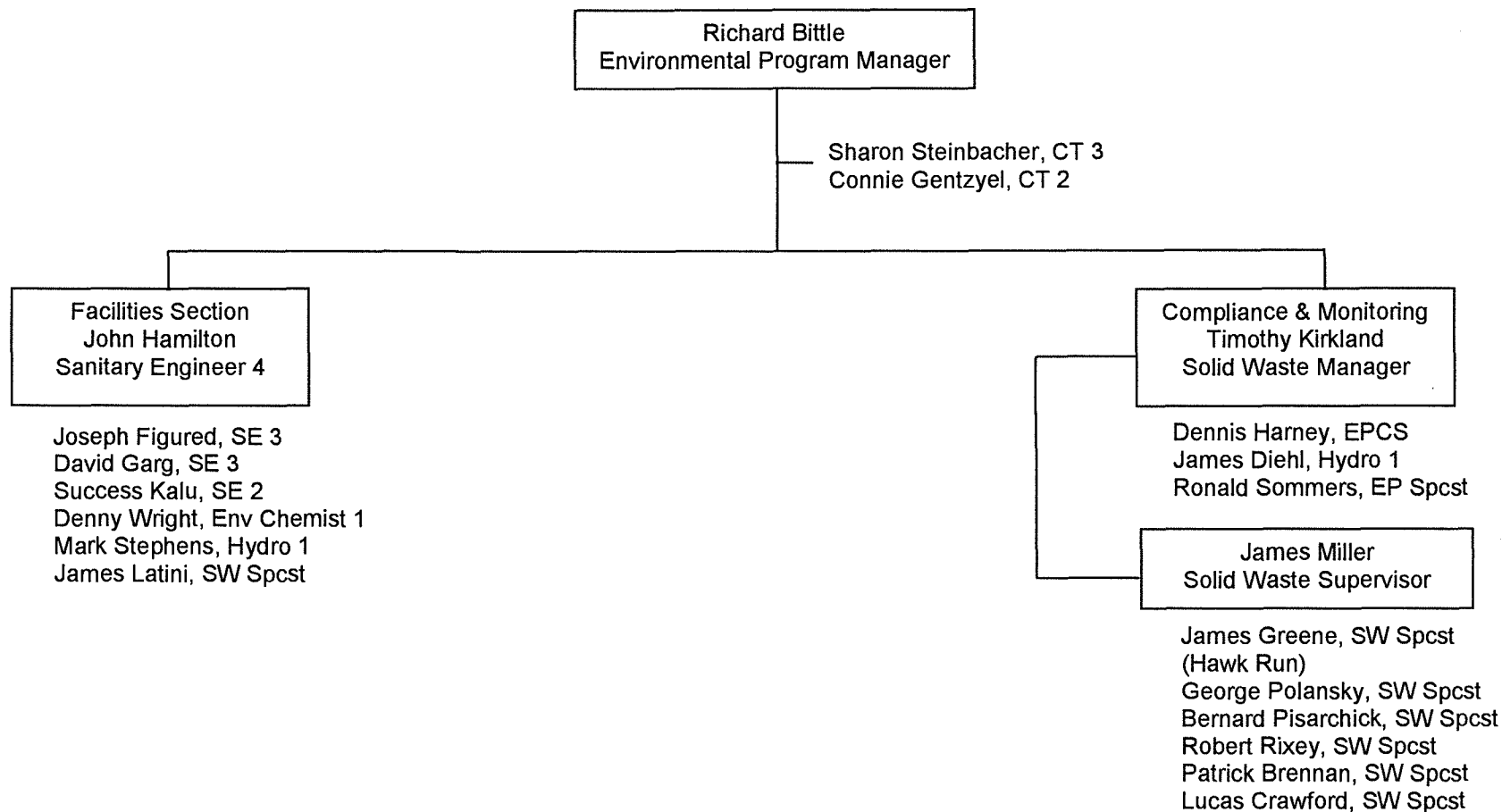


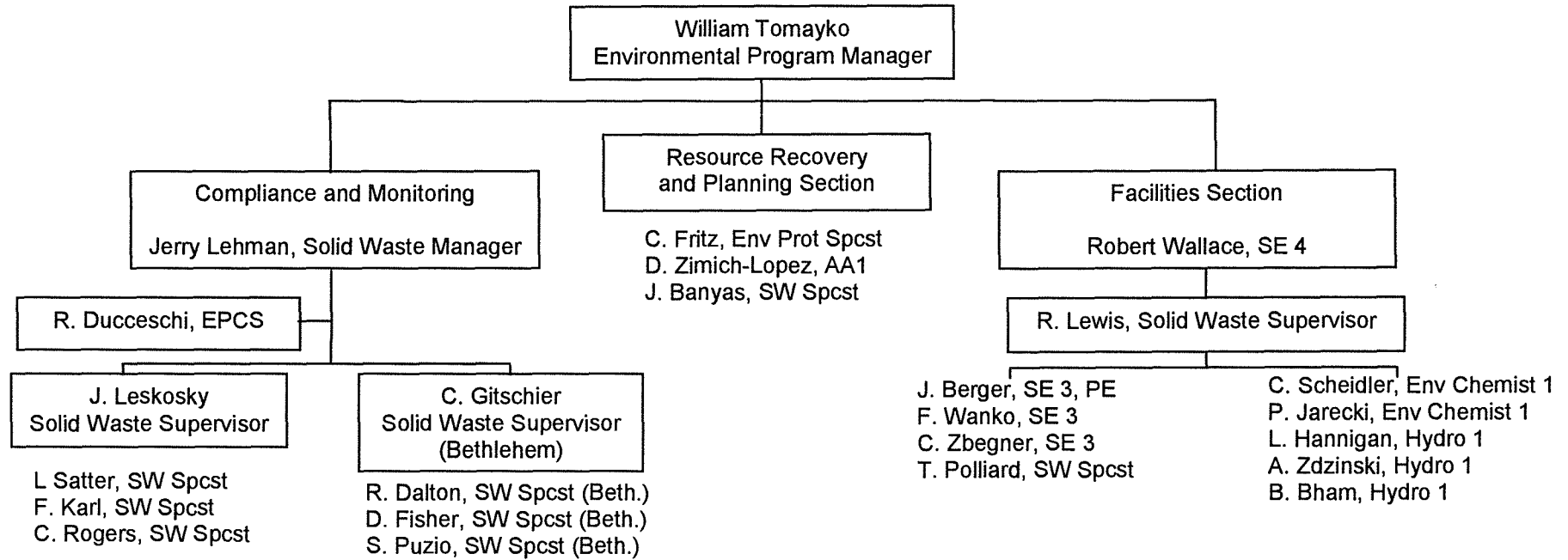
US EPA ARCHIVE DOCUMENT

APPENDIX H
Organizational Charts for the Regional Offices

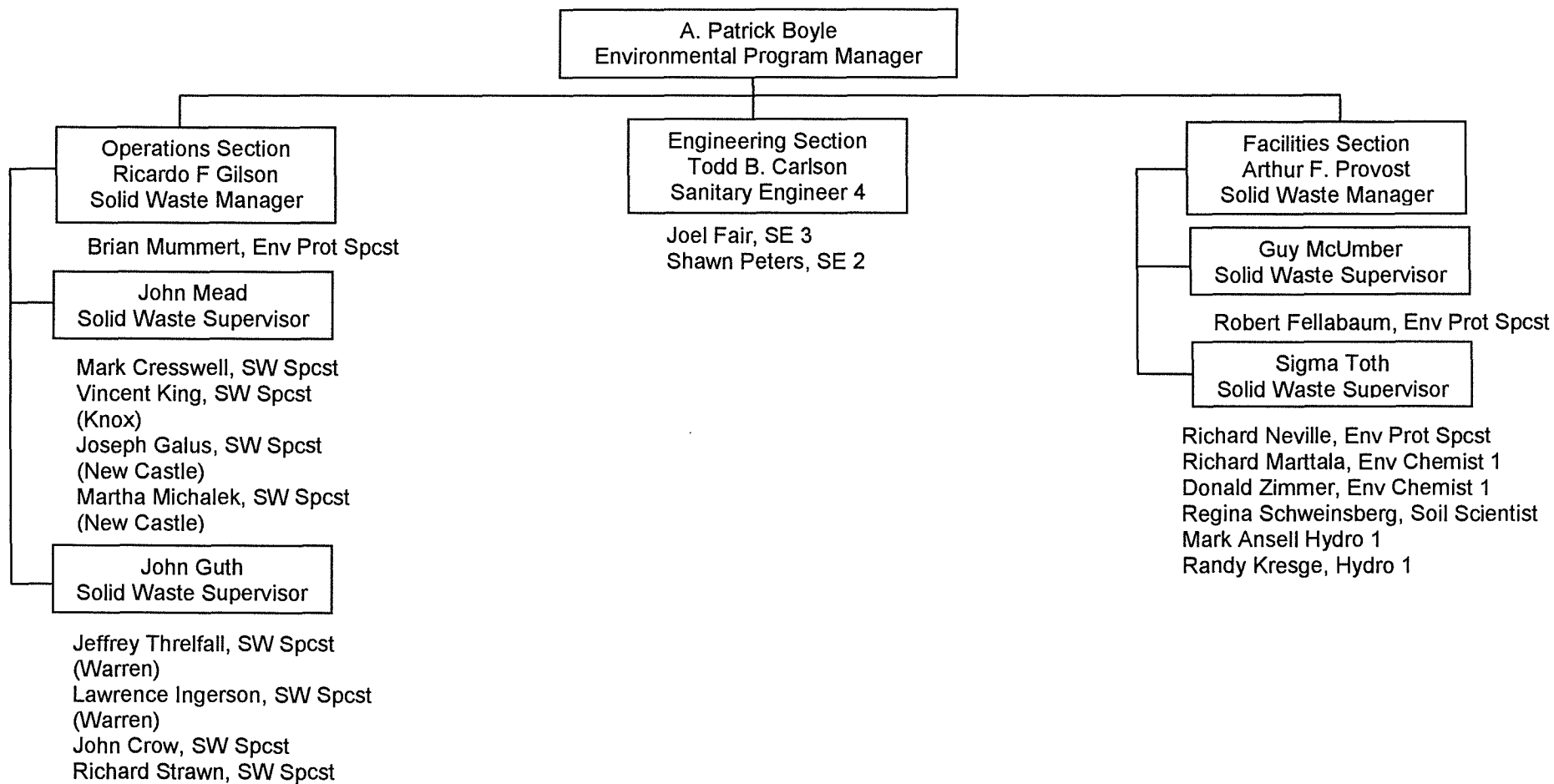
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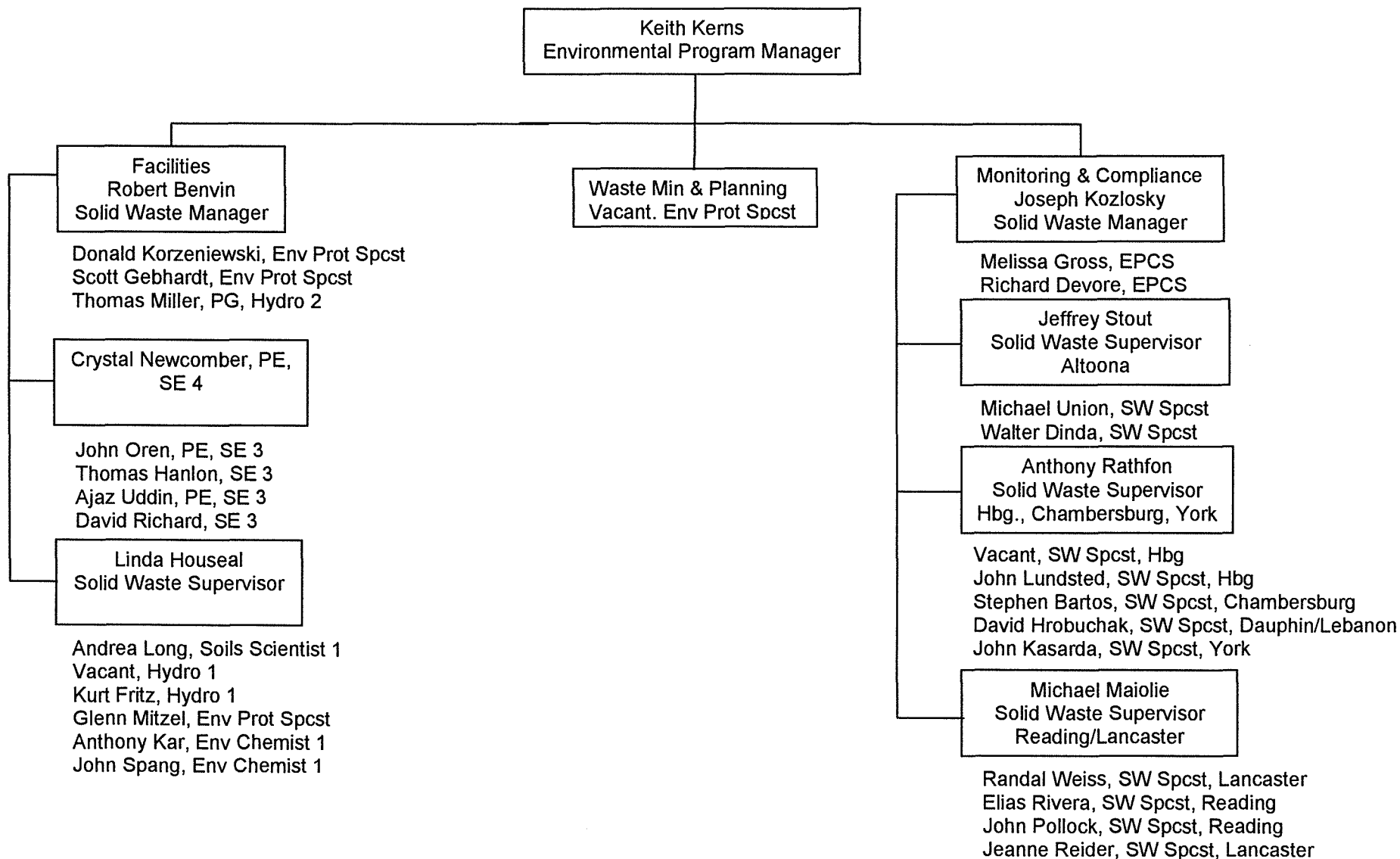
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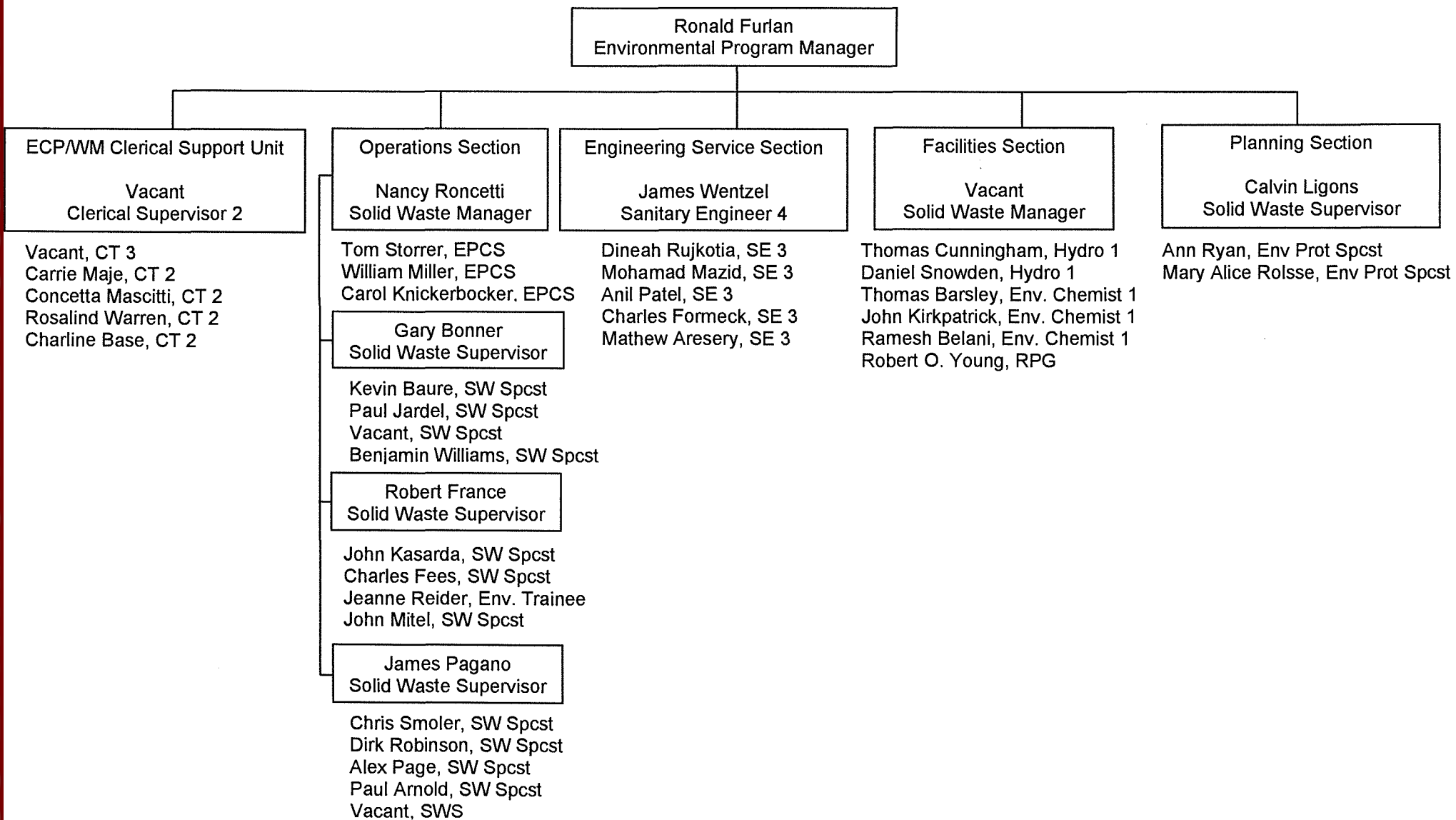
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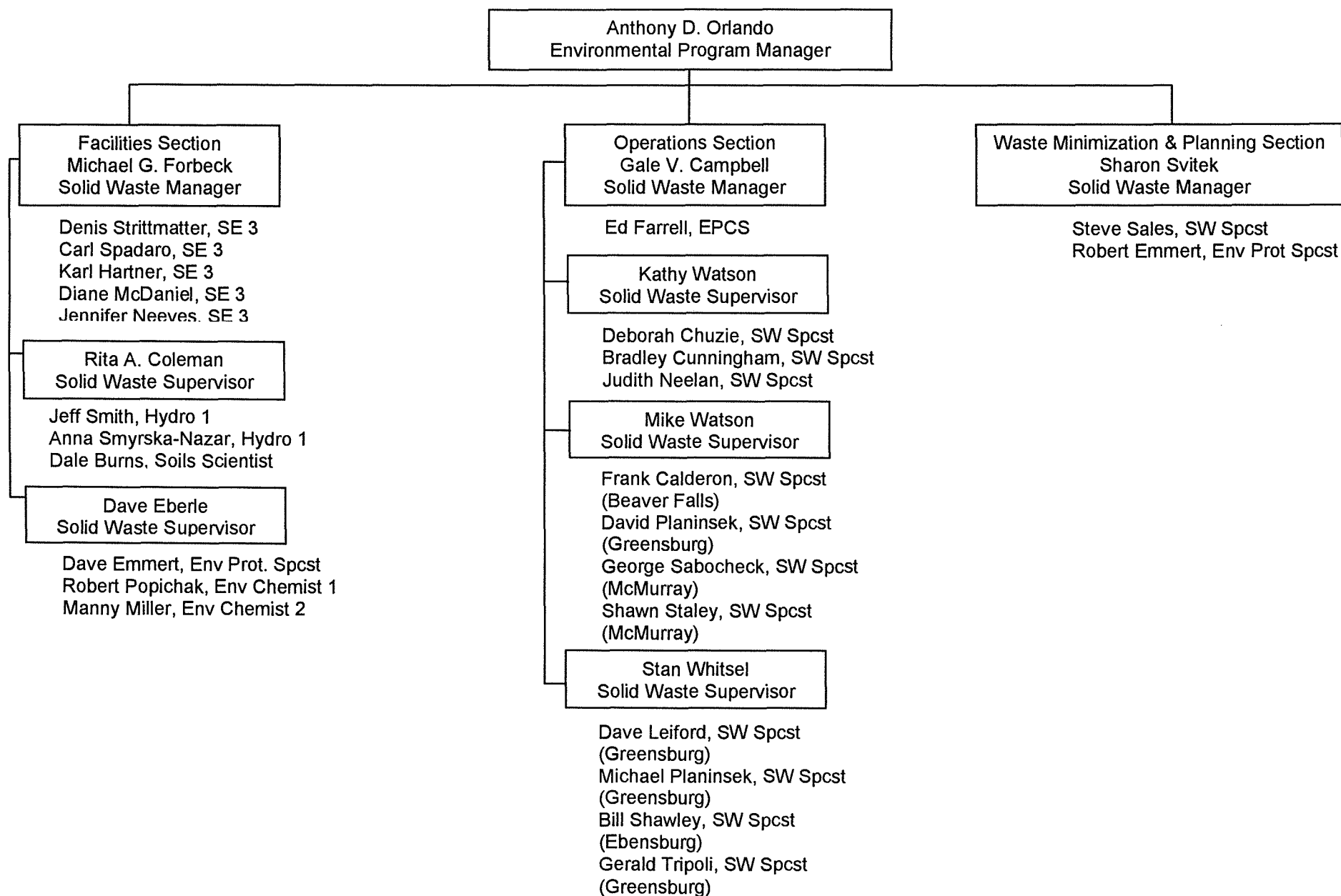
WASTE MANAGEMENT PROGRAM SOUTHCENTRAL REGION



WASTE MANAGEMENT PROGRAM SOUTHEAST REGION OFFICE



WASTE MANAGEMENT PROGRAM SOUTHWEST REGION



APPENDIX I
Job Specifications

01/27/97 14241

ENVIRONMENTAL PROGRAM MANAGER, DEP

DEFINITION: This is professional managerial work in the air, water, waste and mineral resources programs in the Department of Environmental Protection.

Employees in this class direct, through subordinate managers and/or supervisors: the planning, development, implementation, coordination, and evaluation of a major statewide program or functional area in the air, water, waste and mineral resources programs, as a division chief in central office; or, the inspection, enforcement, and permit review functions for the entire air, water, waste, environmental cleanup, community environmental control, or oil and gas program within the Deputate for Field Operations Region; or, direct all activities, in the regulation of mining operations in each of the District Mining Offices; or, directs the pollution prevention and compliance assistance, emergency response, permit review and coordination, and program coordination and planning functions for each of the Field Operations Regional Offices. Work requires coordinating the activities of multiple program units to ensure they are working toward the attainment of similar goals and objectives, and resolving conflicts between the units. Work also requires coordinating the activities of the assigned units with other organizational units; determining goals, objectives, and priorities; and evaluating the effectiveness of the regional or statewide program. Work involves developing, implementing, or recommending changes to rules, regulations, policies, and procedures; reviewing proposed legislation for possible impact on the assigned program; and determining and preparing budgetary requests for the program. Work is assigned in the form of broad program goals and objectives, and the employee exercises considerable freedom in determining the specific goals, objectives and program priorities. Work is reviewed by a bureau director, regional director, or Deputy Secretary through reports and conferences for attainment of program goals and objectives, completeness, and overall program quality.

EXAMPLES OF WORK: In Central Office, the Division Chiefs direct, through subordinate supervisors and/or managers, the activities of more than one unit engaged in the planning, development, coordination, implementation, and evaluation of a statewide program(s) in air, water, waste and mineral resources to ensure compliance with any applicable laws, rules and regulations.

In a Field Operations Region, the Regional Managers of air, water, waste, environmental cleanup, community environmental control, or oil and gas programs direct, through subordinate managers and supervisors, the activities of multiple units engaged in the regulation of facilities to ensure compliance with state and federal environmental laws, rules, and regulations.

In a District Mining Office, the District Managers direct all staff, through subordinate managers and supervisors, in the regulation of facilities to ensure compliance with Departmental rules and regulations, governing the removal, handling and processing of minerals.

Reviews and analyzes activity reports to determine work being performed, program trends and program effectiveness.

Approves major enforcement actions taken against facilities, and reviews enforcement cases settled out-of-court for uniformity and appropriateness.

Provides advice and information to facility operators, municipal officials, municipal authorities, planning commissions, engineering consultants, and the public regarding Departmental functions, programs, rules, regulations, policies, and procedures.

Represents the agency, bureau, or region in dealing with federal officials and other Commonwealth agencies.

Serves as liaison with central office staff, regional programs, and other state and federal agencies.

Provides advice to staff on unusual or difficult technical and managerial problems.

Prepares budget and rebudget requests.

Testifies as an expert or material witness before district magistrates, the Environmental Hearing Board, and the courts.

Conducts program evaluations and prepares reports of findings and recommendations.

Manages federal and state grant programs for the construction of facilities, the preparation of official plans, and other approved activities.

Reviews and approves or denies permit applications by ensuring that technical requirements have been met, that permits are issued or denied in accordance with established procedures, and that approvals have been coordinated with the appropriate programs and agencies.

Participates on special committees to provide technical advice and to ensure that recommendations meet program needs.

Provides information to the media on the program and the enforcement of cases.

Plans and organizes work, assigns work, determines work priority, sets goals, and reviews work performance.

Evaluates employee performance and prepares and signs employee Performance Evaluation Reports.

Reviews and signs employee Performance Evaluation Reports as Reviewing Officer.

Receives grievances and complaints, conducts initial investigation into causes and conditions, discusses with employee, and resolves or recommends solution to grievances and complaints.

Interviews prospective employees and recommends employee selection or ranks applicants in terms of preferability for employment.

Interprets rules, regulations, policies, procedures, standards, and objectives of the organization or program for subordinates.

Interprets contractual and administrative rights and obligations for subordinates and modifies work environment or process to conform to changing conditions.

Approves leave requests and reviews sick leave usage of subordinates to determine if pattern of abuse exists.

Operates a motor vehicle to travel to various work sites.

Employees in this class may participate in the performance of their subordinates work consistent with operational or organizational requirements.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences as related to environmental protection or natural resources management.

Knowledge of the various physical, chemical, and biological treatment processes.

Knowledge of basic engineering principles and design considerations.

Knowledge of state and federal laws, rules, regulations, policies, procedures, and guidelines governing the environmental protection program and the regulation of permitted activities.

Knowledge of the procedures and techniques utilized in the inspection of facilities for compliance with permit conditions.

Knowledge of the procedures, techniques, and equipment utilized in the investigation of complaints involving environmental hazards and public health nuisances.

Knowledge of the procedures and techniques utilized in reviewing applications for permits.

Knowledge of the procedures and techniques utilized in reviewing county and regional plans for conformance with rules and regulations.

Knowledge of the procedures and techniques utilized in reviewing grant applications.

Knowledge of the standard enforcement procedures and appropriate Departmental policies for ensuring compliance with environmental protection rules and regulations.

