

# PENNSYLVANIA BULLETIN

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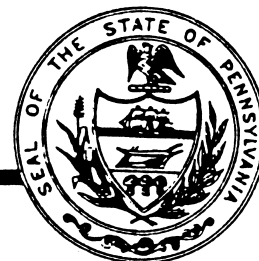
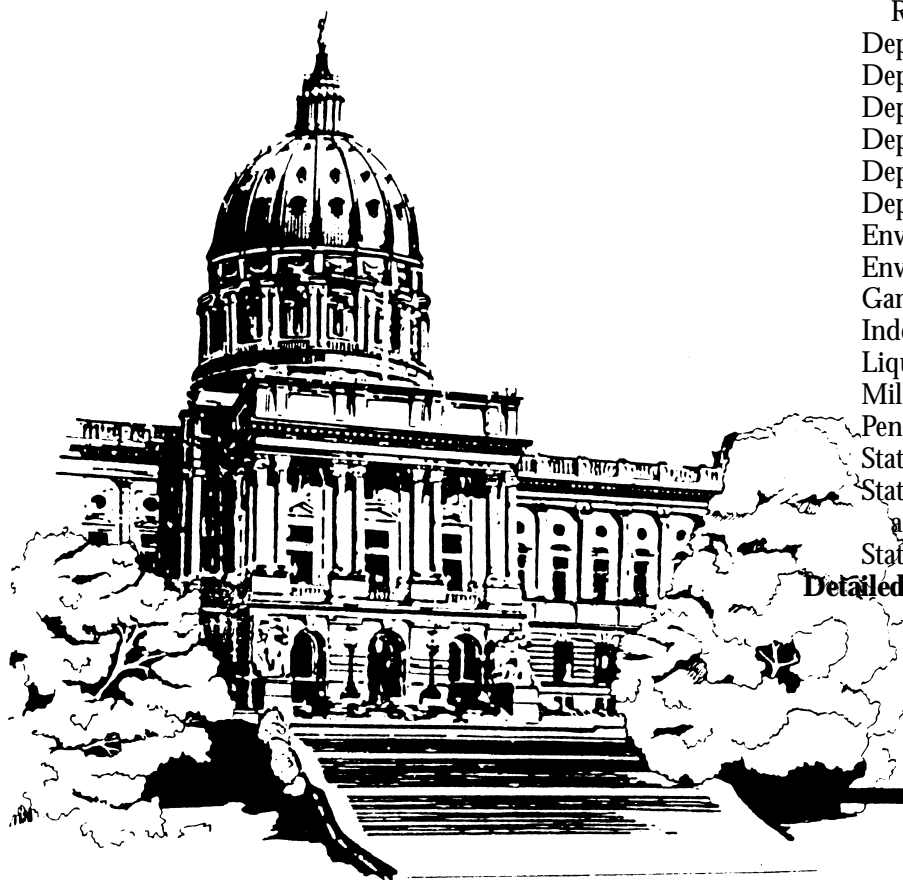
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**No. 319, June 2001**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2001.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2001 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2001 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2001 General Acts Enacted—Act 001 through 011</b>					
001	Apr. 10	HB0099	PN0709	60 days	Dr. Aaron and Dr. Milton L. Caplan Highway and 99th Infantry Division Memorial Highway—designation
002	Apr. 27	SB0239	PN0682	immediately	Lieutenant Michael Wolf Bridge—designation
003	May 4	HB0328	PN0345	60 days	Crimes Code (18 Pa.C.S.)—venerated objects desecration or sale
004	May 17	HB0996	PN1878	immediately*	Public School Code of 1949—omnibus amendments
005	May 17	HB0678	PN0751	60 days	Adam T. Bower Memorial Dam—designation
006	May 17	HB0407	PN0424	60 days	Rosa Parks Remembrance Day—designation
007	May 17	HB0279	PN0280	60 days	Judicial Code (42 Pa.C.S.)—timber conversion damages in actions
008	May 17	HB0157	PN1786	immediately	Vehicle Code (75 Pa.C.S.)—Pennsylvania Pedalcycle and Pedestrian Advisory Committee, establishment, powers and duties
009	May 17	HB0026	PN1905	immediately*	Education (24 Pa.C.S.) and State Government (71 Pa.C.S.)—omnibus amendments
010	May 17	SB0627	PN0672	60 days	Port of Philadelphia board of wardens—rates and fees
011	May 17	SB0635	PN0673	60 days	Port of Philadelphia—pilots
<b>2001 Appropriation Acts Enacted—Act 001A through 005A</b>					
001A	May 17	HB1183	PN1370	July 1, 2001	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
002A	May 17	HB1182	PN1369	July 1, 2001	State Employees' Retirement Board—administrative expenses, etc.
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004A	May 17	HB1178	PN1365	July 1, 2001	Office of Small Business Advocate—operation
005A	May 17	HB1177	PN1364	July 1, 2001	Office of Consumer Advocate—operation

