

The Secretary announces that the 2009 tax rates for alternative fuels are as follows:

Alternative Fuel	Rate of Conversion (BTU/gal of alternative fuel)	Amount Equivalent to One Gallon of Gasoline @ 114,500 BTU per gallon	Tax Rate per Gallon of Alternative Fuel
Ethanol	76,400	1.499	\$.208
Methanol	56,560	2.024	\$.154
Propane/LPG	83,500	1.371	\$.228
E-85	80,460	1.423	\$.219
M-85	65,350	1.752	\$.178
Compressed Natural Gas (CNG)	29,000 @ 3,000 PSI	3.948	\$.079
Liquefied Natural Gas (LNG)	66,640	1.718	\$.182
Electricity	3,412 BTU/KWH	33.558 KWH	\$.0093 \KWH

STEPHEN STETLER,
Acting Secretary

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FISH AND BOAT COMMISSION

2009 VHS-Susceptible Species of Fish

Effective January 1, 2009, the Fish and Boat Commission (Commission) has adopted new regulations that address the sale, introduction and transportation of fish susceptible to Viral Hemorrhagic Septicemia (VHS), known as VHS-susceptible species of fish, from VHS-affected or at risk states or regions. These new regulations may be found at 58 Pa. Code §§ 63.51, 71.8 and 73.3 (relating to sale of VHS-susceptible species of fish; introduction of VHS-susceptible species of fish; and transportation and importation of VHS-susceptible species of fish). The Commission also adopted amendments to § 69.3 (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed) to include provisions regarding the introduction and sale of VHS-susceptible species from the Lake Erie watershed in other watersheds of the Commonwealth. Under these sections, VHS-susceptible species are those species that the Commission defines by notice published in the *Pennsylvania Bulletin*.

For purposes of these sections, the Commission defines the following species of fish as those that are VHS-susceptible, effective January 1, 2009: Bluegill (*Lepomis macrochirus*); Bluntnose minnow (*Pimephales notatus*); Brown trout (*Salmo trutta*); Bullhead catfishes (*Ameiurus spp*); Burbot (*Lota lota*); Channel catfish (*Ictalurus punctatus*); Chinook salmon (*Oncorhynchus tshawytscha*); Common carp (*Cyprinus carpio*); Crappies (*Pomoxis spp*); Emerald shiner (*Notropis atherinoides*); Freshwater drum (*Aplodinotus grunniens*); Gizzard shad (*Dorosoma cepedianum*); Lake trout (*Salvelinus namaycush*);

Largemouth bass (*Micropterus salmoides*); Muskellunge (*Esox masquinongy*); Northern pike (*Esox lucius*); Pumpkinseed (*Lepomis gibbosus*); Rainbow trout/steelhead (*Oncorhynchus mykiss*); Redhorse suckers (*Moxostoma spp*); Rock bass (*Ambloplites rupestris*); Round goby (*Apolonia melanostoma*); Smallmouth bass (*Micropterus dolomieu*); Spottail shiner (*Notropis hudsonius*); Trout-perch (*Percopsis omiscomaycus*); Walleye (*Sander vitreus*); White bass (*Morone chrysops*); White perch (*Morone americana*); White sucker (*Catostomus commersonii*); Whitefishes (*Coregonus spp*); and Yellow perch (*Perca flavescens*).

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

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Proposed Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

The criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries.

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries.

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries.

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries.

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be docu-

mented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff have documented the following stream sections to have Class A Wild Trout populations (ST=Brook Trout, BT=Brown Trout). The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 29 and 30, 2009.

County	Stream	Limits	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Length (miles)
Schuylkill	UNT to Little Schuylkill River	Headwaters at spring fed pond to mouth	35.92		0.81
Potter	Cross Fork	Confluence with Rhulo Hollow/Bear Trap Lodge downstream to confluence with Windfall Run	17.05 (2005) 18.6 (2006) 33.58 (2007)	37.67 (2005) 34.94 (2006) 64.7 (2007)	1.83
Luzerne	Phillips Creek Sec 01	Headwaters to Route 118	ST 46.01		1.80
Luzerne	Phillips Creek Sec 02	Route 118 to mouth	ST 22.59 BT 28.14		3.16
Luzerne	Kitchen Creek Sec 01	Confluence Ganoga Glen/Glen Leigh to Shedy Hill Road (T 559)	ST 47.12		4.15
Luzerne	Crooked Creek	Headwaters to mouth	ST 41.06		1.80
Luzerne	Maple Run Sec 01	Headwaters to pipeline crossing	ST 90.37		2.42
Luzerne	Wasp Branch	Headwaters to mouth	ST 45.98		1.74

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

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INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 20, 2008, and announced the following:

Action Taken—Regulation Disapproved:

Environmental Quality Board #7-421: Triennial Review of Water Quality Standards (amends 25 Pa. Code Chapters 16 and 93)

Disapproval Order

Public Meeting held
November 20, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; Nancy Sabol Frantz, Esq.; Karen A. Miller, Dissenting

Environmental Quality Board—Triennial Review of Water Quality Standards; Regulation No. 7-421 (#2659)

On December 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 16 and 93. The proposed regulation was published in the January 12, 2008 *Pennsylvania Bulletin* with a 75-day public comment period. The final-form regulation was submitted to the Commission on October 7, 2008.

This final-form regulation represents the EQB's triennial update of its water quality standards. It makes numerous amendments to Chapters 16 and 93. Our sole concern with this regulation is the implementation of a new water quality standard for Molybdenum (Mo).

In our comments issued on April 28, 2008, we requested the EQB "clearly provide the justification for the inclusion of Mo... and the rationale behind the specific Human Health Criteria standard." Further, we referenced concerns raised by commentators concerning the lack of a federal standard for Mo, the inability of these commentators to attain the standards required by this regulation using available technology, and the potential impact of this standard on the continuing operation of at least one business in the Commonwealth.