Knowledge of the procedures, techniques, and format for the preparation of violation letters, Departmental Orders, and Consent Agreements.

Knowledge of the safety precautions required for the work directed.

Knowledge of the applicable collective bargaining agreements.

Knowledge of the Commonwealth's and Department's rules, regulations, policies, and procedures governing travel, lodging, expense vouchers, and reporting requirements.

Skill in the supervision of employees.

Ability to plan, organize, prioritize, and assign work to subordinates.

Ability to evaluate employee performance and prepare performance evaluation reports.

Ability to coordinate the work activities of the assigned programs and to resolve conflicts between the programs.

Ability to express ideas clearly and concisely, both orally and in writing.

Ability to read and understand engineering reports, drawings, plans, specifications, topographic and geologic maps, and flow schematics.

Ability to conduct enforcement conferences or administrative hearings and to explain violations and required compliance activities.

Ability to establish and maintain effective working relationships with subordinates, co-workers, supervisors, facility operators, municipal officials, consultants, and the public during the conduct of investigations, inspections, surveys, and enforcement actions.

Ability to operate a motor vehicle.

MINIMUM EXPERIENCE AND TRAINING: A Bachelor's degree in the biological, physical, environmental sciences, or engineering field, or in a field closely related to environmental protection or regulation; and seven years of professional experience in the environmental protection field. Three of the seven years of experience required must have included experience as a first-level technical supervisor or above;

or

Any equivalent combination of education, and experience in the environmental protection field which affords the applicant the required knowledges, skills, and abilities, and includes a minimum of three years of first-level technical supervisory experience.

NECESSARY SPECIAL REQUIREMENT: Certain positions will require possession of a valid motor vehicle operator's license, as issued by the Commonwealth of Pennsylvania.

Certain positions in this class will require licensure as a professional engineer or as a professional geologist by the Commonwealth of Pennsylvania, or a reciprocal jurisdiction. These are positions where there can be no exemption from such licensure, as defined under Section 5, Exemption from Licensure, of the Engineer, Land Surveyor and Geologist Registration Law (as amended).

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75860

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR

DEFINITION: This is supervisory professional work in the field of solid waste management.

An employee in this class supervises the activities of more than one unit engaged in the regulation of facilities to insure compliance with the Commonwealth's rules and regulations governing solid waste management. Work requires coordinating the activities of the units, which involve multiple disciplines, to insure they are working towards the attainment of similar goals and objectives and resolving conflicts between the units. Work also requires coordinating the activities of assigned units with other organizational units; determining goals and objectives and work priorities; and evaluating the effectiveness of the statewide solid waste management program. Work involves conducting evaluations of the solid waste program at the regional level, reviewing permits to insure completeness and technical accuracy, approving permits, preparing budget requests for assigned units, responding to emergency situations, representing the solid waste management program on special committees, representing the Department of Civil Defense Headquarters during emergency situations, reviewing and approving Department Orders, and reviewing enforcement cases settled out-of-court for uniformity of action and technical completeness. Work also involves providing advice to municipal officials, municipal authorities, planners, consulting engineers, facility operators, and the public on permit or compliance appeals, solid waste compliance and permitting activities, design of areas to store hazardous or toxic chemicals, development of official plans, Solid Waste Management Act planning requirements, solid waste disposal and processing facility design and methods to solve operational solid waste processing problems. Work involves training field personnel on the techniques for preparing Department Orders, negotiating settlements, proper procedures in prosecuting and documenting cases, determination of penalties, operation of landfills and the design of sanitary landfills and solid waste processing facilities. Work also includes training municipal officials, planners, consulting engineers, and the public on solid waste rules, regulations, policies and procedures; landfill operations; the design of sanitary landfills and solid waste facilities; planning techniques and relationships; and solid waste facilities; planning techniques and relationships; and solid waste practices. Work also includes holding news conferences, encouraging municipalities to apply for Commonwealth or Federal grants, meeting with county officials to explain Departmental functions; and conducting workshops and conferences on solid waste management practices.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Work also involves planning and organizing the work of multi-units, assigning work, determining work flow, reviewing work performance, evaluating employee performance, preparing and signing employee Performance Evaluation Reports, interviewing and recommending employee selection, receiving and resolving employee grievances and complaints, approving leave requests, evaluating training needs of subordinates, and demonstrating more efficient work methods to subordinates. Work is assigned in the form of broad program goals and objectives and the employee exercises considerable freedom in determining specific goals and objectives and program priorities. Work is reviewed upon completion by a professional superior through reports and conferences for attainment of program goals and objectives, completeness, and overall program quality.

EXAMPLES OF WORK: Supervises the activities of more than one unit engaged in the regulation of facilities to insure compliance with solid waste management rules and regulations.

Plans and organizes work, assigns work, determines work priority, sets goals, and reviews work performance.

Evaluates employee performance and prepares the signs employee Performance Evaluation Reports.

Receives grievances and complaints, conducts initial investigation into causes and conditions, discusses with employee, and resolves or recommends solutions to grievances and complaints.

Interviews prospective employees and recommends employee selection or ranks applicants in terms of preferability for employment.

Interprets rules, regulations, policies, procedures, standards, and objectives of the organization of program for subordinates.

Interprets contractual and administrative rights and obligations for subordinates and modifies work environment or process to conform to changing conditions.

Approves leave requests and reviews sick leave usage of subordinates to determine if pattern of abuse exists.

Assigns or authorizes overtime work to insure priority work is performed.

Initiates corrective disciplinary action for minor misconduct by subordinates and recommends major corrective disciplinary action or dismissals.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Coordinates work of assigned units; coordinates work of assigned units with other organizational units.

Evaluates educational training needs of subordinates and requests further education and training courses for subordinates.

Demonstrates proper methods and techniques for performing work to subordinates; discusses new methods and techniques for performing work with subordinates.

Resolves work conflicts between organizational units.

Meets with subordinates to inform them of changes to rules, regulations, policies, and procedures; meets with subordinates to discuss common problems and insure they are working toward their resolution.

Establishes standards to measure subordinates' performance; discusses performance standards with subordinates.

Reviews and analyzes monthly activity reports to determine work being performed, program trends, and program effectiveness.

Investigates complaints involving misconduct by subordinates by reviewing all available data to determine what was done, how it was done, and actions which should have been taken.

Approves major enforcement actions to be taken against a facility or site operators; reviews enforcement cases settled out-of-court for uniformity and appropriateness of action taken.

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Reviews reports, correspondence, and memorandums to determine work being performed and adherence to established goals and objectives.

Reviews administrative forms completed by subordinates for adherence to appropriate administrative rules, regulations, policies, and procedures.

Provides advice to subordinates on compliance related activities.

Trains subordinates and field personnel in the techniques of negotiating settlements; trains subordinates in the interpretation and application of rules, regulations, policies, and procedures; trains subordinates and field personnel in the proper documentation of enforcement cases; and trains subordinates and field personnel in the determination of penalties.

Trains subordinates in new methods and techniques developed for use in the solid waste management field.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Conducts evaluations of the effectiveness and efficiency of regional solid waste management programs; prepares reports of findings and recommendations on necessary improvement to regional solid waste management program.

Represents solid waste management program on special committees to insure actions recommended are acceptable to the program; provides technical solid waste management advice to special committees.

Responds to emergency situations to assist or direct clean-up operations; coordinates the acquisition of equipment or special services necessary to clean-up after emergency situations; represents the Department at Civil Defense Headquarters or area headquarters during emergency situations.

Trains subordinates, field personnel, facility operators, municipal officials, and the public on the operation of landfills, design of sanitary landfills and solid waste facilities, planning techniques, and planning relationships.

Provides advice to field personnel, facility operators, municipal officials, and the public on solid waste management compliance and permitting issues.

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Provides technical solid waste advice to other Commonwealth agencies.

Provides advice to architects on the design of areas to store hazardous or toxic chemicals.

Provides advice to municipal officials, consulting engineers, architects and planners on the development of official solid waste plans.

Provides advice to municipal officials, consulting engineers, and the public on the requirements of the Solid Waste Management Act.

Provides advice to municipal officials, facility operators, consulting engineers, planners, and the public on solid waste disposal or processing facilities, ordinances, storage, collection, design considerations, and methods to solve operational problems.

Proofreads and copyreads technical solid waste management material prepared for publication.

Prepares responses to inquiries involving solid waste management issues published in the Pennsylvania Bulletin.

Conducts solid waste management conferences and seminars.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Holds news conferences with news media to discuss solid waste management actions and activities.

Meets with county officials to explain Departmental programs, functions, rules, regulations, policies and procedures.

Prepares letters, reports, and correspondence to exchange information with subordinates, field personnel, facility operators, municipal officials, consulting engineers, public and supervisor.

Operates a motor vehicle to travel to various work sites.

Performs similar work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences as related to solid waste management.

Knowledge of the Department of Environmental Resources' rules, regulations, policies, and procedures governing solid waste management.

Knowledge of the procedures, techniques, and formats utilized in the preparation of Departmental Orders and Consent Orders/Agreements.

Knowledge of the procedures and techniques utilized in the documentation of violations.

Knowledge of the procedures and techniques utilized in reviewing applicants for permits including plans for hazardous waste disposal sites, industrial waste disposal sites, municipal waste disposal sites, demolition waste disposal sites, industrial or commercial transfer sites, and sewage sludge disposal sites, for such things as access roads, application rates and storage area, communications, fire protection, unloading, salvage, vector control, accident prevention and safety, employee facilities, cover material characteristics, prevention of ground water pollution, drainage of surface water, equipment, control of blowing litter and final grading and seeding.

Knowledge of the procedures and techniques utilized in the preparation of solid waste management permits for issuance.

Knowledge of the procedures and techniques utilized in the review of solid waste management plans submitted by municipalities for compliance with the rules and regulations.

Knowledge of the procedures and techniques utilized in the conduct of surveys of industrial waste practices in industry and surveys of industrial waste to determine types and volume being generated.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Knowledge of the techniques utilized in the negotiation of cases involving enforcement actions.

Knowledge of collective bargaining unit contracts applicable to work performed by the units.

Knowledge of the safety precautions required for the work performed by the units.

Knowledge of the basic physical, chemical and biological treatment

processes.

Knowledge of the Commonwealth's and Departmental rules, regulations, policies, and procedures governing travel, lodging, expense vouchers and reporting requirements.

Ability to prepare Departmental Orders and Consent Orders/Agreements indicating violations discovered, corrective action required, control measures or devices to be installed, and time frames for their accomplishment.

Ability to prepare documentation required for the enforcement of cases.

Ability to develop rules, regulations, policies, and procedures for the solid waste management program.

Ability to review and comment on proposed solid waste management rules, regulations, policies, and procedures.

Ability to interpret solid waste management rules, regulations, policies, and procedures for co-workers, field personnel, governmental officials, facility operators, and the public.

Ability to review proposed legislation for possible impacts on the solid waste management program.

Ability to read and interpret plans for resource recovery sites, disposal of hazardous substances, municipal waste sites, demolition of waste landfills, commercial or industrial transfer stations, sewage sludge disposal areas, agricultural utilization sites, solid waste management and resource recovery.

Ability to conduct surveys of industrial or hazardous waste practices in industries and of industrial waste to determine types and volume being generated.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Ability to develop and present training courses on the interpretation and application of rules, regulations, policies and procedures, and new techniques or methods developed for use in the

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field of solid waste management to field personnel.

Ability to read and write English at the GED 5 level.

Ability to perform mathematical calculations at the GED 5 level.

Ability to plan, organize, and assign work to subordinates.

Ability to evaluate employee performance and prepare employee Performance Evaluation Reports.

Ability to evaluate the effectiveness of the solid waste management program.

Ability to read and interpret collective bargaining unit contracts applicable to the work performed by the unit.

Ability to read and interpret Commonwealth and Departmental administrative rules, regulations, policies, and procedures.

Ability to demonstrate proper methods and techniques for performing work to subordinates.

Ability to coordinate work of units and resolve conflicts between work units.

Ability to supervise work activities of subordinates effectively.

Ability to meet with and secure the cooperation of facility operators, workers, Commonwealth and municipal officials while explaining departmental rules and regulations and Departmental programs.

Ability to prepare and deliver training courses on operation of landfills, design of sanitary landfills and solid waste facilities, planning techniques, and planning relationships.

Ability to plan, develop, and conduct workshops on solid waste management practices.

Ability to secure the cooperation of municipal officials, facility operators, consulting engineers, and the public during the conduct of plan review, permit review and survey functions.

Ability to establish and maintain effective working relationships with co-workers, supervisor, facility operators, consulting engineers, municipal officials, and the public.

SOLID WASTE PROGRAM SPECIALIST SUPERVISOR (CONTD)

Ability to operate a motor vehicle.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as a Solid Waste Program Specialist;

or

Any equivalent combination of experience and training which affords the applicant the required knowledge and abilities.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

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SOLID WASTE PROGRAM SPECIALIST

DEFINITION: This is professional work in the field of solid waste management.

An employee in this class performs a variety of duties in the statewide solid waste management program to ensure compliance with the Commonwealth's rules and regulations governing solid waste management. Work requires the application of these rules and regulations during the review of plans and permits and the conduct of surveys. Work includes evaluating the recommendations of the regional staff regarding detailed operational and design plans for municipal solid waste disposal and processing facilities, resource recovery facilities, hazardous waste storage and disposal facilities, demolition waste landfills, commercial and industrial transfer stations, municipal incinerators, industrial waste disposal sites, coal refuse disposal, areas, sewage sludge disposal, and agricultural utilization sites; determining if site should be permitted; and preparing permits for issuance. Work includes reviewing Departmental Orders, Consent Orders/Agreements, enforcement recommendations and case documentation prepared by field staff; reviewing and approving enforcement recommendations submitted by field personnel; and assisting field personnel in the enforcement of unusual or difficult cases. Work also includes conducting evaluations of regional solid waste programs, conducting enforcement conferences, and preparing documentation to suspend or revoke permits. Work involves developing rules, regulations, policies and procedures for the solid waste management program; recommending changes to solid waste management rules, regulations, policies, and procedures; reviewing proposed changes to solid waste management rules, regulations, policies, and procedures; and interpreting solid waste management rules, regulations, policies, and procedures for co-workers and field personnel. Work also involves representing the solid waste management program on special committees; reviewing proposed legislation for possible impacts on the solid waste management program; and conducting surveys of industrial and hazardous waste practices, and industrial surveys to determine type and volume of waste generated. Work includes providing advice to engineers, facility operators, municipal officials, and the public on Departmental rules, regulations, policies, procedures, and programs; and training field personnel in rules, regulations, policies, and procedures, and new techniques developed for use in the field. Work also includes preparing and delivering formal presentations to special interest groups; preparing new releases; holding news conferences; providing information to reporters regarding cases or incidents; and providing information to

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engineers, facility operators, municipal officials, and the public on Departmental programs, rules, regulations, policies and procedures. Work is assigned in the form of goals and objectives and the employee exercises considerable freedom in scheduling and completing the work. Work is reviewed upon completion by a professional supervisor for technical accuracy and quality.

SOLID WASTE PROGRAM SPECIALIST (CONTD)

EXAMPLES OF WORK: Reviews Departmental Orders prepared by field personnel for content, completeness, technical accuracy, and legal terminology; approves or disapproves Departmental Orders.

Reviews Consent Orders/Agreements prepared by field personnel for content, completeness, technical accuracy, and legal terminology; approves or disapproves Consent Orders/Agreements.

Conducts enforcement conferences to explain Departmental Orders or Consent Orders/Agreements, provide background data on the case, and answer questions.

Attends administrative hearings to provide background data on the case, answer questions, and assist in explaining Departmental Orders or Consent Orders/Agreements.

Reviews documentation prepared for the enforcement of cases for completeness, content, and technical accuracy.

Prepares documentation for use in requests for the suspension or revocation of permits.

Prepares documentation for use in the prosecution of cases by field personnel or legal staff.

Reviews documentation on cases settled out-of-court to determine uniformity and fairness of action taken, and if program goals and objectives were met.

Develops rules, regulations, policies, and procedures for the solid waste program.

Recommends changes to solid waste management rules, regulations, policies, and procedures.

Reviews and comments on proposed changes to solid waste management rules, regulations, policies, and procedures.

Interprets solid waste management rules, regulations, policies, and procedures for co-workers and field personnel.

Reviews applications for permits including plans for hazardous waste disposal sites, industrial waste disposal sites, municipal waste disposal sites, demolition waste disposal sites, industrial or commercial transfer sites and sewage sludge disposal sites, for such things as access roads, loading, salvage, vector control, accident prevention and safety, employee facilities, cover material characteristics, prevention of ground water pollution, drainage of surface water, equipment, control of blowing litter and final grading and seeding; determines if site should be permitted; prepares permits for issuance.

SOLID WASTE PROGRAM SPECIALIST (CONTD)

Reviews solid waste management plans submitted by municipalities for completeness and compliance with rules and regulations; determines acceptability of the plans and notifies municipality of plans are acceptable and if they are in violation of rules and regulations.

Reviews solid waste resource recovery plans for compliance with rules and regulations; determines acceptability of the plan; notifies applicant of action taken on the plan.

Conducts surveys of industrial or hazardous waste practices in industries; conducts surveys of industrial waste to determine types and volume being generated.

Evaluate effectiveness of regional solid waste programs to determine if they are meeting program goals and objectives; prepares reports on findings and recommendations.

Participates on special committees representing the solid waste management program to explain solid waste management concerns and to ensure that recommendations meet program needs; provide technical solid waste advice to special committees.

Reviews proposed legislation and prepares comments on possible impacts on the solid waste management program; recommends the position management should take on the proposed legislation.

Trains field personnel in the interpretation and application of rules, regulations, and laws in the enforcement of cases.

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Trains field personnel in new techniques and methods developed for use in the field; demonstrates more efficient work methods to field personnel.

Provides advice to municipal officials or facility operators on the proper procedures for the disposal of hazardous waste.

Provides advice to co-workers or field personnel on unusual or difficult problems involving solid waste management.

Provides solid waste management advice to other Commonwealth agencies.

Provides solid waste management advice to local health jurisdictions.

Provides advice to municipal officials, municipal authorities, planners, consulting engineers, facility operators, and the public on the planning requirements of the Solid Waste Management Act.

SOLID WASTE PROGRAM SPECIALIST (CONTD)

Provides advice to municipal officials, municipal authorities, planners, consulting engineers, facility operators, and the public on solid waste ordinance, storage, collection, and facility design considerations.

Represents solid waste management program in dealings with Federal or interstate agencies.

Holds news conferences to discuss solid waste management actions or activities.

Prepares and delivers formal presentations to special interest groups on Departmental functions and programs.

Prepares news releases on solid waste management actions or activities.

Provides information to reporters over telephone on solid waste management cases or incidents.

Provides information to the public on Departmental programs, functions, rules, regulations, policies, and procedures either in

writing or over the telephone.

Informs municipal officials, facility operators, and the public of changes to solid waste management rules, regulations, policies, and procedures.

Meets with Commonwealth, county, or Federal officials to explain Departmental programs and functions.

Prepares letters, reports, and correspondence to exchange information with the public, facility operators, engineers, architects, governmental officials, and supervisor.

Operates a motor vehicle to travel to various work sites.

Performs similar work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences as related to solid waste management.

Knowledge of the Department of Environmental Resources' rules, regulations, policies, and procedures governing solid waste management.

Knowledge of the procedures, techniques, and formats utilized in the preparation of Departmental Orders and Consent Orders/Agreements.

SOLID WASTE PROGRAM SPECIALIST (CONTD)

Knowledge of the procedures and techniques utilized in the documentation of violations.

Knowledge of the procedures and techniques utilized in reviewing applications for permits including plans for hazardous waste disposal sites, industrial waste disposal sites, municipal waste disposal sites, demolition waste disposal sites, industrial or commercial transfer sites, and sewage sludge disposal sites, for such things as access roads, application rates, and storage area, communications, fire protection, unloading, salvage, vector control, accident prevention and safety, employee facilities, cover material characteristics, prevention of ground water pollution, drainage of surface water, equipment, control of blowing litter and final grading and seeding.

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Knowledge of the procedures and techniques utilized in the preparation of solid waste management permits for issuance.

Knowledge of the procedures and techniques utilized in the review of solid waste management plans submitted by municipalities for compliance with the rules and regulations.

Knowledge of the procedures and techniques utilized in the conduct of surveys of industrial waste practices in industry and surveys of industrial waste to determine types and volume being generated.

Knowledge of the procedures and techniques utilized in reviewing applications for Resource Recovery Act grant request for compliance with the rules and regulations.

Knowledge of the basic physical, chemical, and biological treatment processes.

Knowledge of the Commonwealth's and Departmental rules, regulations, policies, and procedures governing travel, lodging, expense vouchers, and reporting requirements.

Ability to prepare Departmental Orders and Consent Orders/Agreements indicating violations discovered, corrective action required, control measures or devices to be installed, and time frames for their accomplishment.

Ability to prepare documentation required for the enforcement of cases.

Ability to develop rules, regulations, policies, and procedures for the solid waste management program.

Ability to review and comment on proposed solid waste management rules, regulations, policies, and procedures.

SOLID WASTE PROGRAM SPECIALIST (CONTD)

Ability to interpret solid waste management rules, regulations, policies, and procedures for co-workers, field personnel, governmental officials, facility operators, and the public.

Ability to review proposed legislation for possible impacts on the solid waste management program.

Ability to read and interpret plans for resource recovery sites,

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disposal of hazardous substances, municipal work sites, demolition of waste landfills, commercial or industrial transfer stations, sewage sludge disposal areas, agricultural utilization sites, solid waste management and resource recovery.

Ability to conduct surveys of industrial or hazardous waste practices in industries and of industrial waste to determine types and volume being generated.

Ability to develop and present training courses on the interpretation and application of rules, regulations, policies and procedures, and new techniques or methods developed for use in the field of solid waste management to field personnel.

Ability to evaluate the effectiveness of regional solid waste programs to determine if they are meeting program goals and objectives.

Ability to read and write English at the GED 5 level.

Ability to perform mathematical calculations at the GED 5 level.

Ability to secure the cooperation of municipal officials, facility operators, consulting engineers, and the public during the conduct of plan co-workers, supervisor, facility operators, consulting engineers, municipal officials, and the public.

Ability to operate a motor vehicle.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as a Solid Waste Specialist;

or

Any equivalent combination of experience and training which affords the applicant the required knowledges and abilities.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

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75830

SOLID WASTE MANAGER

DEFINITION: This is managerial and professional work in the field of waste management in a Regional Office in the Department of Environmental Resources.

An employe in this class directs, through subordinate supervisors, the activities of either the Monitoring and Compliance, Facilities or Superfund Section in a Environmental Protection region. Work requires directing and coordinating the activities of a multi-disciplinary staff to ensure that program goals and objectives are being met, and integrating and resolving differences among the staff to ensure that all technical issues are properly reviewed and to ensure uniformity of action. Work includes developing, implementing, coordinating, evaluating, and adjusting technical program goals, objectives, policies, and procedures; meeting with facility operators, municipal officials, and the public to explain inspections, investigations, enforcement, plan review, permit review, clean-up of superfund sites, and compliance activities; providing advice to municipal officials, municipal authorities, planning commission personnel, architects, consulting engineers, and the public on the development of officials plans, permit appeals, and compliance appeals; and representing the Solid Waste Management program in dealing with Federal Officials and other Commonwealth agencies. Work is assigned in the form of broad program goals and objectives, and the employe exercises considerable freedom in determining specific goal and objectives and program priorities. Work is reviewed upon completion through reports and conferences for attainment of program goals and objectives, completeness, and overall program quality.

EXAMPLES OF WORK: Directs, through subordinate supervisors, the planning, development, coordination, implementation, and evaluation of program activities encompassing monitoring and compliance; plans and permit application for waste management facilities; and State and Federal Superfund programs.

Develops, implements, coordinates, evaluates, and adjusts waste management program goals, objectives, priorities, policies, and procedures.

Evaluates plans and permit applications submitted for hazardous waste storage, treatment, and disposal sites; demolition waste disposal sites; industrial and commercial waste transfer stations; and sewage sludge disposal sites for completeness, accuracy of the

technical data, feasibility, environmental impacts, and compliance with federal and Commonwealth laws, rules, regulations, policies, procedures, and standards.

SOLID WASTE MANAGER (CONTD)

Directs subordinates in responding to emergency situations such as floods or chemical spills which require decisions and actions regarding waste disposal.

Provides technical waste management advice to subordinates on unusual or difficult problems; providing technical waste management advice to facility operators on methods and techniques to solve waste management operational problems; providing technical waste management advice to architects, engineers, and facility operators on appeals.

Provides information to facility operators, Commonwealth and municipal officials, consultants, special interest groups, Federal officials, and the public regarding Departmental functions, rules, regulations, policies, and procedures regarding State and Federal Superfund sites.

Testifies as an expert witness before District Magistrates, Environmental Hearing Board, or the courts.

Prepares news releases regarding waste management activities.

Prepares letters, reports, memoranda, and correspondence to exchange information with the facility operators, Commonwealth, Federal and municipal officials, consultants, the public, co-workers, subordinates, and supervisor.

Directs the review and evaluation of sites to determine eligibility for superfund funding through the utilization of the Hazard Ranking System.

Participates on special committees representing the Solid Waste Management program to explain Solid Waste Management concerns and to ensure that recommendations meet program's needs; and provides technical Solid Waste Management advice to special committees.

Prepares letters, reports, and correspondence to exchange information with the facility operators, municipal officials, consultants, the public, co-workers, subordinates, legal staff, and supervisory staff.

Operates a motor vehicle to travel to various work sites.

Performs similar work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the Department of Environmental Resource's rules, regulations, policies, and procedures governing Solid Waste Management.

Knowledge of the Federal laws, rules, regulations, and guidelines governing Solid Waste Management.

SOLID WASTE MANAGER (CONTD)

Knowledge of the biological, chemical, and physical sciences as related to Solid Waste Management.

Knowledge of the basic physical, chemical and biological treatment process relating to Solid Waste Management.

Knowledge of the procedures and techniques utilized in inspecting municipalities and commercial waste disposal and processing sites for compliance with design requirements, unloading procedures, vector control, drainage of surface water, equipment being utilized, control of blowing litter, dust control, spreading and compacting, daily cover, bulky waste, and operational records.

Knowledge of the procedures and techniques utilized in investigating and resolving complaints involving agricultural waste disposal sites problems, open dump problems, and sewage sludge disposal area problems.

Knowledge of the safety precautions required for the work directed.

Knowledge of the procedures and techniques utilized in inspecting hazardous or residual waste processing and disposal sites for compliance with transportation of waste, processing, methods, and handling.

Skill in the supervision of employees.

Ability to apply rules, regulations, policies and procedures dealing with the Waste Management programs.

Ability to meet with and secure the cooperation of facility operators, special interest groups, government officials, and the public.

Ability to read, understand, and interpret plans and specifications for hazardous waste processing disposal sites, municipal waste processing and disposal sites, demolition waste disposal sites, industrial waste disposal sites, or commercial transfer sites, and sewage sludge disposal sites.