\* with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 01-933. Filed for public inspection June 1, 2001, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

**Amendment of Rule 402 of the Pennsylvania Bar Admission Rules; No. 274, Supreme Court Rules; Doc. No. 1**

#### Order

*Per Curiam:*

*And Now*, this 18th day of May, 2001, Rule 402 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa. B.A.R. 402 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE LAW CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

##### Subpart D. MISCELLANEOUS PROVISIONS

#### Rule 402. Confidentiality.

Except as otherwise prescribed in these rules, the actions and records of the Board shall not be open to inspection by the public. The Board may, however, publish a list of the names of applicants who successfully completed the bar examination administered by the Board and may, upon request from the dean of a law school, furnish the law school with the names of applicants from the law school who did not successfully complete the bar examination, provided the law school has agreed to only use such information internally within the law school and not to disclose the names of students who failed the bar examination to any person or organization outside of the law school.

[Pa.B. Doc. No. 01-934. Filed for public inspection June 1, 2001, 9:00 a.m.]

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

**Amendment of Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement; No. 12 Disciplinary Rule; Doc. No. 1**

#### Order

*Per Curiam:*

*And Now*, this 15th day of May, 2001, upon recommendation of the Lawyers' Assessment Committee, Rule

219(a) of the Pennsylvania Rules of Disciplinary Enforcement is amended.

On or before June 18, 2001, the Administrative Office shall transmit by ordinary mail to all persons required by Rule 219 to pay an annual fee a form for completing the statement required by Rule 219(d). On or before August 6, 2001, all persons required by Rule 219 to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office in accordance with the procedures set forth in Rule 219(d).

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 219 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

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##### Subchapter B. MISCONDUCT

**Rule 219. Periodic assessment of attorneys; voluntary inactive status.**

(a) Every attorney admitted to practice in any court of this Commonwealth shall pay an annual fee of [ \$105.00 ] \$130.00 under this rule. The annual fee shall be collected under the supervision of the Administrative Office, which shall send and receive, or cause to be sent and received, the notices and statements provided for in this rule. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

\* \* \* \* \*

[Pa.B. Doc. No. 01-935. Filed for public inspection June 1, 2001, 9:00 a.m.]

## Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VIII]

**Order Approving Revision of Comment to Pennsylvania Rules of Evidence 803(18); No. 273, Supreme Court Rules; Doc. No. 1**

The Committee on Rules of Evidence has prepared a Final Report explaining the revision of the Comment to Pa.R.E. 803 (Hearsay Exceptions; Availability of Declarant Immaterial) Section (18), that was adopted

May 16, 2001, effective July 1, 2001. This revision addresses the use of learned treatises by the addition of a citation to *Aldridge v. Edmunds*, 750 A.2d 292 (Pa. 2000). The Final Report follows the Court's Order.

**Order**

*Per Curiam:*

Now, this 16th day of May, 2001, upon the recommendation of the Committee on Rules of Evidence; this Recommendation having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of the Comment to Rules of Evidence 803(18) is hereby approved.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2001.