Ability to develop, implement, coordinate, evaluate and adjust technical waste management program goals, objectives, priorities, and procedures.

Ability to establish and maintain effective working relationships with co-workers, supervisor, subordinates, facility operators, municipal officials, consultants, and the public.

SOLID WASTE MANAGER (CONTD)

Ability to operate a motor vehicle.

Sufficient physical stamina to permit working under adverse weather conditions.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as a Solid Waste Supervisor;

or

A Bachelor's Degree with major course work in biology, physical sciences, chemistry, or in a closely related field, and five years of experience in environmental protection that included enforcement of rules and regulations, with three years in a solid waste technical program, and two years of technical supervisory experience;

or

Any equivalent combination of education and experience that affords the applicant the required knowledge, skills, and abilities, and includes a minimum of three years of technical experience in the enforcement of solid waste program rules, and regulations, and two years of technical supervisory experience.

NECESSARY SPECIAL REQUIREMENTS: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

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SOLID WASTE SUPERVISOR

DEFINITION: This is supervisory and professional work in the field of waste management in an environmental protection regional office.

An employe in this class supervises a staff of field inspectors and compliance specialists in the operations section of a waste management regional program; or, supervises a staff of technical specialists in the facilities section; or, supervises the activities of a technical staff involved in the identification, investigation, and cleanup of sites under the State Hazardous Sites Cleanup Program, the Federal Superfund program, or special cleanup projects; or, supervises a staff of technical specialists in the municipal waste planning and recycling program. Work involves providing guidance to subordinates in the interpretation of work assignments and providing advice on difficult or unusual waste management problems. Work also involves planning, organizing, and assigning work, evaluating employe performance, receiving and resolving grievances and complaints, approving leave requests, recommending employe selection, and evaluating training needs. Work is assigned in the form of program goals and objectives, and the employe exercises considerable freedom in planning, scheduling, and assigning the work. Work is reviewed upon completion through reports and conferences for attainment of goals and objectives, completeness, technical accuracy, and quality.

EXAMPLES OF WORK: Serves as a first-level supervisor in one of several organizational units in a regional waste management program.

Plans and organizes work, assigns work, determines work priorities, sets goals, and review work performance.

Prepares, reviews, and signs employe performance evaluation reports.

Interprets rules, regulations, policies, procedures, standards, and objectives of the waste management program for subordinates.

Interprets contractual and administrative rights and obligations for subordinates and modifies work environment or process to conform to changing conditions.

Reviews subordinates' itineraries, work products, and monthly

activities reports to ensure that program goals and objectives are being met.

SOLID WASTE SUPERVISOR (CONTD)

Supervises a staff of field inspectors and compliance specialists in the operations section; directs the inspection and investigation of facilities to determine if they are operating within permit conditions and waste management rules and regulations; establishes priorities for the enforcement of cases within an assigned area; directs the research of case files and case histories to prepare documentation for use in the prosecution of cases; discusses difficult enforcement cases with subordinates; and approves or disapproves enforcement recommendations.

Supervises a staff of technical specialists in the facilities section; establishes priorities for the permit review activities assigned to a specific geographical area or a waste management program (hazardous, municipal, or residual); conducts a review and evaluation of all plan and permit applications to ensure completeness of the review process and the resolution of disputes; determines if the permit application meets all established criteria and should be approved or disapproved, recommends decision, and prepares correspondence indicating the decision, rationale for the decision, and appeal rights; determines and calculates bonding requirements; prepares permits for issuance including standards and special operating conditions; reviews and evaluates recommendations submitted by subordinates involving requests for waste management permit cancellations, transfers, modifications, and renewals; recommends approval or disapproval of applications for emergency waste disposal facilities; directs the inspection of waste management facilities during all phases of construction; and assists the operations section in the monitoring of permitted facilities to ensure that technical permit conditions are met.

Supervises the activities of a technical staff involved in the identification, investigation, and cleanup of sites under the State Hazardous Sites Cleanup Program, the Federal Superfund program, or special cleanup projects; establishes priorities and makes recommendations to superiors for the enforcement of cases in an assigned geographical area; responds to emergency situations such as uncontrolled releases of hazardous and toxic material; coordinates the activities of subordinates with other regional staff to ensure the effective management of emergency situations;

coordinates activities with other state and federal environmental programs; prepares letters, reports, and correspondence to exchange information with state contractors, federal officials, federal contractors, private parties, and private party contractors relating to the identification, investigation, and cleanup of contaminated sites; and performs the duties of project manager for assigned sites which are characterized by unusually difficult technical problems.

SOLID WASTE SUPERVISOR (CONTD)

Supervises a staff of technical specialists in the municipal waste planning and recycling program; identifies municipal waste management problems within the region by evaluating remaining capacities and making recommendations to superiors; notifies municipalities that fail to meet their municipal solid waste planning and management responsibilities under Acts 97 and 101 and provides prioritized deadlines for compliance; administers the solid waste planning and recycling program within the region; promotes the development of economic resource recovery and recycling programs and serves as a source for market information on secondary materials; provides technical assistance and training to local officials; prepares and delivers presentations on solid waste planning and waste reduction methods for the public; coordinates activities with other regional and central office staff to ensure the effective administration of assigned programs; and serves as contract manager on all grant and loan contracts with municipalities.

Testifies as an expert witness before District Magistrates, the Environmental Hearing Board, and the courts.

Assists in gathering program information, budgetary and staff needs, site costs, and time projections to develop and update program plans.

Provides information to facility operators, permit applicants, municipal officials, consultants, and the public on Departmental functions, programs, rules, regulations, policies, and procedures.

Implements and supports the Department's community relations program.

Operates a motor vehicle to travel to various work sites.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences as related to waste management.

Knowledge of the various physical, chemical, and biological treatment processes.

Knowledge of state and federal laws, rules, regulations, policies, procedures, and guidelines governing the waste management program and the regulation of permitted activities.

Knowledge of the procedures and techniques utilized in the inspection of facilities for compliance with permit conditions.

SOLID WASTE SUPERVISOR (CONTD)

Knowledge of the procedures, techniques, and equipment utilized in the investigation of complaints involving environmental hazards.

Knowledge of the procedures and techniques utilized in reviewing applications for permits.

Knowledge of the procedures and techniques utilized in reviewing county and regional plans for conformance with rules and regulations.

Knowledge of the procedures and techniques utilized in reviewing grant applications.

Knowledge of the standard enforcement procedures and appropriate Departmental policies for ensuring compliance with solid waste management rules and regulations.

Knowledge of the procedures, techniques, and format for the preparation of violation letters, Departmental Orders, and Consent Agreements.

Knowledge of the safety precautions required for the work directed.

Knowledge of the applicable collective bargaining agreements.

Knowledge of the Commonwealth's and Department's rules,

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regulations, policies, and procedures governing travel, lodging, expense vouchers, and reporting requirements.

Skill in the supervision of employees.

Ability to express ideas clearly and concisely, both orally and in writing.

Ability to plan, organize, and assign work to subordinates.

Ability to evaluate employee performance and prepare employee performance evaluation reports.

Ability to perform mathematical calculations in order to assess the work of subordinates.

Ability to read and understand engineering reports, drawings, plans, specifications, topographic and geologic maps, and flow schematics.

Ability to apply applicable rules and regulations in the review of violations reported by subordinates.

SOLID WASTE SUPERVISOR (CONTD)

Ability to conduct enforcement conferences or administrative hearings and to explain violations and required compliance activities.

Ability to testify as an expert witness before District Magistrates, the Environmental Hearing Board, and the courts.

Ability to establish and maintain effective working relationships with subordinates, co-workers, supervisors, facility operators, municipal officials, consultants, and the public during the conduct of investigations, inspections, surveys, and enforcement actions.

Ability to operate a motor vehicle.

Ability to demonstrate sufficient physical stamina to permit working under varying climatic conditions.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as a journey-level specialist in a waste management program in the Department of Environmental Resources;

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or

Three years of experience in environmental protection and a Bachelor's Degree with major course work in biology, chemistry, or in a field closely related to environmental protection. A Master's Degree with major course work in any of the fields closely related to environmental protection may be substituted for one year of the required experience;

or

Any equivalent combination of education and experience that affords the applicant the required knowledges and abilities.

NECESSARY SPECIAL REQUIREMENTS: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

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ENVIRONMENTAL TRAINEE

DEFINITION: This is training work in the field of Environmental Protection in the Department of Environmental Resources.

An employe in this class participates in on-the-job and formal training programs designed to develop the required knowledges, skills, and abilities necessary to develop professional proficiency in air pollution, solid waste, water quality, radiation, mining, or sanitation. Assignments are designed to develop an employe's technical and academic proficiency. Work assignments increase in scope and complexity as the employe gains technical proficiency in the work. Initially, the employe assists higher level specialists in the appropriate specialty in the performance of the inspections, investigations, enforcement, public relations, and consultation assignments. Once the employe demonstrates the ability to perform the work, specific assignments are given and the employe performs the work under the technical guidance of a higher level specialist or supervisor. Employes will be required to attend training courses to enhance technical knowledge of the technical and regulatory aspects of Environmental Protection. Work is reviewed in progress and upon completion by a professional superior for personal development, completeness, technical accuracy, and quality.

EXAMPLES OF WORK: Participates in on-the-job and formal training programs designed to develop the required knowledges, skills, and abilities necessary to perform work in Environmental Protection.

Participates in inspections of industrial plants, water treatment facilities, and other regulated facilities for toxic contaminants and other hazardous environmental conditions.

Assists with the maintenance of mechanical and electronic equipment that produce analyses of environmental conditions.

Participates in the collection of samples from water supply sources, eating and drinking facilities, sewage disposal systems, and in collecting chemical and bacteriological samples.

Determines violations of rules and regulations by comparing case data with rules and regulations, and recommends appropriate action.

Prepares case documentation in terms of violations, past case history, and problems encountered for field use or by legal staff.

Prepares Departmental Orders indicating violations discovered, control measures to be taken, required corrective action, or control devices to be installed, and time frame for its accomplishment.

ENVIRONMENTAL TRAINEE (CONTD)

Attends enforcement conferences to provide background data on cases, answers questions regarding cases, and assists in explaining Departmental Orders or Consent Order/Agreements.

Assist with investigations of complaints involving commercial or industrial contaminant sources.

Assist in reviewing applications and permits, for effect on water quality, erosion control, mining methods, and compliance with Environmental rules and regulations.

Reviews proposed plans and specifications to determine if they meet established rules and regulations, and recommends approval or disapproval.

Responds to emergency situations such as flood disasters by assisting in clean-up operations, setting up evacuation centers, and providing advice and assistance on vector control, sewage disposal, and water supply.

Prepares letters, memorandums, reports, and correspondence to exchange information with facility owners, governmental officials, supervisor and the public.

Researches files and case history to assist in gathering data for use in prosecution of cases.

Perform similar work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences related to environmental protection.

Knowledge of the basic methods and techniques utilized in the collection and analysis of environmental data.

Ability to learn the Department of Environmental Resources' rules, regulations, policies, and procedures governing environmental protection.

Ability to express ideas clearly and concisely in oral, written, and graphic form.

Ability to collect, organize, evaluate and present data in graphic and narrative form.

Ability to learn the procedures and techniques utilized in the documentation of violations.

Ability to learn the safety precautions required while conducting inspections and investigations.

ENVIRONMENTAL TRAINEE (CONTD)

Ability to meet with and secure the cooperation of facility operators, and the public during the conduct of investigations, inspections, and surveys.

Ability to learn the various procedures and techniques utilized in inspections of facilities, industries, earthmoving sites, mines and other areas involved in environmental protection.

Ability to establish effective working relationships with co-workers, supervisor, facility operators, and the public.

Ability to operator a motor vehicle.

Possession of eyesight and color perception to permit use of test equipment.

Possession of sufficient eye-hand coordination to permit use of test equipment.

Possession of sufficient physical stamina to permit carrying test equipment over long distances, walking through rough terrain, and working under adverse weather conditions.

MINIMUM EXPERIENCE AND TRAINING: A Bachelor's Degree with major course work in an appropriate physical or biological science or an closely related environmental field.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

SOLID WASTE SPECIALIST

DEFINITION: This is professional work in the field of solid waste management.

An employee in this class performs a variety of assignments, within an assigned geographical area of the Commonwealth, in the regulation of facilities to insure compliance with the Commonwealth's rules and regulations governing solid waste management. Work requires the application of these rules and regulations during the conduct of inspections, investigations, enforcement, plan review and permit compliance activities. Work involves inspecting municipal waste disposal sites, demolition waste landfills, sewage sludge disposal sites, industrial waste treatment and disposal facilities; and investigating complaints involving homeowner garbage problems, agricultural waste disposal sites, open dumps, demolition waste landfills, sewage sludge disposal areas, and industrial and hazardous waste facilities. Work includes determining violations of rules and regulations, preparing violation letters, preparing and filing citation forms, preparing Departmental Orders, negotiating settlements of violations, and attending enforcement conferences. Work also includes reviewing permits including plans for hazardous waste disposal sites, and sewage sludge disposal sites, industrial or commercial transfer sites, and sewage sludge disposal sites. Work involves providing information to governmental officials, architects, engineers, facility operators and the public on Departmental programs, rules, regulations, policies and procedures; and providing advice to governmental officials, architects, engineers, and facility operators on the disposal of hazardous waste, development of plans, Solid Waste Management Act requirements, Resource Recovery Act requirements, and how to solve operational problems. Work is assigned in the form of specific goals and objectives and the employee exercises considerable freedom in scheduling and completing the work. Work may be reviewed in progress on new or difficult assignments and is reviewed upon completion by a professional superior for completeness, technical accuracy, and quality.

EXAMPLES OF WORK: Inspects municipal waste disposal sites for such things as unloading procedures, vector control, drainage of surface water, dust control, spreading and compacting, final cover, and operating records.

Inspects demolition waste landfills for such things as unloading procedures, accident prevention and safety, cover material characteristics, equipment, dust control, spreading and compacting,

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daily cover, bulky waste, and operational records.

SOLID WASTE SPECIALIST (CONTD)

Inspects sewage sludge disposal areas for such things as access roads, application rates, storage areas, water diversion facilities, prevention of ground water pollution, sewage solids, liquids, vector control, accident prevention and safety, and operational records.

Inspects hazardous or industrial waste disposal sites for such things as disposal methods, transportation of waste, processing methods, and handling.

Investigates and resolves complaints involving individual homeowner garbage handling and disposal problems.

Investigates and resolves complaints involving agricultural waste disposal site problems.

Investigates and resolves complaints involving agricultural waste disposal site problems.

Investigates and resolves complaints involving open dump problems.

Investigates and resolves complaints involving demolition waste landfill problems.

Investigates and resolves complaints involving sewage and sludge disposal area problems.

Determines violations by comparing case data with rules and regulations; determines appropriate action which should be taken.

Prepares violation letters indicating violations discovered, what must be done to bring facility into compliance, and time limitations for its accomplishment.

Prepares case documentation in terms of violations, past case history, and problems encountered for field use or legal staff.

Prepares non-traffic citation forms on violations; file citation with District Magistrate.

Prepares Departmental Orders indicating violations discovered, control measures to be taken, required corrective action, or control devices to be installed, and time frames for its accomplishment.

Attends enforcement conferences to provide background data on the case, answer questions, and assist in explaining orders.

SOLID WASTE SPECIALIST (CONTD)

Reviews applications for permits including plans for hazardous waste disposal sites, industrial waste disposal sites, municipal waste disposal sites, and sewage sludge disposal sites, industrial or commercial transfer sites, and sewage sludge disposal sites, for such things as access roads, application rates and storage area, communications, fire protection, unloading, salvage, vector control, accident prevention and safety, employee facilities, cover material characteristics, prevention of ground water pollution, drainage of surface water, equipment, control of blowing litter and final grading and seeding; recommends approval or disapproval of the permits to the supervisor.

Reviews county and regional solid waste management plans for conformance with rules and regulations.

Reviews application for Resource Recovery Act grant request for conformance with rules and regulations.

Testifies as a material witness before District Magistrates, the Environmental Hearing Board, and the courts.

Assist in providing on-the-job training to Solid Waste Specialist Trainees including advising management of the effectiveness of the training program and their progress.

Provides advice to municipal officials and facility operators on the proper disposal of hazardous waste.

Provides advice to co-workers on unusual or difficult solid waste problems.

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Provides advice to municipal officials, municipal authorities, and facility or site operators on methods designed to solve operational problems.

Provides advice to municipal officials, municipal authorities, and facility or site operators on methods designed to solve operational problems.

Provides advice to municipal officials, municipal authorities, planners, consulting engineers, private enterprise, and the public on Solid Waste Management Act planning requirements.

Provides advice to municipal officials, municipal authorities, planners, consulting engineers, facility operators and the public on solid waste disposal or processing facilities.

SOLID WASTE SPECIALIST (CONTD)

Provides advice to municipal officials, municipal authorities, planners, consulting engineers, and the public on solid waste ordinances, storage, collection, and design considerations for solid waste disposal facilities.

Provides information to the public regarding Departmental functions, rules, regulations, policies and procedures over the telephone or through correspondence.

Meets with Commonwealth, county, municipal or Federal officials to explain Departmental programs, including such things as resource recovery, solid waste and coal refuse programs.

Prepares letters, reports, and correspondence to exchange information with facility operators, supervisor, and the public.

Operates a motor vehicle to travel to various work sites.

Performs similar work as required.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences as related to solid waste management.

Knowledge of the basic physical, chemical, and biological treatment processes.

Knowledge of the Department of Environmental Resources' rules, regulations, policies, and procedures governing solid waste management.

Knowledge of the procedures and techniques utilized in inspecting municipal waste disposal sites for unloading procedures, vector control, drainage of surface water, equipment being utilized, control of blowing litter, dust control, spreading and compacting, final cover, and operational records.

Knowledge of the procedures and techniques utilized in inspecting sewage sludge disposal areas for access roads, application rates, storage areas, water diversion facilities, prevention of ground water pollution, sewage solids, liquids, vector control, accident prevention and safety, and operational records.

Knowledge of the procedures and techniques utilized in inspecting demolition waste landfills for unloading procedures, accident prevention and safety, cover material characteristics, equipment, dust control, spreading and compacting, daily cover, bulky waste, and operational records.

SOLID WASTE SPECIALIST (CONTD)

Knowledge of the procedures and techniques utilized in inspecting sewage sludge disposal areas for access roads, application rates, storage areas, water diversion facilities, prevention of ground water pollution, sewage solids, liquids, vector control, accident prevention and safety, and operational records.

Knowledge of the procedures and techniques utilized in inspecting hazardous or industrial waste disposal sites for disposal methods, transportation of waste, processing methods, and handling.

Knowledge of the procedures and techniques utilized in investigating and resolving complaints involving individual homeowner garbage handling and disposal problems.

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Knowledge of the procedures and techniques utilized in investigating and resolving complaints involving agricultural waste disposal site problems.

Knowledge of the procedures and techniques utilized in investigating and resolving complaints involving open dump problems.

knowledge of the procedures and techniques utilized in investigating and resolving complaints demolition waste landfill problems.

Knowledge of the procedures and techniques utilized in investigating and resolving complaints involving sewage sludge disposal area problems.

Knowledge of the procedures, techniques, and formats utilized in the preparation of violation letters, and Departmental Orders.

Knowledge of the procedures and techniques utilized in the documentation of violations.

Knowledge of the procedures and techniques utilized in reviewing application for permits including plans for hazardous waste disposal sites, industrial waste disposal sites, municipal waste disposal sites, demolition waste disposal sites, industrial or commercial transfer sites, and sewage sludge disposal sites, for such things as access roads, application rates, and storage area, communications, fire protection, unloading, salvage, vector control, accident prevention and safety, employee facilities, cover material characteristics, prevention of ground water pollution, drainage of surface water, equipment, control of blowing litter and final grading and seeding.

Knowledge of the basic physical, chemical, and biological treatment processes.

SOLID WASTE SPECIALIST (CONTD)

Knowledge of the procedures and techniques utilized in reviewing county and regional solid waste management plans for conformance with rules and regulations.

Knowledge of the procedures and techniques utilized in reviewing application for Resource Recovery Act grants request for conformance with rules and regulations.

Knowledge of the safety precautions required while conducting inspections and investigations of facilities.

Knowledge of the Commonwealth's and Departmental rules, regulations, policies, and procedures governing travel, lodging, expense vouchers, and reporting requirements.

Ability to apply rules, and regulations during conduct of inspections, investigations, plan review, and permit compliance.

Ability to read and write English at the GED 5 level.

Ability to perform mathematical calculations at the GED 5 level.

Ability to read and interpret plans and specifications for hazardous waste disposal sites, industrial or commercial transfer sites, and sewage sludge disposal sites.

Ability to meet with and secure the cooperation of facility operators, municipal officials, and the public during the conduct of inspections, investigations, plan review and permit review functions.

Ability to operate a motor vehicle.

Sufficient physical stamina to permit working under adverse weather conditions.

MINIMUM EXPERIENCE AND TRAINING: Successful completion of the training program for the Solid Waste Specialist Trainee;

or

Any equivalent combination of experience and training which affords the applicant the required knowledges and abilities.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

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SOILS SCIENTIST 1

DEFINITION: This is beginning-level professional soils science work in the field of environmental protection.

An employee in this class performs a variety of beginning-level work in the soils science field including examining and classifying soils at sewage and solid waste disposal sites, inspecting less complex waste treatment facilities and assisting with the narrative report accompanying more complex waste disposal sites. Work normally involves fact finding and reporting of findings to substantiate the approval or disapproval of a site for waste disposal. Assignments are selected to provide experience and training in the practical application of the principles of soils science as they relate to sewage and solid waste disposal. Initially, work involves tasks of limited scope, but as technical proficiency is acquired, increasingly difficult duties are assigned. Supervision is received from higher level soils scientists who provide detailed instructions and guidance on new work; however, employees are expected to exercise independent judgement in carrying out assignments as experience is gained. Work is reviewed by a higher level soils scientist upon completion for compliance with instructions, guidelines and technical and personal development.

EXAMPLES OF WORK PERFORMED: Assists higher level soils scientists in conducting field investigations of proposed sewage and solid waste disposal sites and silt source areas.

Examines, describes and classifies characteristics of soils to determine leaching rates, filtering, compactability and overall suitability for liquid and solid waste disposal.

Assists higher-level soils scientists in laboratory investigations and aids in soils research.

Prepares preliminary reports of findings, and analyses of soils.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS AND ABILITIES: Knowledge of soils characteristics, and the principles of soils morphology; soil erosion; mineralogy, and methods of soils analyses.

SOILS SCIENTIST 1 (CONTD)

Knowledge of the principles and techniques used in conducting physical and chemical analyses of soils.

Knowledge of geology, geomorphology and statistical methods.

Ability to read and interpret soils maps.

Ability to express ideas clearly and concisely in oral, written and graphic form. Sufficient physical stamina to conduct field investigations in rough terrain and/or under adverse environmental conditions, and the availability to travel throughout the Commonwealth as required by the agency.

MINIMUM EXPERIENCE AND TRAINING: A bachelor's degree in Soil Science, Agronomy, Agriculture, Conservation, or Environmental Science including at least 15 semester hours of soils science.

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SOILS SCIENTIST 2

DEFINITION: This is professional soils science work in the field of environmental protection.

An employee in this class independently performs investigations and surveys to determine acceptance or rejection of a site for sewage or solid waste disposal, or for erosion and siltation hazard. Work includes inspecting waste treatment facilities for soils and drainage characteristics, analyzing findings of site investigations to technically determine suitability of a site for waste disposal. Assignments are given with general instructions and the employee is responsible for independently selecting and interpreting applicable guidelines and for recommending new ones where none exist. The employee normally has the authority to make technical decisions within the assigned scope of responsibility, but program goals and administrative policy matters emanate from a higher level. Work is reviewed by a technical superior upon completion for compliance with technical standards, departmental policies and procedures, and adequacy of results.

EXAMPLES OF WORK: Makes field and laboratory investigations of proposed sewage and solid waste disposal sites.

Conducts research on soils to determine leaching rates, filterability, and compaction characteristics for proposed disposal sites.

Examines characteristics of soils which affect leaching rates, filtering, compactability, and overall suitability for liquid and solid waste disposal.

Examines sites for erosion hazards and evaluates soil erodibility.

Accompanies a sanitarian, geologist or water pollution control specialist on field investigations to classify soils and collect soils samples.

Contacts government, community, and professional groups for the purpose of improving selection of sites for disposal facilities and sanitary landfills, and resolving problems related to construction of these sites.

Provides consultation regarding complaints of groundwater

pollution emanating from solid and liquid waste disposal sites and recommends remedial procedures.

SOILS SCIENTIST 2 (CONTD)

Conducts training classes for technical environmental health personnel in the fundamental relationship of soils science to their particular field.

Prepares technical reports of findings and analyses of soils.

Prepares interpretation of on-site disposal systems and sanitary landfill sites.

Serves as a witness in legal disputes involving disagreement over location of proposed disposal sites.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of soils characteristics, and the principles of soils morphology, mineralogy, erosion, and siltation.

Knowledge of the principles and techniques of measuring, mapping, and analyzing soils.

Knowledge of the principles and techniques used in conducting physical and chemical analyses of soils.

Knowledge of the earth's strata with particular emphasis on native Pennsylvania soils, their types, composition and structure.

Knowledge of geology, and geomorphology.

Knowledge of statistical methods.

Ability to conduct soils investigations and studies.

Ability to read and interpret soils maps.

Ability to deal effectively with government and community officials.

Ability to plan and conduct applied research projects, investigations and studies.

Ability to express ideas clearly and concisely in oral, written and graphic form.

Ability to exhibit sufficient physical stamina to conduct field investigations in rough terrain and/or under adverse environmental conditions, and the availability to travel throughout the Commonwealth as required by the agency.

SOILS SCIENTIST 2 (CONTD)

MINIMUM EXPERIENCE AND TRAINING: One year of experience as a Soils Scientist 1.

or

A Bachelor's Degree in Soil Science, Agronomy, Agriculture, Conservation, or Environmental Science including at least fifteen credits of soil science course work and one year experience in soil classification, mapping and interpretation.

or

Five years of experience in soil classification, mapping, and interpretation and fifteen semester hours of soil science.

or

Any equivalent combination of experience and training.

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SANITARY ENGINEER 2

DEFINITION: This is professional work in sanitary engineering.

An employee in this class reviews permit applications, which do not usually involve multi-municipality nor large, complex treatment facilities, travels to conduct field sanitary surveys and investigations and prepares technical reports of mines and various types of sanitary engineering facilities in an assigned geographical area; or serves in a comparable staff capacity in the central office. Work assignments usually require the interpretation and application of well established criteria and guidelines. The employee's freedom to act is normally limited to completing assignments within the bounds of these criteria and guidelines, and for making technical recommendations where applicable. General supervision is received from higher level engineers but becomes more specific on very difficult or unique assignments. Work is reviewed by a higher level engineer upon completion for compliance with technical standards, departmental policies and procedures, and adequacy of results.

EXAMPLES OF WORK: Reviews permit applications for water supply systems and treatment facilities, sewage collection systems and treatment facilities, industrial waste treatment facilities, mine drainage control facilities, bathing place facilities and other sanitary engineering facilities to assure completeness, adequacy of design, mechanics of operations and adherence to departmental and Sanitary Water Board requirements.

Conducts field surveys and investigations to insure that collection systems and treatment facilities have been constructed and are operating in compliance with permit conditions; assists in solving technical problems encountered by the field staff.

Prepares technical engineering reports on permit applications and on field sanitary surveys and investigations to evaluate field conditions and to recommend improvements.

Prepares technical engineering reports on permit applications and on field sanitary surveys and investigations to evaluate field conditions and to recommend improvements.

Prepares water pollution reports on treated waste discharges to the waters of the Commonwealth and performs stream assimilation calculations.

Consults with and advises the general public, consulting engineers, public health, industrial and municipal officials and other state agency representatives for the purpose of promoting and advancing the interest of the public's health and water pollution control.

Inspects projects under construction and after completion to assure adherence to approved plans and specifications.

Serves as staff engineer in a technical section developing technical procedures, standards or regulations.

Advises and instructs the plant owners and operators of treatment facilities on effective methods of operation.

Travels regularly to and from worksites.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of modern principles and practices of sanitary engineering as applied to water supply, sewage and industrial waste treatment, mine drainage control, bathing places and water quality management of surface and underground waters.

Knowledge of basic engineering principles as applied to sanitary engineering including hydraulics, fluid mechanics, unit operations, engineering drawing, strength of materials and mechanics.

Knowledge of the basic principles of sanitary chemistry, water bacteriology, physics, and calculus.

Knowledge of the functions of local government, the financing of public works and state and Federal legislation pertinent to water pollution control.

Knowledge of the relationships of environmental conditions to human health.

Ability to conduct technical investigations and inspections applying engineering principles and procedures.

Ability to make computations and calculations involving the application of sanitary engineering mathematics.

Ability to analyze and present technical data in clear, concise engineering reports.

Ability to establish and maintain effective working relationships with associates; government and industrial officials, consulting engineers, professional and other organizations and individuals; and the general public.

Ability to communicate ideas clearly and concisely in oral and written form.

MINIMUM EXPERIENCE AND TRAINING: One year of experience as a Sanitary Engineer Trainee;

or

One year of experience in the field of sanitary engineering and a bachelor's degree in sanitary, public health, chemical or civil engineering, or in a closely related engineering field.

Appropriate graduate study may be substituted for the required experience on a year-for-year basis;

or

Any equivalent combination of experience or training.

NECESSARY SPECIAL REQUIREMENT: Certain positions in this class will require licensure as a professional engineer by the Commonwealth of Pennsylvania, or a reciprocal jurisdiction. These are positions where there can be no exemption from such licensure, as defined under Section 5, Exemption from Licensure, of the Professional Engineers Registration Law (as amended).

05/85 14530

SANITARY ENGINEER 3

DEFINITION: This is advanced professional or minor supervisory work in sanitary engineering.

An employee in this class reviews the most complex applications involving various types of sanitary engineering facilities and mines; or performs work of equivalent scope and complexity in central office or in traveling to field locations. Work assignments are given with general instructions and the employee is responsible for independently selecting and interpreting applicable guidelines. The employee normally has the authority to make technical decisions within the assigned scope of responsibility, but program goals and administrative policy matters emanate from a higher level. Supervision may be exercised over a small staff of engineers and/or technicians. Work is reviewed by a higher level engineer upon completion for compliance with technical standards, departmental policies and procedures, and adequacy of results.

EXAMPLES OF WORK: Supervises the review of permit applications and reviews the most complex applications involving large, or multi-municipality treatment facilities for water supply systems and treatment facilities, sewage collection systems and treatment facilities, industrial waste treatment facilities, mine drainage control facilities, bathing place facilities and other sanitary engineering facilities to assure completeness, adequacy of design, mechanics of operation, and adherence to departmental and Sanitary Water Board requirements.

Assists higher level sanitary engineers in the coordination and evaluation of a specialized phase of the statewide sanitary engineering program.

Prepares or directs the preparation of complex technical engineering reports on permit applications and on field sanitary surveys and investigations involving the evaluation of field conditions and the formulation of recommendations for improvements.

Prepares water pollution reports on treated waste discharges to the waters of the Commonwealth and performs complex stream assimilation calculations.

Consults with and advises the general public, consulting engineers, public health and industrial and municipal officials and other state agency representatives for the purpose of promoting and advancing the interest of the public's health and water pollution control.

Implements established procedure to ensure compliance of a facility with the laws and regulations pertaining to the sanitary engineering program.

Inspects complex projects under construction and after completion of construction to assure adherence to approved plans and specifications.

Travels regularly to and from worksites.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of modern principles and practices of sanitary engineering as applied to public health including water supply, sewage and industrial wastes treatment, mine drainage control, bathing places and quality management of surface and

underground waters.

Knowledge of basic engineering principles as applied to sanitary engineering including hydraulics, fluid mechanics, unit operations, engineering drawing, strength of materials and mechanics.

Knowledge of the basic principles of sanitary chemistry, aquatic biology, water bacteriology, physics, and calculus.

Knowledge of the functions of local government, the financing of public works and state and Federal legislation pertinent to water pollution control.

Knowledge of the relationships of environmental conditions to human health.

Ability to conduct technical investigations and inspections applying engineering principles and procedures.

Ability to make computations and calculations involving the application of sanitary engineering mathematics.

Ability to analyze and present technical data in clear, concise engineering reports.

Ability to establish and maintain effective working relationships with associates; government and industrial officials, consulting engineers, professional and other organizations and individuals; and the general public.

Ability to communicate ideas clearly and concisely in oral and written form.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as a Sanitary Engineer 2;

or

Three years of progressively responsible experience in the field of sanitary engineering and a bachelor's degree in sanitary, public health, chemical or civil engineering, or in a closely related engineering field.

Appropriate graduate study may be substituted for the required experience on a year-for-year basis;

or

Any equivalent combination of experience or training.

NECESSARY SPECIAL REQUIREMENT: Certain positions in this class will require licensure as a professional engineer by the Commonwealth of Pennsylvania, or a reciprocal jurisdiction. These are positions where there can be no exemption from such licensure, as defined under Section 5, Exemption from Licensure, of the Professional Engineers Registration Law (as amended).

05/85 14540

SANITARY ENGINEER 4

DEFINITION: This is supervisory work in sanitary engineering.

An employee in this class directs a regional unit in reviewing permit applications and conducting regional studies and surveys; coordinates comprehensive planning and water quality management for a regional sanitary engineering program; supervises the planning and developing of a phase of the statewide sanitary engineering program in central office; provides consultation in the development of a statewide water quality management information system; reviews a statewide sanitary engineering program in the state parks to ensure water quality control; or performs work of equivalent scope and complexity in central office or in traveling to field locations. Work assignments are received with little or no technical instructions and require the independent selection of courses of action for which well established or specific guidelines are not available. The employee normally has the authority to make final technical decisions and to recommend the procedures for program implementation within the assigned scope of responsibility, but program goals and administrative and policy matters emanate from a higher level. Supervision is usually exercised over a professional and technical staff. Work is reviewed by a higher level engineer upon completion for compliance with departmental policies and for program effectiveness.

EXAMPLES OF WORK: Supervises a regional staff of professional and technical personnel in the analyses and evaluation of permit applications for public water supply, sewerage, bathing places; industrial wastes, mine drainage and other sanitary engineering facilities for conformance to departmental and Sanitary Water Board rules and regulations.

Directs the development of comprehensive water supply, sewerage, and water quality control plans for a region which includes reviewing the region's stream data, recommending modifications to existing water quality criteria, formulating a comprehensive plan, and coordinating the implementation of the plan.

Reviews and evaluates the work of a professional and/or technical staff involved in the enforcement and administration, facilities or operations function in areas such as water supply and sewage, mine drainage or industrial wastes.

Coordinates and evaluates sanitary engineering program needs with water quality management information systems design and programming; formulates input and output requirements.

Reviews and evaluates preliminary and final plans for construction of water supply facilities, sewage carriers and sewage treatment works in state parks throughout the Commonwealth.

Directs the preparation of water pollution reports on treated waste discharge to the waters of the Commonwealth and the preparation of stream sanitation calculations.

Establishes liaison with other governmental agencies, private engineering and contracting firms, watershed associations, planning agencies, and various interested groups when appropriate.

Travels regularly to and from worksites.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of modern principles and practices of sanitary engineering as applied to public health including water supply, sewage and industrial wastes treatment, mine drainage control, bathing places and quality management of surface and underground waters.

Knowledge of basic engineering principles as applied to sanitary engineering including hydraulics, fluid mechanics, unit operations, engineering drawing, strength of materials and mechanics.

Knowledge of the principles and practices of supervision.

Knowledge of the basic principles of sanitary chemistry, aquatic biology, water bacteriology.

Knowledge of the functions of local government, the financing of public works and state and Federal legislation pertinent to water pollution control.

Ability to plan broad, complex sanitary engineering investigations and to present technical data in clear, concise engineering reports.

Ability to apply the principles of effective supervision.

Ability to establish and maintain effective working relationships with associates; government and industrial officials, consulting engineers, professional and other organizations and individuals; and the general public.

Ability to communicate ideas clearly and concisely in oral and written form.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as a Sanitary Engineer 3;

or

Five years of progressively responsible experience in the field of sanitary engineering and a bachelor's degree in sanitary, public health, chemical or civil engineering, or in a closely related engineering field. Appropriate graduate study may be substituted for the required experience on a year-for-year basis; or any equivalent combination of experience or training.

NECESSARY SPECIAL REQUIREMENT: Certain positions in this class will require licensure as a professional engineer by the Commonwealth of Pennsylvania, or a reciprocal jurisdiction. These are positions where there can be no exemption from such licensure, as defined under Section 5, Exemption from Licensure, of the Professional Engineers Registration Law (as amended).

06/89 15020

HYDROGEOLOGIST 1

DEFINITION: This is professional work in the field of hydrogeology.

An employee in this class performs professional hydrogeologic duties in connection with the study, charting, preservation, utilization, development, or protection of hydrogeologic features. Work involves conducting studies or investigations requiring the collection, organization, evaluation, and interpretation of hydrogeologic data and the presentation of data and findings in graphic and narrative form including significance and application to the study or investigation and impact on program objectives. Work includes performing field and laboratory work by collecting, examining, and identifying minerals, fossils, and rocks. Work may require meeting with officials of other public agencies, private landowners, and industries to discuss hydrogeologic problems and issues, to seek their cooperation in the data collection process, or to render technical advice and assistance on hydrogeologic problems or issues. Work requires the use of standard geologic instruments and the reading and interpretation of maps, aerial photographs, remote sensing images, and similar materials. Work is assigned in the form of overall goals and objectives and the employee exercises freedom of judgement in selecting the approach and methodology to be utilized in conducting the study or investigation. Work is reviewed while in process or upon completion by a professional supervisor for completeness, quality, application of accepted geologic principles and techniques, attainment of objectives and professional development.

EXAMPLES OF WORK: Develops and conducts studies employing hydrogeologic principles in order to study, evaluate, or protect hydrogeologic features.

Collects, compiles, and analyzes field and laboratory hydrogeologic data and prepares ground water availability maps, ground water table maps, ground water quality maps, hydrogeologic maps, geologic maps, charts, geologic cross sections, and other geologic illustrations and descriptions relating the hydrogeologic information to needs of prospective users.

Collects, compiles, and analyzes subsurface hydrogeologic data such as geophysical well logs, water level measurements, cores, well driller logs, samples, and water quality data.

Examines and interprets aerial photographs and other remote sensing images and utilizes them in review or compilation of hydrogeologic maps, hydrogeologic structure maps, and fracture trace maps.

Informs and assists water well drillers on the technical and administrative aspects of the Water Well Drillers Licensing Act No. 610.

Performs hydrogeologic services such as the technical review of environmental impact statements and responding to requests for hydrogeologic information, such as ground water availability, ground water quality, and water well construction and design from other government agencies and the public.

Develops, conducts or evaluates hydrogeologic studies including recommending solutions to problems concerning ground water resource protection.

Evaluates hydrogeologic and/or engineering data submitted in conjunction with a variety of permit applications and activities which have the potential to pollute ground water resources.

Develops and conducts hydrogeologic site investigations relative to ground water pollution complaints,

permit applications, and activities which have the potential to pollute ground water resources.

Prepares professional hydrogeologic reports, supplemented by maps, charts, and other illustrations at a level understandable to a broad range of scientists and non-scientists.

Provides hydrogeologic consultation to regional program staff.

Attends public meetings as a regional ground water protection program representative.

Conducts and assists in the development of ground water training courses, as pertinent to the agency program.

Reviews mine drainage, mining and waste disposal applications and permits for effect on water quality, erosion control, mining methods and compliance with environmental rules and regulations.

Provides expert testimony at hearings and acts in an advisory capacity on hydrogeologic matters.

Reads scientific literature and attends professional meetings pertinent to job responsibilities and needed to keep abreast of the profession.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of hydrogeology.

Knowledge of general and historical geology, mineralogy, field geology, stratigraphy, geomorphology, and sedimentology.

Knowledge of mathematics, chemistry, and physics as they apply to the interpretation and utilization of hydrogeologic data.

Skill in conducting field and laboratory hydrogeologic and geologic investigations.

Skill in identifying and evaluating rock and mineral specimens by use of standard geological equipment and techniques.

Skill in preparing hydrogeologic and geologic maps and reports resulting from field and laboratory investigations.

Skill in collecting, organizing, evaluating, and presenting data in graphic and narrative form.

Skill in analyzing and interpreting geologic data.

Skill in interpreting aerial photographs, other remote sensing images and hydrogeologic maps.

Skill in expressing ideas clearly and concisely in oral, written, and graphic form.

Ability to establish and maintain effective working relationships with associates, other government officials, and the public.

MINIMUM EXPERIENCE AND TRAINING: One year as a Geologist Trainee;

or

One year of experience in professional hydrogeologic work and a Bachelor's Degree in geology or a closely related field including or supplemented by 24 credit hours in appropriate geology courses.

or

Graduate study in hydrogeology or a closely related field may be substituted for the required experience on a year for year basis.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license.

06/89 15030

HYDROGEOLOGIST 2

DEFINITION: This is advanced professional work in the field of hydrogeology.

Employees in this class are involved in developing solutions to hydrogeologic and conservation problems which require advanced or innovative application of geologic principles. These employees are normally recognized agency or discipline experts and become involved in advising agency managers concerning the advantages, disadvantages and effects of utilizing new technology, and/or changing existing hydrogeologic practices, procedures, and technical standards. Employees may be involved in designing, conducting and evaluating projects to develop hydrogeologic standards or to improve the technological base for utilizing existing work methods, practices, or principles. Work is normally self-generated in response to complex hydrogeologic problems within the framework of agency objectives. Work may also involve providing training and guidance to new employees and functioning as a lead worker for hydrogeologic operations in a regional program. Employees work with considerable independence in selecting the geologic approach and planning of projects. Work is reviewed for administrative feasibility and timeliness by a professional supervisor.

EXAMPLES OF WORK: Provides scientific assistance as a hydrogeological expert to associates by analyzing and having complex and unique hydrogeological situations.

Conducts investigations into unique and complex hydrogeological situations and prepares interpretations, conclusions and recommendations.

Provides advice to co-workers, administrative and managerial officials as a technical professional expert in the field of hydrogeology.

Provides expert testimony at hearings and legal proceedings.

Performs technical and critical reviews of reports, professional manuscripts, maps, and other illustrations on hydrogeology.

Meets with concerned officials, conservation groups, industries, and the public to explain geologic standards and principles as they relate to Commonwealth projects.

Independently engages in hydrogeological activities at the highest professional level, which may include: compilation and analysis of complex hydrogeologic and geologic data; hydrogeologic mapping through field and laboratory investigations; determination of engineering and environmental conditions related to hydrogeology; identification of minerals, rocks, and fossils as they relate to hydrogeologic problems.

Serves as lead worker over hydrogeologic operations in a regional program, including prioritizing and assigning work and providing training and guidance to employees.

Prepares or reviews the preparation of professionally competent hydrogeologic reports, supplemented by maps, charts, and other illustration, at a level understandable to a broad range of scientists and non-scientists.

Performs hydrogeologic services such as the technical review of environmental impact statements, responding to requests for hydrogeologic information, such as ground-water availability, ground-water

quantity, ground-water quality, and water well construction and design from other government agencies and the public.

Reads scientific literature and attends professional meetings pertinent to job responsibilities and needed to keep abreast of the profession.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of hydrogeology.

Knowledge of general and historical geology, mineralogy, field geology, petrology, structural geology, stratigraphy, geomorphology, and sedimentology.

Knowledge of mathematics, chemistry, and physics as they apply to the interpretation and utilization of geologic data.

Skill in solving hydrogeologic problems using advanced or innovative application of geologic principles.

Skill in conducting complex field and laboratory hydrogeologic and geologic investigations.

Skill in identifying and evaluating rock and mineral specimens by use of standard geological equipment and techniques.

Skill in preparing, reviewing, and critically evaluating hydrogeologic reports and manuscripts.

Skill in preparing complex hydrogeologic and geologic maps and reports resulting from field and laboratory investigation.

Skill in collecting, organizing, evaluating and presenting data in graphic and narrative form.

Skill in analyzing and interpreting complex hydrogeologic data.

Skill in interpreting aerial photographs, other remote sensing images and hydrogeologic maps.

Skill in expressing ideas clearly and concisely in oral, written and graphic form.

Skill in developing programs and presenting hydrogeological information to non-technically trained audience, including expert testimony.

Ability to establish and maintain effective working relationships with associates, subordinates, other governmental officials and the public.

MINIMUM EXPERIENCE AND TRAINING: Two years as a Hydrogeologist 1;

or

Three years of experience in professional geologic work including two years in hydrogeology, and a Bachelor's Degree in geology or a closely related field including or supplemented by 24 credit hours in appropriate geology courses.

Graduate study in hydrogeology or a closely related field may be substituted for the required experience on a year-for-year basis.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license.

06/89 14230

ENVIRONMENTAL PROTECTION SPECIALIST

DEFINITION: This is professional work within a specialty area of the waste management program.

An employee in this class performs a variety of assignments within one of the waste management specialty areas. Waste management specialty areas include the following: superfund project officer; resource recovery and planning; toxic waste investigation and prosecution; or permit review and coordination. Work requires contact and effective working relationships with a wide variety of persons, including local government officials, legislators, the press and media, federal officials, planning commissions, special interest groups, and the public. Work is assigned in the form of goals, objectives, and priorities. Employees exercise judgement in planning, scheduling, and completing assignments within limits of broad program policies, guidelines, and applicable state and federal regulations. Work is reviewed upon completion by a professional supervisor for the attainment of objectives, completeness, technical accuracy, and overall quality.

EXAMPLES OF WORK: Serves as a superfund project officer by managing all activities relating to assigned sites and serving as the primary Departmental technical representative during all phases of site remediation; conducts preliminary assessments and site inspections to determine the extent of contamination, to identify responsible parties, and to assess health risks, and prepares reports of findings; reviews and comments on technical documents prepared by consultants and Departmental staff for assigned sites; participates in the process to rank and prioritize sites to determine their eligibility for funding under state or federal programs; participates in the negotiation of site-specific contracts and cooperative agreements; provides technical support to legal staff for cost-recovery and other legal actions; attends public meetings as the department's representative to explain the state and federal superfund programs; oversees contractors retained by the department to implement remedial planning and design at sites; conducts site visits to ensure the proper implementation of remedial actions; serves as liaison with federal project officers, bureau staff, consultants, local officials, and the public; and participates in the development of guidance documents, policies and procedures, and program evaluations.

Serves as a member of the Toxic Waste Investigation and Prosecution Unit in the Bureau of Waste Management, in conjunction with the state Attorney General's office, to conduct complex and sensitive criminal investigations of the alleged illegal transportation, storage, and/or disposal of industrial or hazardous waste; collects, compiles, and develops investigative leads and evidence concerning criminal violations in support of prosecution activities; assists in drafting affidavits for search and arrest warrants; conducts consented or warranted searches, and aerial and ground surveillance of suspected criminal activities; presents evidence in legal proceedings; collects environmental and chemical samples and interprets laboratory analyses to determine the degree and extent of contamination and degradation; and serves as liaison with federal, state, and local environmental and law enforcement agencies.

Coordinates resource recovery and planning activities for an environmental protection region; provides technical assistance and guidance to local officials, special interest groups, and regional staff on all matters relating to municipal waste management planning; administers the resource recovery grants program and the solid waste planning grants program in the region by conducting pre-application counseling to local officials, reviewing and prioritizing applications, preparing grants agreements, approving work completed and invoices for payment, and monitoring project status; initiates compliance actions against municipalities which fail to meet their waste planning and management responsibilities; serves as primary contact for market information on secondary materials in the region; and prepares and

delivers presentations on waste planning and resource recovery topics to interested groups.

Coordinates permit review activities for the waste management program in an environmental protection region; reviews assigned portions of permit applications and renders technical decisions on their appropriateness and adequacy; coordinates review activities among technical staff, other regional programs, and Commonwealth agencies; identifies and resolves conflicts relating to permit applications; and prepares complete permit packages for approval and issuance by management.

Meets with a wide variety of persons and organizations, including local officials, industry representatives, the media, environmental and special interest groups, federal officials, and the public, to explain departmental programs, functions, actions, rules and regulations, and policies.

Prepares letters, correspondence, reports, and other written material as required.

Operates a motor vehicle to travel to various work sites.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences relating to environmental protection, particularly waste and hazardous materials management.

Knowledge of the basic physical, chemical, and biological treatment processes.

Knowledge of the Department of Environmental Resources, Commonwealth, and federal laws, rules, regulations, policies, and procedures relating to environmental protection, particularly waste and hazardous materials management.

Knowledge of the procedures, techniques, and equipment utilized in the conduct of inspections of hazardous or toxic waste disposal or dumping sites.

Knowledge of the procedures and techniques utilized in the development, evaluation, and approval of waste management plans.

Knowledge of the procedures and techniques utilized in the development, evaluation, and management of grants, contracts, and cooperative agreements.

Knowledge of the procedures and techniques utilized in the review, evaluation, and approval of permit applications.

Knowledge of the procedures, techniques, and formats utilized in the determination of violations and the preparation of legal instruments for compliance activities.

Knowledge of the procedures and techniques utilized in the mitigation and containment of hazardous or toxic chemical spills.

Ability to plan, organize, schedule, coordinate, and evaluate program activities.

Ability to interpret and apply applicable laws, rules, regulations, policies, and procedures to program activities.

Ability to read, understand, and interpret technical material and to express ideas clearly and concisely, both orally and in writing.

Ability to gather, analyze, and interpret data, to conduct technical inspections and surveys, and to exercise sound judgement in arriving at technical recommendations.

Ability to read and interpret engineering drawings, blueprints, and schematics submitted to meet program requirements.

Ability to establish and maintain effective working relationships with departmental staff, local and federal officials, the media, environmental and special interest groups, and the public during the conduct of program activities.

Ability to operate a motor vehicle.

Ability to exhibit sufficient physical strength and stamina to permit working in adverse climatic conditions, carrying test equipment, walking long distances over rough terrain, and participating in emergency response teams.

MINIMUM EXPERIENCE AND TRAINING: One year of experience as a journey-level specialist in a waste management program.

or

Two years of experience in environmental protection and a bachelor's degree with major course work in biology, chemistry, or in a field closely related to environmental protection. A master's degree with major course work in any of the fields closely related to environmental protection may be substituted for one year of the required experience.

or

Any equivalent combination of experience and training which affords the applicant the required knowledges and abilities.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

06/89 14231

ENVIRONMENTAL PROTECTION COMPLIANCE SPECIALIST

DEFINITION: This is professional environmental protection compliance work in the Department of Environmental Resources.

An employee in this class performs a variety of professional duties, within an assigned geographic area of an Environmental Protection Region in an environmental specialty, to insure compliance with Commonwealth rules and regulations governing environmental protection. Work involves preparing violation letters, Departmental Orders, and Consent Orders/Agreements; preparing documentation for use in the prosecution of cases; prosecuting cases; conducting enforcement conferences and administrative hearings; negotiating settlements of cases; and negotiating penalties. Work also includes reviewing a variety of enforcement documentation and recommendations made by field personnel and determining priorities. Work includes assisting field personnel in resolving problems involving enforcement of cases, providing advice on rules and regulations to field personnel, reviewing case data with field personnel to determine appropriate enforcement action, notifying field personnel of enforcement action to be taken, and against whom. Work includes training field personnel on how to prosecute cases, documentation techniques for enforcement cases, procedures and techniques for determining penalties and negotiating settlements, and the interpretation and application of environmental protection rules and regulations. Work involves preparing news releases, providing information to reporters regarding enforcement cases, and providing information to facility operators, municipal officials, consultants, and the public on Department programs, functions, rules, regulations, policies and procedures. Work is assigned in the form of goals and objectives and the employee exercises considerable freedom in planning, scheduling, and completing the work. Work is reviewed upon completion by a professional supervisor for completeness, technical accuracy and quality.

EXAMPLES OF WORK: Prepares Departmental Orders indicating violations discovered, corrective action required, control measures or devices to be installed, and time frames for their accomplishment.

Prepares Consent Orders/Agreements indicating violations discovered, corrective action required, control measures or devices to be installed, time frames for their accomplishment, and establishes penalties.

Prepares violation letters indicating violations discovered, citing appropriate rules and regulations, indicating corrective action required and establishing time limits.

Testifies as an expert or material witness in enforcement cases before District Magistrates, the Environmental Hearing Board, or the courts. Meets with violators and negotiates settlements of enforcement cases in terms of corrective action or devices required and time frames for their accomplishment.

Schedules and conducts enforcement conferences or administrative hearings, provides background data on the case, explains Departmental Orders or Consent Orders/Agreements, and answers questions.

Prepares non-traffic citation forms, files with District

Magistrate, and prosecutes case on behalf of the Commonwealth, presenting data and examining and cross examining witnesses; recommends imposition of fines to District Magistrates.

Researches case files and case history and prepares documentation for use in the prosecution of cases by

filed personnel or legal staff. Contacts legal staff and discusses enforcement cases, seeks clarification on rules and regulations from legal staff.

Assists and provides advice to field personnel on the enforcement of unusual or difficult cases, reviews enforcement recommendation of field personnel and recommends appropriate action to field personnel.

Reviews Departmental Orders, Consent Orders/Agreements, and violation letters prepared by field personnel for content, completeness, technical accuracy, and legal terminology; corrects errors and makes changes or recommendations; approves or disapproves Departmental Orders, Consent Orders/Agreements, and violation letters. Notifies field personnel of major enforcement action to be taken and against which facilities action should be taken.

Conducts evaluation of the enforcement program within an assigned area and prepares a report of recommendations based on the evaluation.

Provides advice to field personnel on the interpretation and application of rules and regulations governing environmental protection.

Conducts surveys, inspections, and investigations of facilities to determine if they are operating within environmental protection rules and regulations.

Trains field personnel on the proper procedures and techniques for prosecuting cases, determining penalties, negotiating settlements, and the interpretation and application of rules, regulations, policies and procedures.

Prepares news releases regarding enforcement cases or activities. Provides information to facility operators, municipal officials, consultants, and the public on Departmental functions, programs, rules, regulations, policies and procedures.

Prepares letters, reports and correspondence.

Operates a motor vehicle to travel to various work sites.

Performs similar work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the biological, chemical, and physical sciences as related to environmental sanitation, water pollution control, air pollution control, solid waste management, and water quality management.

Knowledge of the Department of Environmental Resources rules, regulations, policies and procedures governing environmental sanitation, water pollution control, air pollution control, solid waste management, and water quality management.

Knowledge of the procedures, techniques, and formats utilized in the preparation of Departmental Orders, Consent Orders/Agreements, and violation letters.

Knowledge of the techniques utilized in the negotiation of settlements involving enforcement of cases.

Knowledge of the procedures utilized in the preparation of non-traffic citation forms.

Knowledge of the procedures and techniques utilized in the documentation of enforcement cases and prosecution of cases.

Knowledge of the procedures and techniques utilized in the evaluation of the enforcement program.

Knowledge of the procedures and techniques utilized in the conduct of surveys, inspections, and investigations, to determine if facilities are operating within environmental protection rules and regulations.

Knowledge of the various physical, chemical, and biological treatment processes.

Knowledge of the basic engineering designs and considerations for facilities.

Skill in negotiating the settlement of enforcement cases in terms of corrective action or devices required and time frames for their accomplishment.

Ability to apply environmental sanitation, water pollution control, air pollution control, solid waste management, and water quality management during the preparation or review of Departmental Orders, Consent Orders/Agreements and violation letters.

Ability to prepare Departmental Orders, Consent Orders/Agreements, and violation letters indicating violations discovered, corrective action required, control measures required, and time frames for their accomplishment.

Ability to interpret environmental sanitation, air pollution control, solid waste management, and water quality management rules regulations, policies and procedures for co-workers, field personnel, municipal officials, facility operators, and the public.

Ability to prepare documentation required for the prosecution of cases.

Ability to testify as an expert or material witness in enforcement cases before District Magistrates, the Environmental Hearing Board, or the courts.

Ability to conduct evaluations of the enforcement program.

Ability to conduct surveys, inspections, and investigations of facilities to determine if they are operating within environmental sanitation, air pollution control, solid waste management, or water quality rules and regulations.

Ability to prepare and conduct training courses on prosecuting cases, documentation of enforcement cases, determining penalties in enforcement cases, the interpretation and application of environmental sanitation, air pollution control, solid waste management or water quality management and the techniques for negotiating settlements of enforcement cases.

Ability to read and write English at the GED 5 level.

Ability to perform mathematical calculations at the GED 5 level.

Ability to read and understand engineering reports, drawings, blueprints and flow schematics.

Ability to operate a motor vehicle to travel to various work sites.

Sufficient physical stamina to permit working under adverse weather conditions.

MINIMUM EXPERIENCE AND TRAINING: One year of professional experience as a Sanitarian, Air Quality Specialist, Solid Waste Specialist, or Water Quality Specialist;

or

Any equivalent combination of experience and/or training which affords the applicant the required knowledges, skills, and abilities.

NECESSARY SPECIAL REQUIREMENT: Possession of a valid motor vehicle operator's license as issued by the Commonwealth of Pennsylvania.

ENVIRONMENTAL CHEMIST 1

DEFINITION: This is professional work in the field of chemistry as it relates to environmental protection.

An employee in this class performs a variety of duties in the Department of Environmental Resources involving the regulation of facilities to ensure compliance with Federal and Commonwealth rules and regulations governing the disposal, storage, treatment, discharge, transportation, and handling of industrial hazardous wastes and toxic materials and ensuring response to environmental industrial wastes emergencies resulting from the spilling or discharging of toxic and hazardous materials. Work involves reviewing proposed permit applications for proposed disposal, storage, transportation, and treatment of industrial, toxic, and hazardous wastes; conducting inspections of industrial facilities, treatment and disposal processes, and streams for contaminations; assessing pollution potential of toxic and hazardous materials, and providing technical advice to industry officials regarding assessment of industrial and hazardous waste disposal and treatment methods. Work requires the evaluation of risk potential of wastes considering their chemical constituents and their acute and chronic toxicities, bio-accumulation potential, and treatability. Work also involves providing information to facility operators, municipal officials, and the public on Departmental programs, functions, rules, regulations, politics, and procedures governing the treatment, storage, transportation, and disposal of wastes. Work is reviewed upon completion for program effectiveness, attainment of goals and objectives, completeness, and technical accuracy by a professional supervisor.

EXAMPLES OF WORK: Reviews permit applications for proposed disposal or discharge of industrial and hazardous waste for its effects on the environment and compliance with rules and regulations.

Reviews industrial and hazardous waste permit applications to ensure proper disposal of toxic and hazardous material and evaluates alternative modes such as reclamation, reuse, or treatment to render the

materials non-hazardous.

ENVIRONMENTAL CHEMIST 1 (CONTD)

Reviews industrial and hazardous waste permit applications from industries for the proposed disposal, storage, transportation, and treatment of hazardous and toxic wastes.

Conducts surveys of industries to determine types and volume of waste being generated.

Evaluates risk potentials for materials considering the chemical constituents, acute and chronic toxicities, bio-accumulation potential, and environmental effects.

Evaluates potential toxic or hazardous waste impacts on treatment and storage systems.

Interprets and evaluates Department rules and regulations and participates in the development of rules and regulations.

Conducts surveys of industrial facilities which use or produce hazardous or toxic chemicals to determine use, handling, storage, and disposal; recommends control measures, safety equipment, and recommends emergency procedures to be taken in the event of accidents, such as spills, pollution incidents, and floods.

Provides advice and assistance in clean-up operations involving spills or discharge of toxic or hazardous chemical accidents to ensure appropriate safety precautions are taken; ensures that clean-up operations render the materials non-hazardous or that materials are contained and no longer present a hazard.

Prepares letters, reports, and correspondence to exchange information with Federal officials, Commonwealth officials, co-workers, industry officials, and the public.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the principles, methods, techniques, and practices applicable to public health toxicology.

Knowledge of the principles, methods, techniques, and practices applicable to laboratory work in public health toxicology.

ENVIRONMENTAL CHEMIST 1 (CONTD)

Knowledge of toxic and hazardous contaminants inherent in water supply treatment operations, sewage treatment operations, and industrial waste processing operations.

Knowledge of the basic principles of biology, chemistry, microbiology, physics, and geology.

Knowledge of the common chemicals used in industry, schools, and institutions and the safety precautions required for their use, exposure control, handling, storage, and disposal.

Knowledge of the physiological effects of toxic substance and their potential for environmental hazards.

Knowledge of the safety precautions required while working with toxic and hazardous materials.

Ability to read and write English at the GED 5 level.

Ability to learn the Department of Environment Resources' rules, regulations, policies, and procedures governing hazardous wastes.

Ability to learn Federal rules, regulations, policies, and procedures governing hazardous waste management.

Ability to perform chemical tests and analysis on a variety of substance and material quickly and accurately in emergency situations.

Ability to interpret and evaluate rules and regulations as they pertain to toxicological hazards and recommend revisions.

Ability to evaluate hazardous waste proposals for the disposal of industrial residues and hazardous wastes for their effects on the environment and to recommend approval or disapproval.

Ability to evaluate hazardous waste practices in

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industries and of industrial waste to determine types and volume of waste being generated.

Ability to perform mathematical computations at the GED 5 level.

ENVIRONMENTAL CHEMIST 1 (CONTD)

Ability to read and understand engineering plans, drawings, and specifications for the review of plans to store, treat, and dispose of hazardous or toxic chemicals.

Ability to interpret, analyze, and evaluate laboratory reports and findings.

Ability to establish and maintain effective working relationships with Federal, state, and municipal officials, co-workers, and the public.

MINIMUM EXPERIENCE AND TRAINING: A bachelor degree with major course work in chemistry, and two years of professional chemical analytical experience;

or

Six years of professional chemical analytical experience which included analyzing a wide variety of chemicals and interpreting the analysis;

or

Any equivalent combination of experience and training.

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15080

ENVIRONMENTAL CHEMIST 2

DEFINITION: This is professional analytical and staff work in the field of chemistry as it relates to environmental protection.

An employee in this class performs a variety of duties in the Department of Environmental Resources involving the regulation of industrial and municipal facilities to ensure compliance with Federal and Commonwealth rules and regulations governing the disposal, storage, treatment, discharge, and transportation of hazardous waste, industrial waste, and toxic materials. Work involves developing, amending, and interpreting rules, regulations, policies, and procedures governing hazardous wastes, industrial wastes, and toxic materials. Work involves providing technical advice to Departmental and industry officials involving assessments of the potential risks of toxic, hazardous, and industrial wastes. Work also involves evaluating proposals for the disposal of industrial residue and hazardous wastes with respect to chemical implications, evaluating the risk potential of particular wastes based on chemical constituents and their acute and chronic toxicities, bio-accumulation potential, and toxic or hazardous impact on treatment systems. Work includes training field personnel and county health personnel on proper sampling techniques and testing procedures, conducting inspections of high risk treatment plans, water systems, and streams for contamination; and developing sampling methods and procedures for hazardous wastes monitoring systems. Work also includes providing technical assistance to the analysis of non-routine organic substances, and reviewing industry plans for proposed hazardous, toxic, or industrial waste storage, treatment, or disposal facilities for compliance with Federal and Commonwealth regulations. Work also includes providing information to facility operators, municipal officials, and the public on Departmental programs, functions, rules, regulations, policies, and procedures; reviewing proposed legislation for possible impact on the

ENVIRONMENTAL CHEMIST 2 (CONTD)

hazardous, toxic, or industrial waste programs and recommending whether management should support or oppose the legislation; and serving as a expert witness for the Department. Work is assigned in the form of goals, objectives, and priorities, and the employee exercises considerable freedom in planning, scheduling, and completing assignments. Work is reviewed upon completion by a professional supervisor through reports and conference for attainment of program goals and objectives, completeness, and overall quality.

EXAMPLES OF WORK: Reviews proposals for the disposal and/or discharge of industrial and hazardous waste to determine effects on the environment and compliance with rules and regulations.

Review proposed legislation for possible impact on environmental protection programs and recommends whether management should support or oppose proposed legislation.

Reviews proposals from industry for compliance with rules and regulations governing hazardous, toxic, or industrial waste storage or treatment facilities.

Reviews proposals for disposal of toxic and hazardous materials and determines alternative disposal methods such as reclamation, reuse, or treatment to render the materials non-hazardous.

Develops sampling methods, techniques, and procedures for hazardous, toxic, and industrial waste monitoring points.

Develops procedures and standards for permit applications, waste evaluations, and monitoring of treatment and/or disposal sites.

Develops rules, regulations, policies, and procedures for environmental protection program.

Recommends changes to environmental protection program rules, regulations, policies, and procedures.

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Interprets environmental protection rules, regulations, and policies for co-workers, field personnel, facility operators, municipal officials, county health personnel, and the public.

ENVIRONMENTAL CHEMIST 2 (CONTD)

Testifies as an expert witness in legal proceedings involving toxic, hazardous, and insturial wastes.

Evaluates risk potentials for particular wastes based on chemical constituents and their acute and chronic toxicities, bio-accumulation potential, or environmental effects.

Develops and implements training programs for regional personnel and county staff in the areas of toxic chemical control and pollution incident prevention and abatement.

Evaluates potential toxic or hazardous impact of chemicals on treatment systems and storage systems.

Compiles information from Federal and Commonwealth agencies and evaluates findings as they relate to environment hazards.

Provides technical advise to other governmental agencies, private industry, and local communities on toxicological issues and hazards.

Conducts surveys of facilities utilizing hazardous or toxic chemicals to determine use, exposure control, handling, storage, and disposal; recommends control measures, equipment, and emergency action to be taken in the event of accidents.

Provides advice to the Commonwealth, industry, and municipal officials on the proper use, exposure control, handling, application and safety precautions required while handling pesticides, insecticides, or herbicides; and provides advice on emergency action to be taken in the event of accidents.

Provides advice to engineers on the design of areas to store and handle hazardous or toxic chemicals.

Researches new chemicals on the market to determine if they pose an occupational health hazard or require

special handling and prepares a report of findings and recommendations.

Prepares letter, reports and correspondence to exchange information with Federal officials, and the public on hazardous waste.

ENVIRONMENTAL CHEMIST 2 (CONTD)

Performs related work as required.

REQUIRED KNOWLEGES, SKILLS, AND ABILITIES: Knowledge of the Department of Environmental Resources' rules, regulations, policies, and procedures governing hazardous waste management.

Knowledge of Federal rules, regulations, policies, and procedures governing hazardous waste management.

Knowledge of principles, methods, techniques, and practices applicable to public health toxicology.

Knowledge of the basic principle, methods, techniques, and practices applicable to laboratory work in toxicology.

Knowledge of the procedures and techniques utilized in the investigation of hazardous or toxic chemical spills and clean-up operations.

Knowledge of common chemicals used in industry, schools, and institutions and the safety precautions required for there use, exposure control, handing, storage, and disposal.

Ability to read and write English at the GED 5 level.

Ability to perform mathematical computations at the GED 5 level.

Ability to develop rules, regulations, policies, and procedures for identifying, monitoring, and reacting to toxic environment hazards.

Ability to interpret and evaluate rules, regulations, policies, and procedures as they certain to toxicological hazards.

Ability to develop sampling methods and procedures for

hazardous waste monitoring systems.

Ability to prepare and deliver training courses on proper procedures and equipment for entry into confined areas.

ENVIRONMENTAL CHEMIST 2 (CONTD)

Ability to train regional personnel and county health staff in the areas of toxic chemical control, pollution incident preventions, sampling methods, and monitoring systems.

Ability to evaluate hazardous waste proposals for the disposal of industrial residues and hazardous waste for their effect on the environment and to recommend approval or disapproval.

Ability to evaluate hazardous waste proposals from industry for compliance with reuses and regulations concerning hazardous waste storage or treatment systems.

Ability to perform chemical tests and analyses on a variety of substances and materials quickly and accurately in emergency situations.

Ability to read and understand engineering plans, drawings, and specifications for the use, storage, and handling of hazardous or toxic chemicals.

Ability to conduct surveys of industrial or hazardous waste practices in industry and of industrial wastes to determine types and volume being generated.

Ability to interpret and evaluate laboratory reports and findings.

Ability to establish and maintain effective working relationships with Federal, state, and municipal officials, co-workers, and the public.

MINIMUM EXPERIENCE AND TRAINING: Two years of experience as an Environmental Chemist 1;

or

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Eight years of professional chemical analytical experience which included analyzing a wide variety of chemicals and interpreting the analysis;

or

Any equivalent combination of experience and training.

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CLERK TYPIST 2

DEFINITION: This is moderately complex clerical work involving the typing and processing of documents in a variety of functions.

An employee in this class performs clerical work of moderate complexity which requires the utilization of typing skills and the processing of a variety of documents which include the verification of information, performing arithmetic calculations, coding, and assisting the public in completing governmental forms. Work involves the skilled typing of correspondence, reports, transaction, and transmittals, and similar documents as part of the clerical documents processing of an office or functional activity. Work may involve the skilled utilization of specialized equipment such as magnetic and mass storage typewriters, computer scopes, or similar equipment where the input is through a typewriter console. Work involves the responsibility for a significant aspect of a work process, an involved single office activity which is production or control oriented, or other multiple activities which are comparable in scope and complexity. Work may involve providing secretarial services to one or more individuals in those cases where management has determined that shorthand skills are not required. Work may involve providing training and guidance to new employees and fulfilling a lead worker role for routine clerical operations. Work is subject to periodic changes in operating procedures and requires some adaptability to shifts in work schedule. Employees work with considerable independence within standard operating procedures, however, detailed supervisory guidance and review is received for new or unusual situations and changes in operating procedures and policies.

EXAMPLES OF WORK: Types letters, reports, contracts, transactions, transmittals, vouchers, itinerary, and agenda on a typewriter console from handwritten draft, dictated sources, or original source documents into draft or final form.

Reads correspondence in order to become familiarized with contents and determines what procedures to pursue in providing the correct information which is in accordance with any applicable administrative and legal constraints; types responding correspondence in appropriate format; and proofreads response for grammatical format and substance prior to mailing.

Proofreads varying types of materials to insure that information is grammatically correct, complete, consistent, and adheres to agency rules and regulations.

Types documents to purchase books, supplies, equipment, services, etc. by referring to catalogues, state contract and other sources to obtain prices, specifications, and related information.

Organizes and types materials and sets up formats and layouts for printing booklets, pamphlets, etc. for submission to a publisher or a computer center.

Functions as a lead worker by distributing and interpreting work assignments, providing assistance, conducting on-the-job training, and reviewing the work of the unit for adherence to processing standards.

Answers written inquiries relating to the status of certain aspects of an organization's functions.

Determines supply needs for the mail room and prepares the supply requisitions.

Insures mail is processed in the most efficient and expeditious manner. Initiates tracers through the U.S.

Postal Service on lost mail or parcel post.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of English grammar, spelling, and punctuation at a level equivalent to that used in writing or adjusting written materials normally consisting of simple sentence structures, one and two syllable words, and punctuation marks for word, number, and sentence separation.

Knowledge of the required care and maintenance of a typewriter.

Knowledge of standard office procedures, practices, conduct, and actions necessary in maintaining harmonious working relationships.

Knowledge of techniques applied in using the English dictionary.

Knowledge of the types, organization, and use of standard office files, logs, forms, and letter, formats.

*Knowledge of intermediate arithmetic which involves calculations similar to adding and subtracting common fractions; and multiplying and dividing by two or more digits, whole numbers, or decimal multipliers and divisors.

Skill in using a typewriter console at a minimum speed rate of 40 words per minute.

Ability to learn the use of specialized typewriters.

Ability to learn the use of a magnetic transcriber.

Ability to understand and follow oral and written instructions which explain multifaceted procedures.

Ability to perform within processing procedures which involve an understanding of multiple aspects and application of varied standards.

Ability to proofread information for conformance with a prescribed pattern or form, to assure the adherence to clerical office methods, or for compliance with specific administrative or procedural rules.

Ability to transfer information and present it in a modified form according to rules and procedures.

Ability to collect and organize material for reports by determining what available information should be included and presenting the information in a prescribe organized format.

Ability to compose straightforward informational correspondence such as transmittals or acknowledgements in reply to request or questions on the work process or related information.

Ability to perform basic arithmetic calculations such as the adding and subtracting of whole numbers and decimals; and multiplying and dividing by one digit whole number or decimal multipliers and divisors.

Ability to instruct and advise clerical employes on the methods and procedures used in the work area.

Ability to organize work and develop effective work methods in an area which involves variable phases

of different techniques and procedures.

Ability to make duty oriented decisions on the basis of well defined standards and precedents.

Ability to operate office and mail processing machines such as the adding machine, photo-copier, postage meter, and addressograph; and instruct others on their use.

*Special selection criteria based upon the nature of the position.

MINIMUM EXPERIENCE AND TRAINING: Six months as a Clerk Typist 1 and educational development to the level of eighth grade;

or

Completion of high school business curriculum which included at least one typing course;

or

Any combination of equivalent experience and training.

06/76 00230

CLERK TYPIST 3

DEFINITION: This is complex clerical work involving the typing and processing of documents in a variety of functions.

An employee in this class performs complex clerical work which requires the utilization of typing skills and the application of independent judgement. Work involves the skilled typing of a variety of letters, reports, contracts, transmittals, vouchers, and agenda in draft and final form and includes responsibility for the format and grammatical accuracy of the material typed. Work involves the responsibility for all aspects of a clerical typing process in an assigned geographic subdivision of functional area such as licensing, taxing, invoicing, or auditing; or the performance of complicated office activities which are control oriented. Work may involve providing secretarial services to one or more individuals in those cases where management has determined that shorthand skills are not required. Work includes all clerical aspects of a complicated work process or activity made up of unpredictable and random input, making choices between different procedures to be followed, and the appropriateness of the information presented for further processing. Work may involve the skilled utilization of specialized equipment such as magnetic and mass storage typewriters, computer scopes, typesetting machines, or similar equipment where the input is through a typewriter console. Work may involve providing training and guidance to new employees and functioning as a lead worker for moderately complex clerical typing operations. Work normally involves making independent decisions concerning the process to be followed, the appropriateness of the information to be processed, and the actions taken. Work schedules and priorities are subject to shifts due to external influences, time frame constraints, or self-imposed priority changes. Work is performed with considerable independence and little review, however, changes in operational standards, procedures, and work policies are discussed in detail with the supervisor prior to implementation.

CHARACTERISTIC WORK ASSIGNMENTS: Types letters, reports, contracts, transmittals, vouchers, itinerary, and agenda on a typewriter console from handwritten draft, dictated sources, or original source documents into draft or final form.

Reads correspondence in order to become familiarized with contents and determines what procedures to pursue in providing the correct information which is in accordance with any applicable administrative and legal constraints; and types or directs the typing of responding correspondence.

Proofreads varying types of materials to insure that information is grammatically correct, complete, consistent, and adheres to agency rules and regulations.

Prepares and types documents to purchase books, supplies, equipment, services, etc. by referring to catalogues, state contracts, and other sources to obtain prices, specifications, and related information.

Organizes and sets up formats and layouts for printing booklets, pamphlets, etc. for submission to a publishers or a computer center.

Prepares monthly accomplishment such as project name, bid awards, costs, anticipated completion dates, and stages of completion.

Functions as a lead worker by distributing and interpreting work assignments, providing assistance, conducting on-the-job training, and reviewing the work of the unit for adherence to processing standards.

Answers written inquiries relating to the status of certain aspects of an organization's functions.

Gathers information by reading publications and extracting applicable material.

Determines supply needs for the mail room and prepares the supply requisitions.

Insures that mail delivery schedules are punctual and mail is processed in the most efficient and expeditious manner.

Initiates tracers through the U.S. Postal Service on lost mail or parcel post.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of English grammar, spelling, and punctuation at a level equivalent to that used in writing or adjusting written materials normally consisting of complex sentence structures; one, two, and three syllable words; and punctuation marks for word, number, sentence, phrase, and clause separation.

*Knowledge of the specialized office procedures and practices which relate to the work process.

Knowledge of standard office procedures, practices, conduct, and actions necessary in maintaining harmonious working relationships.

Knowledge of the techniques applied in using the English dictionary and referencing technical journals or code books.

Knowledge of the types, organization, and use of various kinds of office files that are organized according to multiple indexing methods; and logs, forms, and letter formats used in consolidating information from numerous sources.

*Knowledge of advanced arithmetic which involves calculations similar to adding, subtracting, multiplying, and dividing mixed numbers or complex fractions, conversions of fractions into decimal or percent form, and the use of variable formulas that are selected on a situation or problem basis.

Knowledge of the care and maintenance of a typewriter.

Skill in using a typewriter console at a minimum speed rate of 40 words per minute.

Ability to learn the uses and care of specialized typewriter console equipment including mass storage typewriters and computer input consoles.

Ability to understand and follow oral and written instructions which explain the work objectives and general guidelines that require independent decision making on the most appropriate procedures to be followed in varied courses of action.

Ability to make independent determinations on the best possible resolution to processing problems.

Ability to develop and set up clerical procedures for the process or office activities performed.

Ability to assemble, organize, and present status information from various source materials concerning the operation of a process or office activities.

Ability to proofread varying types of information for conformance with a prescribed pattern or form, to assure the adherence to instructions and clerical office procedures, to maintain consistency of thought and requirements, and for compliance with specific administrative or procedural rules.

Ability to transfer information from formats which occur in random order and present a modified form according to rules and procedures.

Ability to organize work in a manner which insures smooth processing and accomplishment of priority items on schedule.

Ability to use discretion and judgment in dispensing information which may be susceptible to misunderstanding or misuse.

Ability to instruct and advise clerical employees on the methods and procedures used in a process.

Ability to collect and organize material for reports by determining the information sources, appropriate information, and form of presentation.

Ability to compose correspondence of inquiry or explanation relating to a problem, request, or program need by surveying the nature of the item and determining the course of action to execute the presentation.

Ability to maintain cost, financial tax, or disbursement records and statements that do not involve the use of standard accounting principles by posting, entering, transferring, adjusting, and balancing numerous accounts in the control process.

Ability to perform intermediate arithmetic calculations such as the adding subtracting of whole numbers and decimals; and multiplying and dividing by two or more digit whole number or decimal multipliers and divisors.

Ability to operate office and mail processing machines such as the adding machine, photo-copier, postage meter, and addressograph; and instruct others in their use.

*Special selection criteria based upon the nature of the position.

MINIMUM EXPERIENCE AND TRAINING: Six months as a Clerk Typist 2, and educational development to the level of completion of high school;

or

One year of progressively complex clerical typing experience and completion of high school;

or

Six months of moderately complex clerical typing work and completion of a post high school business curriculum;

or

Any equivalent experience and/or training which provided the required knowledges, skills, and abilities.

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ADMINISTRATIVE ASSISTANT 1

DEFINITION: This is beginning level staff work performing varied assignments for an administrative superior.

An employee in this class is responsible for performing a variety of administrative staff assignments, which include analyzing administrative or staff operations and procedures, developing and recommending work standards and procedures, conducting research and studies, preparing reports of findings and recommendations, and performing occasional public relations and liaison duties. Assignments usually require familiarity with the functions of the agency in which the incumbent is employed, but accomplish a specific technical field is not required. Since all positions in this class involve a staff relationship to an administrator, supervision over other employees is not normally exercised. Assignments are carried out under the supervision of the administrator, and work is reviewed through conferences, reports, and evaluation of results.

EXAMPLES OF WORK: Studies and analyzes operational procedures; prepares detailed and comprehensive reports of findings and recommendations.

Carries out various administrative research assignments; conducts research and studies in connection with the development and evaluation of agency programs.

Performs occasional public relations duties; assists in the preparation of news releases and speeches.

Reviews and replies to routine correspondence; disposes of other administrative details as directed.

Assists administrative superiors in establishing and maintaining cooperative working relationships with other governmental agencies.

Assists in the preparation of budget estimates and other fiscal and statistical reports.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Some knowledge of the principles and practices of public administration.

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Some knowledge of the principles of governmental accounting, statistics, and public personnel administration.

ADMINISTRATIVE ASSISTANT 1 (CONTD)

Some knowledge of the sources of information, methods, and techniques used in administrative research.

Ability to carry out with some supervision staff assignments requiring the organization of material and development of procedures.

Ability to conduct studies and analyzes contributing to the development of sound operational procedures.

Ability to speak and write effectively.

Ability to establish and maintain effective working relationships with administrative officials, other employees, and the general public.

MINIMUM EXPERIENCE AND TRAINING: Such training as any have been gained through graduation from a four year college or university or any equivalent combination of experience and training.

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ADMINISTRATIVE ASSISTANT 2

DEFINITION: This is staff work performing varied assignments as an assistant to an administrative officer.

An employee in this class is responsible for performing a wide variety of staff assignments, many of which have a significant effect upon departmental policy. Work includes analyzing administrative operations, developing and installing work standards and procedures, conducting independent research, preparing detailed and comprehensive reports of findings and recommendations, and performing various public relations and liaison duties. Assignments usually require familiarity with functions of the department in which an incumbent is employed, but accomplishment in a specific technical field is not expected. Since all positions in this class involve a staff relationship to an administrator, supervision is not normally exercised over their employees. Assignments are carried out with considerable initiative and independence, but work is reviewed through conferences, and evaluation of results obtained.

EXAMPLES OF WORK PERFORMED: Studies and analyzes operational procedures; prepares detailed and comprehensive reports of findings and recommendations; assists in developing departmental programs and policies; maintains records and fields of reports and studies.

Performs varied public relations duties; prepares new releases and writes and delivers speeches; meets with community groups to explain state programs and engender public interest and participation.

Supervises a small clerical or stenographic staff; reviews and replies to correspondence; dispose of other administrative details as directed.

Provides staff assistance to an administrative board or commission; prepares agendas, maintains records, and supervises a small clerical force; prepares reports or edits orders for a state regulatory commission.

Establishes and maintains cooperative working relationships with other governmental agencies; represents an administrative superior in contact with the public.

Prepares budget estimates and various other fiscal and statistical

reports.

Performs related work as required.

ADMINISTRATIVE ASSISTANT 2 (CONTD)

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the principles and practices of public administration.

Some Knowledge of the principles of governmental accounting, statistics, and public personnel administration.

Ability to carry out staff assignments requiring the organization of material and development of procedures without direct supervision.

Ability to develop sound operational procedures on the basis of studies and analyzes.

Ability to speak and write effectively.

Ability to establish and maintain effective working relationships with administrative officials, civil groups, and the general public.

MINIMUM EXPERIENCE AND TRAINING: One year of experience as a staff assistant to an administrative officer or as a technician in a staff service of a large organization; such training as may have been gained through graduation from a four year college or university;

or

Any equivalent combination of experience and training.

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ADMINISTRATIVE OFFICER 2

DEFINITION: This is responsible administrative work performing the full range of management functions for an organizational unit or agency or directing program operations characterized by established procedures requiring the integration of several complex processing operations.

An employee in this class is accountable for the completion of the activities of purchasing, budgeting, fleet management, accounting, personnel administration and management methods. Employees in this class may perform these functions for a complex organizational unit or a field office such as a district office in the Department of Health or the Department of Environmental Resources. Work may involve the supervision of technical and clerical employees to accomplish objectives. Positions in this class may direct portions of agency programs in those areas requiring the supervision of a support staff and where the methods of achieving objectives are not of a nature requiring specific program skills or training. Employees are expected to be technically skilled in one or more of the administrative fields and to develop a familiarity with the technical terminology, principles, and objectives of the program in which they work. Work includes reviewing, analyzing, and developing program policies and operating procedures. Initiative and independent judgment are exercised within a broad framework of existing laws and policies. Performance is reviewed by a professional or administrative superior for effectiveness of program activities.

EXAMPLES OF WORK: Directs a departmental program with primarily singular objectives, or assists in directing a larger program with more varied activities.

Plans, organizes, assigns, and evaluates the work of a technical and clerical staff engaged in enforcing state regulations or facilitative services.

Directs and coordinates staff services such as office management, purchasing accounting, records management, budgeting, and personnel administration for a large departmental program or regional office.

Reviews, analyzes, and develops program policies and operating procedures.

Conducts meetings and correspondence, prepares reports, and speaks

publicly to gather or give information, resolve complaints, eliminate program barriers, and engender support for program objectives.

ADMINISTRATIVE OFFICER 2 (CONTD)

Directs office management services for a moderate-sized department, including such activities as purchasing and storekeeping, duplicating, graphic arts, automotive maintenance, lease negotiation, property control, and procurement of custodial contractual, security, building renovation, and other service.

Performs related work as required.

REQUIRED KNOWLEDGES, SKILLS, AND ABILITIES: Knowledge of the principles and practices of public administration.

Knowledge of modern office management methods.

Knowledge of the principles and practices of governmental accounting statistics and public personnel administration.

Ability to plan, organize, and direct the work of others.

Ability to gather, assemble, correlate, and analyze facts and devise solutions to administrative problems.

Ability to comprehend program goals, objectives, and operations, and to relate these to administrative analysis.

Ability to develop, install, and evaluate administrative policies and procedures.

Ability to exercise judgment and discretion in applying and interpreting departmental policies and procedures.

Ability to establish and maintain effective working relationships with other administrative officials and the public.

Ability to express ideas clearly and concisely, orally and in writing.

MINIMUM EXPERIENCE AND TRAINING: One year as an Administrative Officer 1.

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or

Three years of experience in progressively responsible and varied office management or staff work, including experience in personnel management, budgeting, or procurement; and a bachelor's degree;

or

Any equivalent combination of experience and training.

APPENDIX J
Policy for Development, Approval and
Distribution of Regulations

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF POLICY AND COMMUNICATIONS

POLICY OFFICE

DOCUMENT NUMBER: 012-0820-001

TITLE: POLICY FOR DEVELOPMENT, APPROVAL AND DISTRIBUTION OF REGULATIONS

AUTHORITY: Administrative Code, Regulatory Review Act, Commonwealth Documents Law, and Commonwealth Attorneys Act

POLICY: The Department of Environmental Protection (DEP) will follow a departmentwide, standard process for developing, approving and distributing regulations.

PURPOSE: To establish standards for the content of regulations and create a uniform process for developing, approving, and distributing these documents, consistent with Executive Order 1996-1.

APPLICABILITY:

This policy applies to development, approval and dissemination of proposed and final regulations.

DISCLAIMER:

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. The policies and procedures merely announce the policy that DEP intends to apply in the future development and approval of its regulations. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH:

57 pages, including attachments

LOCATION: Volume 1, Tab 2I. PROCEDURES FOR DEVELOPMENT, APPROVAL AND DISTRIBUTION OF REGULATIONS

The procedures for developing, approving, and distributing regulations are categorized as follows:

1) Development and Approval of Proposed Rulemakings - This step begins with requesting the Secretary's approval to initiate development of a regulation. It also includes preparing a proposed

rulemaking package, obtaining necessary reviews and approvals within established timeframes, publication and public review of the proposed rulemaking.

2) Advance Notice of Proposed Rulemaking (ANPR) Procedure - This is an optional procedure established for DEP to solicit comments on draft regulations prior to presenting a proposed rulemaking to the Environmental Quality Board (EQB). Secretary's approval to use this procedure may be sought when input from a specific regulated community is needed to provide direction in drafting new regulatory requirements, providing that a relevant advisory committee does not exist or does not have that specific representation. Comments DEP receives on draft regulations as a result of publishing an ANPR are summarized in the preamble and submitted to the EQB as part of the proposed rulemaking.

3) Development and Approval of Final Rulemakings - This step begins with scheduling a final rulemaking for EQB consideration. It includes preparing a final rulemaking package, obtaining necessary reviews and approvals within established timeframes, and publication of the final rulemaking.

4) Advance Notice of Final Rulemaking (ANFR) Procedure - This optional procedure was established to solicit comments on draft final regulations prior to presenting a final rulemaking to the EQB. Secretary's approval to use this procedure is recommended when significant changes are made to a proposed rulemaking. Comments DEP receives on draft final regulations as a result of publishing an ANFR are summarized in the preamble and submitted to the EQB as part of the final rulemaking.

5) Procedure for Distribution of Regulations - This section includes timeframes for mailing regulations to the EQB. It also summarizes the content of regulatory packages and explains the regulatory documents that are available for distribution to the public.

Appendix A provides detailed instructions on the above procedures.

II. CONTENT OF REGULATIONS

Governor Tom Ridge signed Executive Order 1996-1 (Regulatory Review and Promulgation) on February 6 establishing new procedures for the development and public review of agency regulations and policies. The Executive Order requires agencies to evaluate all newly proposed and existing regulations to assure that they are consistent with

the following principles:

- Regulations shall address a compelling public interest.
- Costs of regulations shall not outweigh their benefits.
- Regulations shall be written in clear, concise and, when possible, nontechnical language.
- Regulations shall address definable public health, safety, or environmental risks.
- Where federal regulations exist, Pennsylvania's regulations shall not exceed federal standards unless justified by a compelling and articulable Pennsylvania interest or required by state law.

- Compliance shall be the goal of all regulations.
- Where viable nonregulatory alternatives exist, they shall be preferred over regulations.
- Regulations shall be drafted and promulgated with early and meaningful input from the regulated community.
- Regulations shall not hamper Pennsylvania's ability to compete effectively with other states.
- All agency heads shall be held directly accountable for regulations promulgated by their respective agencies.

Accordingly, regulations shall be developed to comply with Executive Order 1996-1 with the following key principles in mind:

1) Conformance with State Statutes

Regulations should explain but not enlarge the scope of statutory provisions. Program counsel should be involved in the development of regulations to ensure conformity.

2) No More Stringent than Federal Requirements

a) As a general rule, DEP will not promulgate regulations which contain standards, procedures, or other requirements more stringent than imposed by federal law unless authorized by state law and determined to be needed to address a problem of state concern.

b) If DEP proposes to adopt or amend any rules or regulations containing standards or requirements more stringent than imposed by federal law, DEP shall, in addition to all requirements imposed by existing law and regulation, make available and include as part of the preamble to the proposed and final rulemaking the following:

i) a statement describing the standards or requirements which exceed the requirements imposed by federal law and the basis for those requirements in state law;

ii) the appropriate citations to the federal law or regulations;

iii) an analysis comparing the state requirements to the federal requirements;

iv) a discussion of the policy or technical reasons for imposing a regulation which exceeds the federal requirements;

v) an economic analysis of DEP's decision to impose the stricter requirements and a determination that the state standard or requirement to be imposed is achievable under current or reasonably available technology expected to be available, notwithstanding the federal government's determination that lesser requirements are appropriate; and

vi) a statement of how DEP will involve and inform the public of the purpose, requirements, costs, and consequences of adoption of the regulation.

3) Economic Impacts

- a) Regulations should be proposed only when the need for and economic consequences of any proposal are evaluated. Regulatory strategies should be designed to achieve the desired goal at the lowest possible cost. The costs of the regulation shall not outweigh the benefits.
- b) Regulations should be drafted in a manner which does not diminish Pennsylvania's competitive economic advantage while still achieving their objectives. Furthermore, performance standards are generally to be preferred to engineering or design standards because performance standards provide the regulated parties the flexibility to achieve the regulatory objective in a more cost-effective way.
- c) Regulations should be drafted in a manner which minimizes the impact on individuals, businesses, and local government. In instances where there are important or significant distributional consequences, careful consideration will be given to alternatives such as tax and transfer policies with substantial opportunity given for public input. Generally, where viable nonregulatory alternatives exist, they shall be preferred over regulation.
- d) Regulations should be generally adopted to maximize monetary benefits. However, benefits that cannot be monetized, such as an increase in the rate of introducing more productive new technology or a decrease in the risk of extinction of endangered species, should also be presented and explained. Care should be taken to assure that quantitative factors do not dominate important qualitative factors in decisionmaking.
- e) Regulations should be drafted so as to reduce paperwork, minimize administrative burdens, and save time for both the regulated community and agency staff.

4) Compliance Assistance

- a) Compliance shall be the goal of all regulations.
- b) DEP shall identify regulations early in the development process which affect small businesses, local governments and individuals directly. Because they present a greater need for compliance assistance, DEP shall develop compliance assistance programs to help them.
- c) Each preamble shall contain a summary of the compliance assistance plan addressing possible types of financial assistance, as well as technical and educational assistance. Educational and informational materials on the new regulation should clearly identify new regulatory requirements.

5) Pollution Prevention

Regulations should help promote the use of pollution prevention technologies and procedures.

6) Performance or Outcome Oriented

To the extent possible, regulations should focus on achieving the desired level of environmental performance. Maximum flexibility to achieve the desired outcome should be encouraged rather than prescribing specific technologies or equipment.

7) Necessity

Regulations shall address definable public health, safety or environmental risks. Regulations should be current and needed to implement current laws. Regulatory preambles should describe in nontechnical terms the compelling public need the regulation is designed to address. Each proposal shall contain a provision which clearly describes how the agency will identify the environmental objective to be achieved and measure whether the rule is achieving the desired result.

8) Clarity of Regulations

- a) Regulations should be drafted in clear, concise and, when possible, nontechnical language.
- b) Each proposed and final rulemaking preamble should explain in nontechnical terms the purpose of the regulation, what is required, and who it affects.
- c) DEP should avoid promulgating regulations that are inconsistent and incompatible with its other regulations or those of the federal government.
- d) DEP should draft its regulations with the goal of minimizing the potential for uncertainty and misinterpretation.
- e) Regulations should not be duplicative of other regulations.

9) Green Technologies

Regulations should promote the utilization of new, less costly methods and technologies that will maintain or improve environmental quality. Regulations should provide the flexibility for expedited reviews to provide incentives for using these technologies.

10) Public Participation

- a) Regulations should be drafted in accordance with DEP's public participation policy.
- b) Regulations should be drafted with early and meaningful input from affected interests, through use of DEP advisory committees, or use of regulatory negotiation or other participatory techniques to develop regulations. Draft regulations should be submitted to advisory committees in advance of EQB consideration. Regulations which are submitted to the EQB should include the advisory committee's report or recommendations.
- c) DEP shall publish a regulatory agenda every six months which describes the regulations being developed, when advisory committee review is anticipated, the proposed date for EQB consideration, the need and legal basis for the action being taken, and the status of regulations previously listed on the agenda.

11) Sunset Review

The Department will publish an annual sunset schedule in the *Pennsylvania Bulletin*. This schedule will contain the *Pennsylvania Code* chapters which will undergo a sunset review to determine whether

the regulation effectively fulfills the goals for which it was intended. Bureau Directors shall provide a list of the chapters proposed for amendment in the coming year to the Secretary, through the Deputy Secretary, Regulatory Coordinator, and Executive Deputy Secretary for Policy and Communications, by December 1 of each year. Following approval by the Secretary, this list will be published in the *Pennsylvania Bulletin* the first Saturday in January.

III. ELECTRONIC ACCESSIBILITY

To facilitate public access and review of proposed and final rulemakings, all regulations should be prepared electronically. Microsoft (MS) Word is the only acceptable format for facilitating revisions, transmitting to the Legislative Reference Bureau for *Pennsylvania Bulletin* publication, and posting to the Web site. Documents prepared in other electronic formats must be converted to MS Word and "cleaned up" before being submitted to the Policy Office. Regulations can be prepared on a personal computer in the program area or in Document Processing as long as an MS Word electronic copy exists as a template for potential changes. The electronic copy should be retained in a place where the program area personnel can access it easily, and saved until the regulation appears in the *Pennsylvania Code*.

When paper copies of regulations are submitted to the Policy Office, an electronic version of the preamble and annex of the regulation, and comment and response document for final regulations, must accompany it. The following conventions are to apply:

The preamble, annex and comment and response document for final regulations may be saved separately or as one file;

The documents are to be saved to 3 1/2" diskettes;

The documents are to be identical to the text of the paper copy of the regulation;

When changes are made to the regulation, an updated diskette is to be generated for the Policy Office;

If superscripts or subscripts are part of the text, indicate on the diskette label those documents containing these attributes so they will be maintained when posted to the Web site.

APPENDIX A

PROCEDURES FOR DEVELOPMENT, APPROVAL AND

DISTRIBUTION OF REGULATIONS

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I. PROCEDURE FOR DEVELOPMENT AND APPROVAL OF PROPOSED RULEMAKINGS

1) Requesting Secretary's Approval to Begin Development of a Regulation

DEP may prepare a proposed rulemaking for several different reasons--to respond to a recently enacted state or federal law, to update existing regulations to conform to state or federal regulations, to clarify an existing regulation, or to respond to a rulemaking petition submitted to the EQB. All rulemakings must address a compelling public interest. The steps in developing a proposed rulemaking are described below.

Before initiating the development of any departmental regulation, the Bureau Director and the Deputy Secretary must receive prior written approval from the Secretary. The Bureau Director must submit a written request to the Secretary, through the Deputy Secretary and the Regulatory Coordinator, requesting approval to begin development of a regulation. Copies should be sent to the Deputy Secretary for Policy and Communications, Deputy Secretary for Field Operations and the Chief Counsel. This request must be submitted to the Secretary prior to drafting the proposed regulation. Under no circumstances should program staff begin development of a regulation without the Secretary's approval. The memo must address questions pertaining to the proposed schedule, summary, need for additional staff, impact on regulated community, compliance information, and advisory committee involvement. The request should include the information contained in Attachment 1. The purpose of requesting this information is to provide the Secretary and the Deputy Secretary with an advance notice of the proposal prior to drafting the regulation.

This written request is not required for those regulations which were included on the list of regulations to be developed as part of the Regulatory Basics Initiative. These regulations appear on the DEP Regulatory Schedule in the Regulatory Status Report.

Following approval of the request by the Secretary, the Regulatory Coordinator will notify the Bureau Director of the approval, with copies to the Deputy Secretary, the Deputy Secretary for Field Operations, the Chief Counsel, and program and legal staff. The proposal will be added to the regulatory calendar in the monthly Regulatory Status Report and the six-month regulatory agenda. The six-month agenda is prepared and published semiannually in February and July. The Policy Office will be responsible for publicizing the intent to develop any regulation.

2) Preparing a Proposed Rulemaking Package

Following the Secretary's approval to begin development of a regulation, program staff should draft a proposed rulemaking package as explained in this section with the assistance of the Bureau of Regulatory Counsel program attorney. Using the team approach in the development of regulations is strongly encouraged. Appropriate program, legal and policy staff should be involved early in the

development of regulations so that no office sees a proposal for the first time as it goes through senior management review. This early involvement will minimize review time, particularly for legal and policy staff. This procedure will ensure that all appropriate senior management reviews of regulations are completed before the proposed rulemaking is submitted to the EQB. The appropriate advisory committee must be consulted in the development of the regulation. Drafts of the proposed regulation must be reviewed by the advisory committee. The advisory committee's report must be attached to the proposed rulemaking when it is submitted to the Policy Office.

A proposed rulemaking package should consist of the following documents which are described in detail below:

a) Cover Memorandum - The cover memorandum serves as the official sign-off document for the proposed rulemaking to ensure that all senior management approvals are obtained before submittal to the Secretary. The cover memorandum should include the information and follow the form outlined in Attachment 2.

b) Executive Summary - A one- or two-page summary of the regulatory proposal prepared for the members of the EQB which identifies:

i) Title of the regulation.

ii) New regulation or amendment?

iii) Summary of the proposal.

iv) Purpose of the proposal.

v) Who will be affected by this regulation?

vi) If an advisory group was involved in the development of the regulation, describe its role. When did it meet to review the draft regulation? What comments were offered? (Attach the advisory committee report, recommendations or minutes.)

vii) If there is a deadline for adoption of the regulation, explain the mandated deadline.

viii) What is the length of the recommended public comment period? If public meetings or hearings are recommended, how many should be scheduled?

c) Preamble - The preamble is published in the *Pennsylvania Bulletin* as an explanation and justification for the regulation. The preamble should be used by DEP to present the best possible case for a regulation. The preamble must describe in nontechnical terms the compelling public need the regulation is designed to address.

i) Effective Date.

ii) Contact Persons.

- iii) Statutory Authority.
- iv) Background and Purpose.
- v) Summary of Regulatory Requirements.
- vi) Benefits, Costs and Compliance. (Guidelines for completing this section are included as Attachment 11.)
- vii) Pollution Prevention (if applicable).
- viii) Sunset Review.
- ix) Regulatory Review.
- x) Public Comments.
- xi) Public Hearings (if appropriate).

The format for a preamble, including boiler plate language, is contained in Attachment 3.

d) Annex A - Regulation - This is the actual text of the proposed regulation showing additions (capitalized and underlined) and deletions (bracketed). The text of the regulation is printed in the *Pennsylvania Bulletin* as Annex A. Program staff must use current *Pennsylvania Code* text as the basis when drafting proposed regulations. This text is available electronically from the Regulatory Coordinator. It is important to include as much regulatory text in Annex A as necessary to provide the EQB members with a clear understanding of the amendments. This may include "lead-ins" to incomplete sentences or sections that are not being proposed for change. Text that is not being amended will not be published in the *Pennsylvania Bulletin*. Please refer to the guidelines in Attachment 4 for the correct format of Annex A.

e) Regulatory Analysis Form - This form includes 31 questions about the proposal and is included as Attachment 5. The form is not submitted to the EQB but is used by the IRRC, the Standing Committees, the Office of General Counsel, the Governor's Policy Office and the Governor's Budget Office during their review of the regulation. This form is available electronically from the Regulatory Coordinator.

f) Fee Report Form - (required only when a regulation establishes or revises a fee charged by the Commonwealth). The fee report form is used to justify new or revised fees. This form, including instructions, is included as Attachment 6.

3) Obtaining Deputy Secretary Approval and Submitting the Proposed Rulemaking to the Policy Office by the Deadline Established in the Regulatory Status Report

The deadlines for submitting regulations to the Policy Office, with approval from the Deputy Secretary, are contained in the monthly Regulatory Status Report. Three copies (one original and two copies) of the regulatory package must be received by the Policy Office, signed by the Deputy Secretary, by the deadline to be included on the agenda for the EQB meeting. Deadlines must be met

in order to provide the Policy Office, the Office of Chief Counsel, the Executive Deputy Secretary, the Governor's Office of General Counsel, the Governor's Policy Office, and the Governor's Budget Office with sufficient time to review the regulation.

Additional time is also incorporated into this review period to copy and mail regulatory packages to the EQB members. The packages are mailed to EQB members and alternates two weeks prior to the EQB meeting.

Submission deadlines are nine weeks prior to the EQB meeting and provide the following review times:

Policy Office and Executive Deputy Secretary 2 weeks

Chief Counsel 2 weeks

Governor's Office of General Counsel,

Governor's Policy Office and Governor's Budget Office 2 weeks

Corrections and Copying 1 week

EQB Mailing 2 weeks

If a deadline is missed, the Bureau Director must immediately submit a request to the Regulatory Coordinator, through the Deputy Secretary, to reschedule the regulation.

If a regulation is the result of a petition, the regulatory package must be submitted one month prior to the deadline, since the EQB's policy for processing petitions requires DEP to submit its evaluation of the petition to the petitioner with an opportunity to comment within 30 days. For example, if a regulation contains a proposed stream redesignation as a result of a petition and the regulation is scheduled for the June EQB meeting, the deadline for the May EQB meeting would be applicable.

4) Review by the Policy Office

The Policy Office reviews the proposed regulations for completeness, format, and substance. If significant changes are necessary, the regulatory package is returned to the Bureau Director for revisions and is rescheduled for the following month's meeting to allow time for revisions. If no revisions or minor revisions are made by the Policy Office, the review process continues and the regulatory package is forwarded to the Office of Chief Counsel. Programs are encouraged to forward drafts of proposed rulemakings to the Regulatory Coordinator prior to the deadline for review to avoid delays in the event significant changes are necessary.

5) Review by the Office of Chief Counsel

The Office of Chief Counsel has a two-week period within which to review, approve, and return the regulation package to the Policy Office. The regulation must be approved by the Chief Counsel following any necessary revisions to the regulatory package as a result of the legal review. The regulatory package, when returned to the Policy Office, must be accompanied by a legal and policy memo to the Deputy General Counsel, Office of General Counsel, outlining any legal or policy issues

surrounding the regulation.

6) Review by the Governor's Office of General Counsel, the Governor's Policy Office and the Governor's Budget Office

When the regulation is approved by the Office of Chief Counsel and the Executive Deputy Secretary, the Policy Office forwards the proposed rulemaking package to the Office of General Counsel, the Governor's Policy

Office and the Governor's Budget Office for preliminary review. These oversight agencies may contact the Policy Office to seek clarification or request changes. The Policy Office will work with program and legal staff to resolve any concerns. The Bureau of Regulatory Counsel must respond to legal concerns raised by the Office of General Counsel. The Office of General Counsel will notify the Policy Office when preliminary approval of the proposed rulemaking is obtained. The Office of General Counsel will grant formal approval following EQB action.

7) Approval by the Secretary

Following the Office of Chief Counsel's review and during review by the oversight agencies, the Policy Office forwards the signed regulatory package to the Secretary and schedules a briefing on the items scheduled for the upcoming EQB meeting. The Deputy Secretary must brief the Secretary on the regulation, highlighting any new requirements which may be controversial.

8) Review by the Environmental Quality Board

The EQB meets the third Tuesday of each month when there are a sufficient number of agenda items to consider. Regulatory packages are mailed to the EQB members and alternates two weeks prior to each meeting. The Deputy Secretary presents the proposed rulemaking to the EQB with the assistance of the Bureau Director and program counsel and responds to any concerns EQB members may have. The EQB takes formal action on each rulemaking. The length of the public comment period and any public meetings and/or hearings are incorporated into approval motions for each rulemaking considered.

9) Review by the Office of Attorney General

After the EQB approves a proposed regulation, the Policy Office forwards the regulation to the Office of General Counsel for formal approval, which, in turn, forwards the regulation to the Office of Attorney General. The Office of Attorney General must issue an opinion as to form and legality of the regulation within 30 days or the regulation is deemed approved. If the Office of Attorney General finds that the regulation is outside the promulgating agency's statutory authority, or is otherwise not in conformity with law, it conveys its concerns to the Office of General Counsel within the 30-day review period in a tolling memo. Issuance of a tolling memo suspends the 30-day review period until the Department satisfactorily responds to the concerns. The Policy Office coordinates the response to a tolling memo with the Bureau of Regulatory Counsel.

10) Publication and Public Comment

a) Publication in the *Pennsylvania Bulletin* - Following approval by the Office of Attorney General, the Policy Office submits the proposed rulemaking to the Standing Committees and Independent

Regulatory Review Commission (IRRC), and to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

b) Public Comment Period - The official public comment period commences with publication of the proposed rulemaking in the *Pennsylvania Bulletin*. All proposed rulemakings are subject to a comment period of at least 30 days. Comments on proposed regulations must be filed with the EQB as noted in the "Public Comments" section of the preamble. The Policy Office acknowledges receipt of the comments, transmits copies to the Committees and IRRC (in accordance with the five-day requirement in the Regulatory Review Act), and forwards copies to the division chief and program attorney. The Policy Office also prepares a list of the names and addresses of all individuals who submitted comments during the public comment period and those presenting testimony at hearings. This list is the basis for preparing the comment and response document to the final rulemaking and is sent to the Bureau Director following the close of the public comment period.

c) Public Meetings and Hearings - During the public comment period, public information meetings and/or public hearings may be held on proposed rulemakings. Public information meetings are conducted by the Department for the purpose of explaining the proposed rulemaking and responding to questions. No formal record is made of these meetings. Public hearings are conducted by the EQB to accept comments on a proposed rulemaking. An official record of the hearing is prepared by an independent court reporter. The Policy Office schedules these public meetings and EQB hearings and arranges for the court reporter.

d) Review by the Standing Committees and IRRC - The Senate and House Environmental Resources and Energy Committees have 20 calendar days after the close of the public comment period to submit comments on proposed rulemakings. Within 30 calendar days after the close of the public comment period, IRRC may submit comments on the proposed rulemaking. Standing Committee and IRRC comments are to be addressed in the comment and response document. Failure of IRRC to object to any portion of the proposed rulemaking within its review period constitutes approval of that portion of the rulemaking, and it is deemed approved. IRRC's action on a final regulation may only relate to its objections, changes made to the proposed regulation or to recommendations made by the Standing Committees. The Policy Office will coordinate any meetings Committee or IRRC staff may request concerning the proposal.

II. ADVANCE NOTICE OF PROPOSED RULEMAKING PROCEDURE

The Advance Notice of Proposed Rulemaking (ANPR) procedure is optional as it is not required by the Commonwealth Documents Law or the Regulatory Review Act. The ANPR procedure enables DEP to solicit comments on actual draft regulations prior to presenting a proposed rulemaking to the EQB. This procedure precedes the proposed rulemaking process and involves publishing a notice in the *Pennsylvania Bulletin* that DEP is soliciting comments on draft regulations. Interested parties may contact DEP for a copy of the draft regulations and submit comments to DEP. Comments submitted to DEP on draft regulations as a result of an ANPR will be summarized by DEP in the preamble and submitted to the EQB as part of the proposed rulemaking.

o When to Use This Procedure

A program may recommend to the Secretary to use this procedure when input from a specific regulated community is needed to provide direction on drafting new regulatory requirements. In most instances, advisory committees should be used in lieu of an ANPR; however, if an advisory committee

does not exist or does not have the appropriate representation of parties affected by the regulation, an ANPR may be helpful in providing DEP with direction on drafting a regulation. If a program intends to use the ANPR procedure, the Bureau Director must notify the Secretary in the memo requesting approval to begin development of the regulation.

o Approval of the Public Notice and Draft Regulation

Following the Secretary's approval to use this procedure and DEP's completion of the draft proposed regulation, the following information should be submitted to the Secretary for approval:

A) A cover memo to the Secretary from the Bureau Director, through the Deputy Secretary, Policy Director and Chief Counsel. This memo should summarize the draft proposed rulemaking and include requested dates for both *Pennsylvania Bulletin* publication of the notice and anticipated EQB consideration of the proposed rulemaking.

B) A public notice using the following format:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADVANCE NOTICE OF PROPOSED RULEMAKING

(Title of Regulation) _____

The Department of Environmental Protection is soliciting comments on proposed changes to its regulations in response to

The changes revise the (* summarize the changes)

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for proposed rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft proposed regulations is available from the Bureau of at (717) . Written comments on the draft proposed regulations must be received by , 19__ (minimum of 30 days following publication); no telefax comments will be accepted. Comments or requests for copies should be

addressed or delivered to , Bureau of, Rachel Carson State Office Building, 400 Market Street, Floor, Harrisburg, PA 17101-. The draft proposed regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>). Comments may be transmitted electronically to RegComments@A1.dep.state.pa.us, and must also be received by _____, 19___. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within two working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF

Secretary

C) The draft proposed regulations consisting of : 1) a summary of the proposal and 2) the draft proposed regulatory language, using the format contained in Attachment 4.

o Publication of the Notice in the *Pennsylvania Bulletin*

The Policy Office will submit the notice to the *Pennsylvania Bulletin* for publication following the Secretary's approval.

o Forwarding the Notice to the EQB

The Policy Office will forward the notice and a copy of the draft proposed regulations to the EQB members and alternate members.

o Forwarding the Notice to the Advisory Committee

If an advisory committee exists, the program should forward a copy of the ANPR to the advisory committee members for comment.

o Receipt of Public Comments on the ANPR

The program should maintain a file of all public comments received on the ANPR. Since the public comments received will be on DEP's draft proposed regulation (not a regulation approved by the EQB), the Policy Office will not maintain an EQB public comment file as it does with EQB proposed rulemakings. Programs are not required to acknowledge receipt of the comments on the draft proposed regulation as the Policy Office does for proposed rulemakings.

o Responses to Public Comments on the Draft Proposed Regulations

Responses to the public comments received on the draft proposed regulations should be included in a section of the preamble to the proposed rulemaking package entitled "Advance Notice of Proposed Rulemaking." This section of the preamble should include the date the advance notice was published in the *Pennsylvania Bulletin*, the number of comment letters received, a summary of the comments, and our response to the comments. These comments should be discussed with the advisory committee.

III. PROCEDURE FOR DEVELOPMENT AND APPROVAL OF FINAL RULEMAKINGS

1) Scheduling a Final Rulemaking for EQB Consideration

To add a final regulation to the EQB regulatory calendar, the Bureau Director must submit a written request to the Secretary through the Deputy Secretary and the Regulatory Coordinator requesting the final regulation be added to the regulatory calendar. This request must be submitted to the Secretary at the completion of the public comment period. All final regulations should be submitted to the EQB within six months of the close of the public comment period. The request should include the information contained in Attachment 7.

Following approval of the request by the Secretary, the Regulatory Coordinator will notify the Bureau Director, the Deputy Secretary, the Deputy Secretary for Field Operations, and the Bureau of Regulatory Counsel of the approval, and the final regulation will be added to the regulatory calendar in the Regulatory Status Report and the six-month regulatory agenda. The six-month agenda is prepared and published semiannually in February and July. The Policy Office will be responsible for publicizing the intent to develop any regulation.

2) Preparing a Final Rulemaking Package

Following the Secretary's approval to schedule a final regulation for EQB consideration, program staff should draft a final rulemaking package as explained in this section with the assistance of the Bureau of Regulatory Counsel program attorney. Using the team approach in the development of regulations is strongly encouraged. Appropriate program, legal and policy staff should be involved early in the development of regulations so that no office sees a proposal for the first time as it goes through senior management review. This early involvement will minimize review time, particularly for legal and policy staff. This procedure will ensure that all appropriate senior management reviews of regulations are completed before the final rulemaking is submitted to the EQB. In addition, the appropriate advisory committee should be involved in the review of the major issues raised during the public comment period and in the development of the final rulemaking. The draft final regulation must be reviewed by the advisory committee. The advisory committee's report must be attached to the final rulemaking when it is submitted to the Policy Office.

A final rulemaking package should consist of the following documents which are described in detail:

a) Cover Memorandum - The cover memorandum serves as the official sign-off document for the final rulemaking to ensure that all senior management approvals are obtained before submittal to the Secretary. The cover memorandum should include the information and follow the form outlined in Attachment 8.

b) Executive Summary - A one- or two-page summary of the final rulemaking prepared for the members of the EQB which identifies:

- i) Title of the regulation.
- ii) New regulation or amendment to existing regulation?
- iii) Summary of the regulation.
- iv) Purpose of the regulation.

v) Who will be affected by this regulation?

vi) If an advisory group was involved in the development of the regulation, describe its role. When did the advisory committee meet to review the draft final regulation? What comments were offered? (Attach the advisory committee's report, recommendations or minutes.)

vii) If there is a deadline for adoption of the regulation, explain the mandated deadline.

viii) What was the length of the public comment period? When was it published in the *Pennsylvania Bulletin*? Were any public meetings or hearings held?

c) Preamble - The preamble is published in the *Pennsylvania Bulletin* as an explanation and justification for the regulation. The preamble should be used by DEP to present the best possible case for a regulation. The preamble must describe in detail the compelling public need the regulation is designed to address.

i) Effective Date.

ii) Contact Persons.

iii) Statutory Authority.

iv) Background and Summary.

v) Summary of Comments and Responses on the Proposed Rulemaking.

vi) Benefits, Costs and Compliance. (Attachment 11 includes guidelines for completing this section.)

vii) Pollution Prevention (if applicable).

viii) Sunset Review.

ix) Regulatory Review.

x) Findings of the Board.

xi) Order of the Board.

The format for a preamble, including boiler plate language, is contained in Attachment 9.

d) Annex A - Regulation - This is the actual text of the proposed regulation showing additions (capitalized and underlined) and deletions (bracketed). The text of the regulation is printed in

the *Pennsylvania Bulletin* as Annex A. Program staff must use the *Pennsylvania Bulletin*

version of the proposed rulemaking as the basis when drafting the final rulemaking. Editorial changes

are made by both the LRB and the publisher of the *Pennsylvania Code* and *Pennsylvania Bulletin* which must be incorporated into the final rulemaking. Program staff may request diskettes of

Pennsylvania Bulletin text through the Policy Office. Guidelines for the correct format of Annex A are listed in Attachment 4.

e) Comment and Response Document - This document lists the commentators who submitted comments, both oral and written, during the official public comment period. Comments submitted by the Senate and House Environmental Resources and Energy Committees and IRRC should also be included in this document. The comment and response document paraphrases the comments and provides DEP (not EQB) responses. This document should consist of the following:

i) A cover page with the title of the regulation.

ii) A list of the commentators and their addresses using the commentator list prepared by the Policy Office. The Standing Committees and IRRC should be added at the end of the list if they submitted any comments.

iii) A summary of the comments and DEP responses categorized by subject matter

(i.e., comments on the same issue should be grouped together). Miscellaneous comments should follow the specific issues. Following each summarized comment, include the number of the commentator who submitted the comment.

iv) A copy of all one-page summaries which were submitted during the public comment period. These summaries were noted on the list of commentators prepared by the Policy Office.

The format of a comment and response document is included as Attachment 10.

f) Regulatory Analysis Form - This form includes 31 questions about the proposal and is included as Attachment 5. This form is not submitted to the EQB, but is used by IRRC, the Standing Committees, the Office of General Counsel, the Governor's Policy Office and the Governor's Budget Office during their review of the regulation. The regulatory analysis form prepared for the proposed rulemaking must be updated and included in the final rulemaking package. In particular, questions 6, 16, and 27 must be revised. All questions and answers should be reviewed if significant changes were made to the proposed rulemaking. This form is available electronically from the Regulatory Coordinator.

g) Fee Report Form - (required only when a regulation establishes or revises a fee charged by the Commonwealth). The fee report form is used to justify new or revised fees. This form is included as Attachment 6.

3) Obtaining Deputy Secretary Approval and Submitting the Final Rulemaking to the Policy Office by the Deadline Established in the Regulatory Status Report

The deadlines for submitting regulations to the Policy Office, with approval from the Deputy Secretary, are contained in the monthly Regulatory Status Report. Three copies (one original and two copies) of the regulatory package must be received by the Policy Office, signed by the Deputy Secretary, by the deadline to be included on the agenda for the EQB meeting. Deadlines must be met in order to provide the Policy Office, the Office of Chief Counsel, the Executive Deputy Secretary, the Governor's Office of General Counsel, the Governor's Policy Office, and the Governor's Budget Office with sufficient time to review the regulation.

Additional time is also incorporated into this review period to copy and mail regulatory packages to the EQB members. The packages are mailed to EQB members and alternates two weeks prior to the EQB meeting.

Submission deadlines are nine weeks prior to the EQB meeting and provide the following review times:

Policy Office and Executive Deputy Secretary 2 weeks

Chief Counsel 2 weeks

Governor's Office of General Counsel,

Governor's Policy Office and Governor's Budget Office 2 weeks

Corrections and Copying 1 week

EQB Mailing 2 weeks

If a deadline is missed, the Bureau Director must immediately submit a request to the Regulatory Coordinator, through the Deputy Secretary, to reschedule the regulation.

4) Review by the Policy Office

The Policy Office reviews the final regulations for completeness, format, and substance. If significant changes are necessary, the regulatory package is returned to the Bureau Director for revisions and is rescheduled for the following month's meeting to allow time for revisions. If no revisions or minor revisions are made by the Policy Office, the review process continues and the regulatory package is forwarded to the Office of Chief Counsel for review. Programs are encouraged to forward drafts of final rulemakings to the Regulatory Coordinator prior to the deadline for review to avoid delays in the event significant changes are necessary.

5) Review by the Office of Chief Counsel

The Office of Chief Counsel has a two-week period within which to review, approve and return the regulation package to the Policy Office. The regulation must be approved by the Chief Counsel following any necessary revisions to the regulatory package as a result of the legal review. The regulatory package, when returned to the Policy Office, must be accompanied by a legal and policy memo to the Deputy General Counsel, Office of General Counsel, outlining any legal or policy issues surrounding the regulation.

6) Review by the Governor's Office of General Counsel, the Governor's Policy Office, and the Governor's Budget Office

When the regulation is approved by the Office of Chief Counsel and Executive Deputy Secretary, the Policy Office forwards the final rulemaking package to the Office of General Counsel, the Governor's Policy Office and the Governor's Budget Office for preliminary review. These oversight agencies may contact the Policy Office to seek clarification or request changes. The Policy Office will work with program and legal staff to resolve any concerns. The Bureau of Regulatory Counsel must respond to legal concerns raised by the Office of General Counsel. The Office of General Counsel will notify the Policy Office when preliminary approval of the final rulemaking is obtained. The Office of General Counsel will grant formal approval following EQB action.

7) Approval by the Secretary

Following the Office of Chief Counsel's review and during review by the oversight agencies, the Policy Office forwards the signed regulatory package to the Secretary and schedules a briefing on the items scheduled for the upcoming EQB meeting. The Deputy Secretary must brief the Secretary on the regulation, summarizing changes made to the proposed rulemaking and noting any new requirements which may be controversial.

8) Review by the Environmental Quality Board

As with proposed rulemakings, the Deputy Secretary presents the final rulemaking to the EQB with the

assistance of the Bureau Director and program counsel and responds to any concerns EQB members may have.

The EQB takes formal action on each rulemaking.

9) Review by the Standing Committees and the Independent Regulatory Review Commission (IRRC)

Following approval by the EQB and formal approval by the Governor's Office of General Counsel, the Policy Office transmits the final rulemaking to the Standing Committees and IRRC. The Standing Committees have 20 days to disapprove the rulemaking or it is deemed approved. The IRRC has a 30-day review deadline and takes official action at a public meeting to either approve or disapprove the final rulemaking. The Policy Office coordinates any meetings the Committee or IRRC staff may request concerning the final rulemaking.

10) Notification to Commentators

The Regulatory Review Act requires the Department to send a copy of the final rulemaking to all individuals who submitted comments on the proposed rulemaking at the time of submission to the Committees and IRRC.

The Policy Office provides advance notice of this requirement to the program staff to allow time for them to prepare for this notification.

11) Review by the Office of Attorney General

After IRRC approves the final rulemaking, the Policy Office submits it to the Office of Attorney General

as the last step in the review process. The Office of Attorney General must issue an opinion as to form and legality of the regulation within 30 days or the regulation is deemed approved. If the Office of Attorney General finds that the regulation is outside the promulgating agency's statutory authority, or is otherwise not in conformity with law, it conveys its concerns to the Office of General Counsel within the 30-day review period in a tolling memo. Issuance of a tolling memo suspends the 30-day review period until the Department satisfactorily responds to the concerns. The Policy Office coordinates the response to a tolling memo with the Bureau of Regulatory Counsel.

12) Publication in the *Pennsylvania Bulletin*

The Office of Attorney General, after approving the final regulation, transmits it to the Legislative Reference Bureau (LRB) for publication in the *Pennsylvania Bulletin*. The LRB coordinates the publication date with the Policy Office.

IV. ADVANCE NOTICE OF FINAL RULEMAKING PROCEDURE

The Advance Notice of Final Rulemaking (ANFR) procedure is optional as it is not required by the Regulatory Review Act. The ANFR procedure enables DEP to solicit comments on actual draft final regulations prior to presenting a final rulemaking to the EQB. This procedure follows the proposed rulemaking process and involves publishing a notice in the *Pennsylvania Bulletin* that DEP is soliciting comments on draft final regulations. Interested parties may contact DEP for a copy of the draft final regulations and submit comments to DEP. Comments submitted to DEP on draft final regulations as a result of an ANFR will be summarized by DEP in the preamble and submitted to the EQB as part of the final rulemaking.

o When to Use This Procedure

This procedure is recommended when significant changes are made to a proposed rulemaking. If a program intends to use the ANFR procedure, the Bureau Director must notify the Secretary in the memo scheduling the final regulation for EQB consideration.

o Approval of the Public Notice and Draft Regulation

Following the Secretary's approval to use this procedure and DEP's completion of the draft final regulation, the following information should be submitted to the Secretary for approval:

A) A cover memo to the Secretary from the Bureau Director, through the Deputy Secretary, Policy Director and Chief Counsel. This memo should summarize the draft final rulemaking and include requested dates for both *Pennsylvania Bulletin* publication of the notice and anticipated EQB consideration of the final rulemaking.

B) A public notice using the following format:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADVANCE NOTICE OF FINAL RULEMAKING

(Title of Regulation)_____

The Department of Environmental Protection is soliciting comments on changes it recommends to be made to the proposed regulations, which were published as proposed rulemaking at Pa. B. ____ (_____, 19__).

In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department has prepared a draft final regulation for public comment. The draft final regulation contains significant changes in ____ major areas:

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft final regulations is available from the Bureau of at (717) _____. Written comments on the draft final regulations must be received by , 19__ (minimum of 30 days following publication); no telefax comments will be accepted. Comments or requests for copies should be addressed or delivered to _____, Bureau of, Rachel Carson State Office Building, 400 Market Street, Floor, Harrisburg, PA 17101-____. The draft final regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>). Comments may be transmitted electronically to RegComments@A1.dep.state.pa.us, and must also be received by _____, 19__. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within two working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF

Secretary

C) The draft final regulations consisting of:

1) A summary of the changes made to the proposed rulemaking and 2) the draft final regulatory language, using the format contained in Attachment 4.

o Publication of the Notice in the *Pennsylvania Bulletin*

The Policy Office will submit the notice to the *Pennsylvania Bulletin* for publication following the

Secretary's approval.

o Forwarding the Notice to the Commentators and Advisory Committee(s)

Program staff must forward a copy of the notice to all individuals who submitted comments during the official public comment period. Programs should use the list of commentators prepared by the Policy Office at the conclusion of the public comment period. If an advisory committee is involved in the development and review of a regulation, the advisory committee members should also be provided with a copy.

o Forwarding the Notice to the EQB

The Policy Office will forward the notice and a copy of the draft final regulations to the EQB members and alternate members.

o Receipt of Public Comments on the ANFR

The program should maintain a file of all public comments received on the ANFR. Since the public comments received will be on DEP's draft final regulation (not a regulation approved by the EQB), the Policy Office will not maintain an EQB public comment file as it does with EQB proposed rulemakings. Programs are not required to acknowledge receipt of the comments on the draft final regulations.

o Responses to Public Comments on the Draft Final Regulations

Responses to the public comments received on the draft final regulations should be included in a section of the preamble to the final rulemaking package entitled "Advance Notice of Final Rulemaking." This section of the preamble should include the date the advance notice was published in the *Pennsylvania Bulletin*, the number of comment letters received, a summary of the comments, and our responses to the comments. These comments should be discussed with the advisory committee. In addition, the program must prepare a separate summary of the ANFR for the EQB. This document should include a summary of issues and responses, a list of the sections revised as a result of the ANFR, and a list of persons who commented on the ANFR. This summary will be attached to the final rulemaking.

Comments submitted on the draft final regulations should not be included in the comment/response document. Only comments submitted during the official public comment period on the proposed rulemaking should be included in the comment/response document. The comments received as a result of the ANFR must be distinguished from the comments received during the official public comment period because of the requirement in the Regulatory Review Act requiring agencies to provide the Standing Committees and IRRC with copies of all comments received during the official public comment period.

V. PROCEDURES FOR DISTRIBUTION OF REGULATIONS

1) Distribution of Proposed and Final Rulemakings to the EQB and the Public

After all necessary approvals of a proposed or final rulemaking are obtained, the Policy Office prepares the package for copying.

o Distribution to the EQB

Following the Secretary's approval of the proposed or final rulemaking, the Policy Office copies and mails the regulatory package to the EQB members and alternate members two weeks prior to the EQB meeting date.

o Distribution to the Public

The Policy Office provides the program contact person listed in the preamble with a master copy of the proposed or final regulation for distribution to the public upon request. The first copy is to be provided free of charge. The second and subsequent copies are subject to the standard copying fees. Programs should also provide copies to its advisory committee members and encourage comment on proposed regulations.

Program staff may also request "overruns" of the *Pennsylvania Bulletin* for public distribution by calling the Regulatory Coordinator at least one week in advance of the publication date of the rulemaking. No minimum order is required.

o Contents of the Regulatory Package

The following items are included in proposed and final rulemaking packages:

Proposed Final

Executive Summary Executive Summary

Preamble Preamble

Annex A Annex A

Fee Form (if fees are proposed) Comment/Response Document

Fee Form (if fees are proposed)

The Regulatory Analysis Form and the cover memo to the Secretary are not included in the regulatory package which is distributed to the EQB and the public. The cover memo is for Department use only.

2) Distribution of Final Regulation Following *Pennsylvania Bulletin* Publication

o The final regulation becomes effective upon publication in the *Pennsylvania Bulletin*. The regulation will be codified in the *Pennsylvania Code* within six weeks following *Pennsylvania Bulletin* publication.

When regulations are codified, programs may purchase *Pennsylvania Code* pamphlets. These pamphlets contain official *Pennsylvania Code* text and may be ordered by chapter. Related chapters, such as those containing the municipal waste regulations or the air quality regulations, may be combined and ordered as a single pamphlet. Program staff may contact the Policy Office to request copies. No minimum order is required. The *Pennsylvania Code* pamphlets should be used by

Department staff as the official *Pennsylvania Code* text of the regulation. Copies of pamphlets should be distributed to the public upon request.

3) Availability of Draft Regulations

o Draft regulations must be approved by the Policy Office before being submitted to an advisory committee for review.

o Draft regulations submitted to advisory committees for review are available to the public when they are mailed to the advisory committee. The regulation is also posted to the Web site at that time under the appropriate advisory committee in the Public Participation Center.

o When the regulation is formally submitted to the Policy Office for EQB consideration, it ceases to be a public document as it undergoes internal review until it is released to the EQB two weeks prior to the meeting at which it will be considered. If requests from the public are received during this time period, the draft which was provided to the advisory committee may be given to the requestor.

Attachment 1

FORMAT FOR MEMORANDUM TO REQUEST SECRETARY'S APPROVAL

TO BEGIN DEVELOPMENT OF A REGULATION

_____(Date)_____

SUBJECT: Request to Begin Development of a Proposed Rulemaking

TO: Hon. James M. Seif

Secretary

Department of Environmental Protection

FROM: Bureau Director

THROUGH: Deputy Secretary

Regulatory Coordinator

The text of the memorandum should include the following information:

1. Title of the regulation.
2. Summary.
3. Purpose of regulation. What compelling public interest will this regulation address?
4. What is the statutory authority for the proposal?

5. Do companion federal regulations exist? Will this proposal be more stringent than the federal requirements?

6. Regulatory schedule.

(a) When will the first draft of the proposal be completed?

(b) What is the anticipated date for formal submission to the Secretary?

(c) Is there a deadline for final adoption (e.g. EPA or statutory deadline)? What are the consequences of missing the deadline?

7. How will this regulation affect your program? Identify any changes to current policies. Are there any existing policies or regulations which should be rescinded if this new regulation is proposed?

8. Compliance Information:

(a) Who will be affected by this regulation? (The number of entities to be regulated, their size, prior experience with regulatory programs, and relative technical capacity for implementing the program.)

(b) Provide a specific estimate of compliance costs for all new requirements.

(c) If financial assistance will be necessary, what is proposed? (e.g. EPA grants, cooperative agreements with associations, fines and penalties)

(d) What types of educational, technical and compliance assistance efforts are planned?

9. How will this regulation promote a multi-media pollution prevention approach by the regulated community? (Pollution prevention is defined as measures taken to avoid or reduce generation of all types of waste--solid/hazardous waste, wastewater discharges and air emissions--at their points of origin. It does not include activities undertaken to treat, control or dispose of pollution once it is created, e.g. end-of-the-stack or pipe control equipment or procedures.) Indicate what incentives or innovative approaches have been included in the regulation to foster the use of prevention/source reduction measures as the primary means of achieving compliance and whether the regulation encourages a facility-wide or multi-media approach. If the regulation is unable to utilize a multi-media pollution prevention approach, indicate whether the regulation could cause a negative impact on other environmental media (i.e. air, water, land).

10. What aspects of the regulation may be controversial and with whom?

11. Will additional central office or regional staff be needed to implement the proposal? If so, please explain.

12. How and when will regional staff be involved in the development of this proposal?

13. Will this regulation affect or regulate agriculture? If so, how?

14. What advisory committee, if any, will be involved in the development of this regulation? When will

the advisory committee review drafts of the regulation?

15. List your recommendations on the following:

(a) Length of public comment period: _____

(b) Public meetings? _____

(c) Public hearings? _____

16. Will comments on a draft of the proposed regulation be solicited through the Advance Notice of Proposed Rulemaking procedure?

17. Is regulatory negotiation recommended to develop this proposal? Why? If so, what parties would be involved?

cc: Executive Deputy Secretary for Policy and Communications

Deputy Secretary for Field Operations

Chief Counsel

Attachment 2

FORMAT FOR COVER MEMORANDUM FOR FORMAL SUBMISSION

OF PROPOSED REGULATIONS FOR EQB CONSIDERATION

_____(Date)_____

SUBJECT: Title of Regulation

TO: Hon. James M. Seif

Secretary

Department of Environmental Protection

FROM: Bureau Director

THROUGH: Deputy Secretary

Director, Policy Office

Chief Counsel

Executive Deputy Secretary

for Policy and Communications

The text of the cover memorandum should include the following information:

1. Brief explanation of the proposal, including description of compelling public need it will address.
2. The anticipated date the EQB will consider the regulatory proposal.
3. What aspects of the proposal may be controversial? Who may oppose or support the proposal? Explain.
4. How will this proposal affect your program? Identify any changes to current policies. What program alternatives were considered?
5. Do companion federal regulations exist? Will this proposal be more stringent than the federal requirements? If so, please provide the following:
 - (a) A statement describing the standards or requirements which exceed the requirements imposed by federal law and the basis for those requirements in state law.
 - (b) An analysis comparing the state requirements to the federal requirements.
 - (c) A discussion of the policy or technical reasons for imposing a regulation which exceeds the federal requirements.
6. Compliance Information
 - (a) Who will be affected by this regulation? (The number of entities to be regulated, their size, prior experience with regulatory programs, and relative technical capacity for implementing the program.)
 - (b) Provide a specific estimate of compliance costs for all new requirements.
 - (c) If financial assistance will be necessary, what type of financial assistance is proposed? (e.g. EPA grants, cooperative agreements with associations, fines and penalties).
 - (d) What types of educational, technical and compliance assistance efforts are planned?
7. How will this regulation promote a multi-media pollution prevention approach by the regulated community? (Pollution prevention is defined as measures taken to avoid or reduce generation of all types of waste--solid/hazardous waste, wastewater discharges and air emissions--at their points of origin. It does not include activities undertaken to treat, control or dispose of pollution once it is created, e.g. end-of-the-stack or pipe control equipment or procedures.) Indicate what incentives or innovative approaches have been included in the regulation to foster the use of prevention/source reduction measures as the primary means of achieving compliance and whether the regulation encourages a facility-wide or multi-media approach. If the regulation is unable to utilize a multi-media pollution prevention approach, indicate whether the regulation could cause a negative impact on other environmental media (i.e. air, water, land).
8. Has this proposal been reviewed by any advisory committee? When did the advisory committee review it and did the advisory committee offer any comments? (Attach the advisory committee's

report, recommendations or
minutes.)

Attachment 3

FORMAT FOR PREAMBLE FOR PROPOSED RULEMAKINGS

Notice of Proposed Rulemaking

Department of Environmental Protection

Environmental Quality Board

(25 Pa. Code, Chapter)

(Title)

Preamble

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code, Chapter (relating to).
The
amendments _____

(* Include a one- to three-sentence summary of the regulation.)

This proposal was adopted by the Board at its meeting of , 19 .

A. Effective Date

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

B. Contact Persons

For further information contact , Chief , Division of , P.O. Box , Rachel Carson State Office Building, Harrisburg, PA 17105-, (717) , or _____, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box _____, Rachel Carson State Office Building, Harrisburg, PA 17105-, (717) . Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposal is available electronically through the DEP Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The proposed rulemaking is being made under the authority of Section of the Act (__ P.S. § _____), which directs the Department to _____. (* Identify the statutory provision that delegates rulemaking authority to the agency, identify any other provision that is relevant to the content of the regulation, and include a short description of the authority each provision cited gives to

the Department or the Board.)

D. Background and Purpose

(* Provide a background to the general public of why the regulation is needed. Explain in nontechnical terms the compelling need the regulation will address, what it requires in legal and practical terms, and who it is likely to affect. Use clear and concise language which the general public can understand. Also include a description of the advisory committee's role in the development of the proposal as well as other methods of public outreach used to solicit comments. Describe the advisory committee's concerns and recommendations.)

E. Summary of Regulatory Requirements

(* Describe the significant changes by section or subsection. For each new provision briefly discuss the nature of the change, the reason for the change, and the effect of the change. If a companion federal regulation exists, the following information should be included:

- (1) a statement as to whether the regulation contains any standards or requirements which exceed the federal requirements;
- (2) the appropriate citations to the federal law or regulations;
- (3) an analysis comparing the state requirements to the federal requirements;
- (4) a discussion of the policy or technical reasons for imposing a regulation which exceeds the federal requirements;
- (5) an economic analysis of the Department's decision to impose the stricter requirements and a determination that the State standard or requirement to be imposed is achievable under current or reasonably available technology expected to be available, notwithstanding the federal government's determination that lesser requirements are appropriate; and
- (6) a statement of how the Department will involve and inform the public of the purpose, requirements, costs, and consequences of adoption of the regulation.)

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation.

Benefits

(* Describe the intended regulatory result and indicate why there is a need for the proposed action. Describe who will benefit from the regulation and the approximate value of benefits they will receive

(public health benefits, revenue generated, cost savings, etc.) Explain how each benefit is produced by the regulation. List any additional benefits that cannot be quantified (endangered species, goodwill, etc.) Describe any alternative approaches and explain why this regulatory action was chosen.)

Compliance Costs

(* Describe any individuals, groups, or entities that will be required to comply with the regulation. Include a cost/benefit analysis which provides specific estimates of all direct costs (e.g., increased permit application fees) and indirect costs (e.g., increased costs of coming into compliance with stricter permit standards), and who shall bear them. Describe the certainty of these estimates and, where major uncertainty exists, provide a cost range. In addition, cost savings--both direct and indirect--must be explained.)

Compliance Assistance Plan

(* Describe and summarize any compliance assistance plan addressing possible types of financial, technical and educational assistance.)

Paperwork Requirements

(* Include a description of additional forms, reports, or other paperwork that will be required. Estimates of the cost involved in completing additional paperwork should be discussed in the compliance costs section above.)

(* *Guidance for completing this section of the preamble is available as a worksheet in Attachment 11.*)

G. Pollution Prevention (if applicable)

Pollution prevention approaches to environmental management often provide environmentally sound and longer-term solutions to environmental protection because pollution is prevented at the source. Pollution prevention is defined by the U.S. Environmental Protection Agency as measures taken to avoid or reduce generation of all types of pollution--solid/hazardous waste, wastewater discharges and air emissions--at their points of origin; however, it does not include activities undertaken to treat, control or dispose of pollution once it is created. The Federal Pollution Prevention Act of 1990 established a national policy and an environmental management hierarchy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The hierarchy is as follows:

- a. Pollution should be prevented or reduced at the source.
- b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.
- c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible to render it less hazardous, toxic or harmful to the environment.
- d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

The short- and long-term health of the Pennsylvania economy depends on clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania spends over one billion dollars per year in efforts to control pollutants through regulation of both industrial point discharges and non-point sources. In order 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 often by getting the company out of the regulatory loop. It also can get DEP out of the business of regulating pollution that may not need to be generated in the first place.

In keeping with Governor Ridge's interest in encouraging pollution prevention solutions to environmental problems, this regulation has incorporated the following provisions and incentives to meet that goal:

(* Describe pollution prevention approaches.)

H. Sunset Review

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

I. Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), the Department submitted a copy of the proposed rulemaking on (blank) to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor, and the General Assembly before final publication of the regulation.

J. Public Comments

Written Comments - Interested persons are invited to submit comments, suggestions, or objections regarding the proposed regulation to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by (blank) (within days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by (blank) (within days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments - Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by _____, 19___. A subject heading of the proposal and a return name and address must be included in each transmission.

If an acknowledgement of electronic comments is not received by the sender within two working days, the comments should be retransmitted to ensure receipt.

K. Public Hearings

The Environmental Quality Board will hold public hearings for the purpose of accepting comments on this proposal. They will be held at p.m. on the following dates:

_____ (blank) _____

_____ (blank) _____

_____ (blank) _____

Persons wishing to present testimony at a hearing are requested to contact Sharon Freeman at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to ten minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Sharon Freeman directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

BY:

JAMES M. SEIF

Chairman

Environmental Quality Board

Attachment 4

FORMAT FOR ANNEX A

General Guidelines

1) Use the *Pennsylvania Code* in preparation of the amendments. Do not use any "unofficial versions" of regulations which may still be available from some programs. Most of the "unofficial versions" are inaccurate.

2) Do not submit "add-on" regulations. In other words, do not include amendments from another pending regulation which is somewhere in the regulatory process. Always work from the *Pennsylvania Code*. The Legislative Reference Bureau is responsible for adding these amendments. If you feel it is necessary to cross reference another pending rulemaking, feel free to do so with an Editor's Note. For example: (Editor's Note: Proposed amendments to Section 1.11 regarding permit requirements were adopted by the EQB on January 1, 1992, and were published as a proposed

rulemaking at *1 Pennsylvania Bulletin 111*.) "Add-on" regulations are not recommended since you can jeopardize a rulemaking which contains amendments from previous regulations which may have been controversial. It is best to narrow the issues for review, not revisit them with other rulemakings.

3) DEP's regulations are included in Title 25 of the *Pennsylvania Code*. Divisions of text are identified as follows:

- Chapters are the normal divisions of parts in the *Pennsylvania Code*. A chapter consists of a unified body of regulations applying to specific subject matter. Chapters are identified by Arabic numerals. (1)

- Subchapters are used to group related parts within a chapter and are identified by upper case letters. (A)

- Undesignated center heads are used to group related sections as required.

- Sections are the basic units of the *Pennsylvania Code* and are identified by Arabic numerals. (1)

- The sections of the *Pennsylvania Code* may be subdivided into the following parts:

- (1) Subsections, identified by lower case letters. (a) If a section consists of only one subsection, do not use "(a)" as a designator.

- (2) Paragraphs, identified by Arabic numerals. (1)

- (3) Subparagraphs, identified by lower case Roman numerals. (i)

- (4) Clauses, identified by upper case letters. (A)

- (5) Subclauses, identified by upper case Roman numerals. (I)

- 4) Double space the text of the annex. This is a publication requirement of the Legislative Reference Bureau.

- 5) Number the pages of Annex A sequentially from beginning to end. Do not begin renumbering with separate subchapters.

Guidelines for Proposed Rulemaking

- 1) Additions to the existing *Pennsylvania Code* should be capitalized and underlined. Exceptions to the capitalization rule are subsection and subparagraph symbols, which might otherwise be confused with clauses and subclauses.

- 2) Deletions to the existing *Pennsylvania Code* should be enclosed in brackets.

- 3) Do not bold any changes.

- 4) Use 5 asterisks (*****) to indicate omission of *Pennsylvania Code* text retained without change.

- 5) Include enough text of the regulation so that the changes can be understood by the EQB and the

general public. Do not include just a phrase.

Sample (Proposed):

§77.1 Definitions

* * * * *

Public park - A park AREA FORMALLY DESIGNATED AS A PUBLIC PARK BY STATUTE OR OTHERWISE DEDICATED OR designated [as a public park under the jurisdiction of] BY a governmental agency [(county, township, borough, and like)] OR NON-PROFIT ORGANIZATION FOR LONG-TERM, PUBLIC RECREATIONAL USE, WHETHER OR NOT SUCH USE IS LIMITED TO CERTAIN TIMES OR DAYS, AND which is part of the public domain for future generations, [is] open to the public [and has been and is being used by the public.] FOR THAT LONG-TERM USE. TO BE DEDICATED OR DESIGNATED AS A PUBLIC PARK, THE PARK AREA MUST MEET ANY ONE, OR A COMBINATION OF, THE FOLLOWING:

1) PUBLIC PARK STATUS IS INDICATED ON THE DEED OR DECLARATION OF TAKING TO THE LAND CLAIMED TO BE A PUBLIC PARK AREA, OR IS ATTACHED TO THE RECORDED DEED OR IN ANOTHER DOCUMENT DULY RECORDED IN THE OFFICE OF RECORDER OF DEEDS;

2) A VALID LOCAL ORDINANCE INDICATES THAT THE AREA IS A PUBLIC PARK AREA, AND THE AREA IS DENOTED BY METES AND BOUNDS OR OTHER MEANS;

3) THE LOCAL COUNTY OR MUNICIPAL COMPREHENSIVE LAND USE

PLAN SPECIFICALLY SETS FORTH THAT THE AREA IS A PUBLIC PARK AREA.

* * * * *

Guidelines for Final Rulemaking

1) Language which was added at proposed rulemaking should be capitalized and underlined. Exceptions to the capitalization rule are subsection and subparagraph symbols, which might otherwise be confused with clauses and subclauses.

2) Language which was deleted at proposed rulemaking should be enclosed in brackets.

3) Changes made to the proposed regulation should be bolded as follows:

a) Language which is added at final rulemaking should be capitalized, underlined and bolded.

b) Language which is deleted at final rulemaking should be enclosed in brackets and bolded.

c) Language which was added at proposed rulemaking, but deleted at final rulemaking, should be capitalized, underlined, bolded, and enclosed in bolded brackets.

d) Language which is deleted at proposed rulemaking, but retained at final rulemaking, should

appear as it currently exists in the *Pennsylvania Code*.

4) Where additions and deletions are numerous and it is difficult to show numerous changes within a section, an Editor's Note may be used to clarify the changes.

5) Use 5 asterisks (*****) to indicate omission of *Pennsylvania Code* text retained without change.

6) Include enough text of the regulation so that the changes can be understood by the EQB and the general public. Do not include just a phrase.

7) All changes to the proposed rulemaking should be explained in the preamble.

Sample (Final):

§77.1 Definitions

* * * * *

Public Park - A park AREA FORMALLY DESIGNATED AS A PUBLIC PARK BY STATUTE OR OTHERWISE DEDICATED OR designated [as a public park under the jurisdiction of] BY a governmental agency [(county, township, borough, and like)] OR NON-PROFIT ORGANIZATION FOR LONG-TERM, PUBLIC RECREATIONAL USE, WHETHER OR NOT SUCH USE IS LIMITED TO CERTAIN TIMES OR DAYS, AND which is part of the public domain for future generations, INCLUDING LAND WHICH IS LEASED, SEVERED OR HELD [is] open to the public [and has been, and is being used by the public.] FOR THAT LONG-TERM USE. [TO BE DEDICATED OR DESIGNATED AS A PUBLIC PARK, THE PARK AREA MUST MEET ANY ONE, OR A COMBINATION OF, THE FOLLOWING:

1) PUBLIC PARK STATUS IS INDICATED ON THE DEED OR DECLARATION OF TAKING TO THE LAND CLAIMED TO BE A PUBLIC PARK AREA, OR IS ATTACHED TO THE RECORDED DEED OR IN ANOTHER DOCUMENT DULY RECORDED IN THE OFFICE OF RECORDER OF DEED;

2) A VALID LOCAL ORDINANCE INDICATES THAT THE AREA IS A PUBLIC PARK AREA, AND THE AREA IS DENOTED BY METES AND BOUNDS OR OTHER MEANS;

3) THE LOCAL COUNTY OR MUNICIPAL COMPREHENSIVE LAND USE PLAN SPECIFICALLY SETS FORTH THAT THE AREA IS A PUBLIC PARK AREA.]

* * * * *

Attachment 5

Attachment 6

FEE REPORT FORM

The regulatory review process requires that a fee report be submitted with any proposed regulation that establishes or changes a fee charged by the Commonwealth. The attached shows the form of that report and the following explains what it should contain.

Fees are defined as monetary charges that are made in return for certifications, permits, licenses, privileges, goods, and services. Fees do not include receipts from the sale of alcoholic beverages or surplus State property. Fees do not include charges made by one agency to another but do include charges to other units of government.

Instructions

Since the character of fees varies, some fee information may not fit neatly into the definitions or spaces provided. Do not hesitate to provide supplementary information on attached sheets.

AGENCY, DATE, CONTACT PERSON AND PHONE NUMBER:

Give the name and telephone number of the person in the agency who is familiar with the subject fee and who participated in the preparation of the report.

FEE COLLECTIONS:

The actual, estimated, and projected columns should show collections for the fee in its current form. The project columns should show collections for the proposed revised fee.

FEE TITLE AND RATE:

Show the current and proposed rate and any changes in title.

FEE OBJECTIVE:

The fee objective is a statement that describes: (1) the extent to which receipts from a fee are intended to cover the cost of providing the services associated with the fee; and (2) any other intended purpose for charging the fee. Other "intended purposes" might include having the fee constitute a rationing device with rates set to be consistent with the market price of similar services or having the fee minimize capricious use of a service but not constitute a significant barrier to use.

For example: The Department of Environmental Protection issues blasters licenses for \$5.00, renews licenses for \$3.50, and requires a \$10.00 application fee. The objective for this set of fees might be:

To recover all of the costs associated with issuing and maintaining records of blasters licenses and all of the costs of providing three-day training courses and blasters examinations.

FEE RELATED ACTIVITIES AND COSTS:

Identify the activities that are necessary to provide the service for which the fee is charged. Identify the activities in terms of what is done, where it is done organizationally, and give some idea of the magnitude of the effort.

Identify the costs that are incurred in supporting the activities that provide the service.

ANALYSIS:

Compare the amount collected from the fee to the cost of the fee related activities and the extent to which the fee is intended to cover the cost of those activities.

Also, where appropriate, determine if the fee's "other intended purpose," as stated in the fee objective, is being accomplished. The agency will have to design this part of the analysis since the measure of accomplishment will vary from case to case and the most appropriate data may not be readily available. The Governor's Budget Office will be glad to help where it can.

RECOMMENDATION AND COMMENT:

Briefly summarize your recommendations and include any comment that you believe will be helpful in reviewing the proposed changes.

FEE REPORT FORM

Agency Date

Contact Person

Phone Number

First Future Second Future

Prior Current Year Year

Year Year Projected Projected

FEE COLLECTIONS:

Current

Proposed

FEE TITLE AND RATE:

Current

Proposed

FEE OBJECTIVE:

FEE RELATED ACTIVITIES

AND COSTS:

ANALYSIS:

RECOMMENDATION

AND COMMENT:

Attachment 7

FORMAT FOR MEMORANDUM TO ADD A FINAL REGULATION
TO THE EQB REGULATORY CALENDAR

_____(Date)_____

SUBJECT: Request to Add a Final Rulemaking to the EQB Calendar

TO: Hon. James M. Seif

Secretary

Department of Environmental Protection

FROM: Bureau Director

THROUGH: Deputy Secretary

Regulatory Coordinator

The text of the memorandum should include the following information:

1. Title of the regulation.
2. What is the anticipated date for EQB consideration?
3. Summary and purpose of regulation. What compelling public interest will this regulation address?
4. When was the proposed regulation approved by the EQB? When did the public comment period conclude? Were there any hearings held on the proposed regulation?
5. Who opposed the proposed regulation during the public comment period and why?

6. What advisory committee, if any, will be involved in the development of this final regulation? When will the advisory committee discuss the major issues raised during the public comment period and review a draft of the final regulation?

7 How and when will regional staff and other programs be involved in the review of the final regulation?

8 Is there a deadline for final adoption (e.g. EPA or statutory deadline)? What are the consequences of missing the deadline?

9. Will comments on a draft of the final regulation be solicited through the Advance Notice of Final Rulemaking procedure?

cc: Deputy Secretary for Field Operations

Chief Counsel

Attachment 8

FORMAT FOR COVER MEMORANDUM FOR FORMAL SUBMISSION

OF FINAL REGULATIONS FOR EQB CONSIDERATION

_____(Date)_____

SUBJECT: Title of Regulation

TO: Hon. James M. Seif

Secretary

Department of Environmental Protection

FROM: Bureau Director

THROUGH: Deputy Secretary

Director, Policy Office

Chief Counsel

Executive Deputy Secretary

for Policy and Communications

The text of the cover memorandum should include the following information:

1. Brief explanation of the regulation, including description of compelling public need it will address.

2. The anticipated date the EQB will consider the regulation.

3. When was the proposed regulation approved by the EQB? When was it published in the *Pennsylvania Bulletin*? How long was the public comment period and were any public meetings or hearings held?

4. Do companion federal regulations exist? Will this proposal be more stringent than the federal requirements? If so, please provide the following:

(a) A statement describing the standards or requirements which exceed the requirements imposed by federal law and the basis for those requirements in state law.

(b) An analysis comparing the state requirements to the federal requirements.

(c) A discussion of the policy or technical reasons for imposing a regulation which exceeds the federal requirements.

5. Compliance Information

(a) Who will be affected by this regulation? (The number of entities to be regulated, their size, prior experience with regulatory programs, and relative technical capacity for implementing the program.)

(b) Provide a specific estimate of compliance costs for all new requirements.

(c) If financial assistance will be necessary, what type of financial assistance is proposed? (e.g. EPA grants, cooperative agreements with associations, fines and penalties).

(d) What types of educational, technical and compliance assistance efforts are planned?

6. How will this regulation promote a multi-media pollution prevention approach by the regulated community? (Pollution prevention is defined as measures taken to avoid or reduce generation of all types of waste--solid/hazardous waste, wastewater discharges and air emissions--at their points of origin. It does not include activities undertaken to treat, control or dispose of elution once it is created, e.g. end-of-the-stack or pipe control equipment or procedures.) Indicate what incentives or innovative approaches have been included in the regulation to foster the use of prevention/source reduction measures as the primary means of achieving compliance and whether the regulation encourages a facility-wide or multi-media approach. If the regulation is unable to utilize a multi-media pollution prevention approach, indicate whether the regulation could cause a negative impact on other environmental media (i.e. air, water, land).

7. What major concerns were raised during the public comment period? Are there any unresolved issues?

8. Was the regulation reviewed by regional staff or other program areas?

9. Was the appropriate advisory committee briefed on the comments received during the public comment period? Did the advisory committee review the final regulation and offer any comments? (Attach the advisory committee's report, recommendation or minutes.)

Attachment 9

FORMAT FOR PREAMBLE FOR FINAL RULEMAKINGS

Notice of Final Rulemaking

Department of Environmental Protection

Environmental Quality Board

(25 Pa. Code, Chapter)

(Title)

Order

The Environmental Quality Board (Board) by this order amends 25 Pa. Code, Chapter (relating to).
The

amendments _____

(* Include a one- to three-sentence summary of the regulation.

This order was adopted by the Board at its meeting of _____(blank)_____, 19 ____.

A. Effective Date

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

B. Contact Persons

For further information contact _____, Division of , P.O. Box , Rachel Carson State Office Building, Harrisburg, PA 17105-_, (717) ; or, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box , Rachel Carson State Office Building, Harrisburg, PA 17105-_, (717) 787-_. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposal is available electronically through the DEP Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The final rulemaking is being made under the authority of Section _____ of the Act (__ P.S. § _____), which directs the Department to _____. (* Identify the statutory provision that delegates rulemaking authority to the agency, identify any other provision that is relevant to the content of the regulation, and include a short description of the authority each provision cited gives to the Department or the Board.)

D. Background and Summary

(* Provide a clear and concise background to the general public of why the regulation is needed and provide a brief summary of the requirements. Explain in nontechnical terms the compelling need the regulation will address, what it requires in legal and practical terms, and who it is likely to affect. Also include a description of the advisory committee's role in the development of the final rulemaking as well as other methods of public outreach used to solicit comments. Describe the advisory committee's concerns and recommendations.)

E. Summary of Comments and Responses on the Proposed Rulemaking

(* A description of each separate comment or group of comments should be addressed. Each description should indicate the substance of the comment and the reasons given by the commentator for the comment. After the discussion of each comment, there should be a specific description of modifications to the regulation in response to the comment. A discussion of why modifications were not made should be included detailing that the Department reviewed the comment(s) and the reasons for the Department's action on the comment(s)).

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the final regulation.

Benefits

(* Describe the intended regulatory result and indicate why there is a need for the proposed action. Describe who will benefit from the regulation and the approximate value of benefits they will receive (public health benefits, revenue generated, cost savings, etc.) Explain how each benefit is produced by the regulation. List any additional benefits that cannot be quantified (endangered species, good will, etc.) Describe any alternative approaches and explain why this regulatory action was chosen.)

Compliance Costs

(* Describe any individuals, groups or entities that will be required to comply with the regulation. Include a cost/benefit analysis which provides specific estimates of all direct costs (e.g., increased permit application fees) and indirect costs (e.g., increased costs of coming into compliance with stricter permit standards), and who shall bear them. Describe the certainty of these estimates and, where major uncertainty exists, provide a cost range. In addition, cost savings--both direct and indirect--must be explained.)

Compliance Assistance Plan

(* Describe and summarize any compliance assistance plan addressing possible types of financial assistance, as well as technical and educational assistance.)

Paperwork Requirements

(* The paperwork requirements should include a description of and the need for additional forms, reports, or other paperwork. Estimates of the cost involved in completing additional paperwork should be discussed in the compliance costs section above.)

(* Guidance for completing this section of the preamble is available as a worksheet in Attachment 11.)

G. Pollution Prevention (if applicable)

Pollution prevention approaches to environmental management often provide environmentally sound and longer-term solutions to environmental protection because pollution is prevented at the source. Pollution prevention is defined by the U.S. Environmental Protection Agency as measures taken to avoid or reduce generation of all types of pollution--solid/hazardous waste, wastewater discharges and air emissions--at their points of origin; however, it does not include activities undertaken to treat, control or dispose of pollution once it is created. The Federal Pollution Prevention Act of 1990 established a national policy and environmental management hierarchy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The hierarchy is as follows:

- a. Pollution should be prevented or reduced at the source.
- b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.
- c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible to render it less hazardous, toxic or harmful to the environment.
- d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

The short- and long-term health of the Pennsylvania economy depends on clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania spends over one billion dollars per year in efforts to control pollutants through regulation of both industrial point discharges and nonpoint sources. In order 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 often by getting the company out of the regulatory loop. It also can get DEP out of the business of regulating pollution that may not need to be generated in the first place.

In keeping with Governor Ridge's interest in encouraging pollution prevention solutions to environmental problems, this regulation has incorporated the following provisions and incentives to meet that goal:

(* Describe pollution prevention approaches.)

H. Sunset Review

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

I. Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. §§ 745.5(a)), the Department submitted a copy of this proposed amendment on ____ (date) ____ to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with Section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing this final-form regulation, the Department has considered the comments received from IRRC and the public. (* Include the Committees in the previous sentence only if they provide comments.) These comments are addressed in the comment and response document and Section ____ of this preamble. The Committees did not provide comments on the proposed rulemaking. (* Delete the final sentence if the Committee provides comments.)

This final-form regulation was (deemed) approved by the House Environmental Resources and Energy Committee on (blank) and was (deemed) approved by the Senate Environmental Resources and Energy Committee on (blank). The Commission met on (blank) and (deemed) approved the regulation in accordance with Section 5(c) of the Act.

J. Findings of the Board

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at *Pennsylvania Code* §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) These regulations do not enlarge the purpose of the proposal published at ____ *Pennsylvania Bulletin* ____ (_____, 19__).
- (4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. Order of the Board

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

- (1) The regulations of the Department of Environmental Protection, 25 *Pennsylvania Code*, Chapter ___, are amended by amending Chapter ____ or Section ____ to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (2) The Chairman of the Board shall submit this order and Annex A to the Office of General Counsel

and the Office of Attorney General for review and approval as to legality and form, as required by law.

(3) The Chairman shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(4) The Chairman of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(5) This order shall take effect immediately.

BY:

JAMES M. SEIF

Chairman

Environmental Quality Board

Attachment 10

FORMAT FOR COMMENT AND RESPONSE DOCUMENT

(cover page)

HAZARDOUS WASTE AMENDMENTS (PK-5)

COMMENT AND RESPONSE DOCUMENT

(page 1)

List of Commentators

1. Mr. Jon D. Walton

Specialty Steel Industry of Pennsylvania

Allegheny Ludlum Corporation

1000 Six PPG Place

Pittsburgh, PA 15222

2. Mr. Floyd W. Warner, President

Pennsylvania Chamber of Business & Industry

One Commerce Square

417 Walnut Street

Harrisburg, PA 17101

3. Senate Environmental Resources and Energy Committee

4. Independent Regulatory Review Commission

(page 2)

COMMENTS AND RESPONSES

Secondary Containment

1. Comment: PK-5 requires secondary containment for existing systems by 1/16/96, as opposed to the latter of this date or when the tank reaches the age of 15 years of age. (1, 4)

Response: The Department has changed the rulemaking to reflect the original language in the current regulations.

Containment Buildings

2. Comment: PK-5 fails to provide for (1) controlling fugitive dust emissions and (2) operating particulate devices in accordance with sound air pollution control practices as detailed in the Federal rules. (2)

Response: The Department's equivalent can be found in Section 265.521(d)(1)(IV) of the final rulemaking.

(Attach all one-page summaries which were submitted during the public comment period. These summaries are noted on the list of commentators prepared by the Policy Office.)

Attachment 11

Pennsylvania Department of Environmental Protection					Pennsylvania Homepage	
Home	Subjects	Search	Kids!	AskDEP	Can We Help?	Participation Center
						What's New

[DEP Home](#) / [Search](#) / [NewsRoom](#) / [Update](#) / [Ask DEP](#) / [County Notebooks](#)

Public Participation / What's New

Contact the Webmaster

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