**Annex A**

**TITLE 225. RULES OF EVIDENCE**

**ARTICLE VIII. HEARSAY**

**Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial.**

\* \* \* \* \*

(6) *Records of Regularly Conducted Activity.* A memorandum, report, record, or data compilation, in any form, of acts, events, or conditions, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the sources of information or other circumstances indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

**Comment**

If offered against a defendant in a criminal case, an entry in a business record may be excluded if its admission would violate the defendant's constitutional right to confront the witnesses against him **or her**. See *Commonwealth v. McCloud*, 457 Pa. 310, 322 A.2d 653 (1974).

\* \* \* \* \*

(18) *Learned Treatises [Not Adopted]*

**Comment**

\* \* \* \* \*

**Regarding the permissible uses of learned treatises under Pennsylvania law, see *Aldridge v. Edmunds*, 750 A.2d 292 (Pa. 2000).**

\* \* \* \* \*

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court's Order at 31 Pa.B. 2789 (June 2, 2001).**

**FINAL REPORT**

*Revision of the Comment to Pa.R.E. 803(18)*

*Revision of Comment Concerning Learned Treatises*

On May 16, 2001, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court approved the revision of the Comment to Pa.R.E. 803(18), effective July 1, 2001.

As part of the Committee's ongoing monitoring of the Rules of Evidence, and in response to some inquiries, we reviewed the provisions in F.R.E. 803(18) concerning the admissibility of learned treatises in connection with the Court's decision in *Aldridge v. Edmunds*. The Committee agreed that adding a cross-reference to *Aldridge* to the Comment to Rule 803(18) would aid the bench and bar concerning the permissible uses of learned treatises under Pennsylvania law. Accordingly, the following paragraph has been added to the Comment to Section (18) of Rule 803:

Regarding the permissible uses of learned treatises under Pennsylvania law, see *Aldridge v. Edmunds*, 750 A.2d 292 (Pa. 2000).

[Pa.B. Doc. No. 01-936. Filed for public inspection June 1, 2001. 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**WESTMORELAND COUNTY**

**Conversion of Local Rules of Criminal Procedure to Conform to New Supreme Court Numbering**

**Order**

*And Now* this 10th day of May, 2001 it is *Ordered* that the numbers and titles of Westmoreland County Rules of Criminal Procedure are changed in accordance with the following table to conform to the new numbers adopted by the Supreme Court of Pennsylvania.

It is further *Ordered* that current Rules WC310 and WC1100 are repealed, and that new Rules WC113, WC576, WC600, and WC601 are adopted.

*By the Court*

CHARLES H. LOUGHRAN,  
*President Judge*

OLD	NEW	TITLE
WC112	WC511	NOTICE CONCERNING THE RIGHTS TO COUNSEL IN CASES INITIATED BY SUMMONS
WC130	WC518	PROCEDURE IN COURT CASES INITIATED BY ARREST WITHOUT WARRANT
WC140A	WC541	WAIVER OF PRELIMINARY HEARING
WC141	WC542	PRELIMINARY HEARINGS
WC145	WC546	DISMISSAL UPON SATISFACTION OR AGREEMENT
WC151	WC551	WITHDRAWAL OF PROSECUTION
WC160	WC300	SUMMARY ACCELERATED REHABILITATIVE DISPOSITION

<i>OLD</i>	<i>NEW</i>	<i>TITLE</i>
WC302	WC120	ATTORNEYS-APPEARANCES AND WITHDRAWALS
WC303	WC571	ARRAIGNMENT
WC307	WC579	TIME FOR OMNIBUS PRETRIAL MOTION AND SERVICE
WC310		REPEALED
	WC576	FILING
WC328	WC112	PUBLICITY, BROADCASTING, AND RECORDING OF PROCEEDINGS
WC330	WC568	BENCH WARRANTS
WC331	WC569	TRANSPORT ORDERS
WC1100		REPEALED
	WC113	ADOPTED
	WC600	ADOPTED
	WC601	ADOPTED
WC4005	WC529	MODIFICATION OF BAIL ORDER PRIOR TO TRIAL
WC4006	WC531	QUALIFICATIONS OF SURETY
WC4016	WC536	PROCEDURES UPON VIOLATION OF CONDITIONS: REVOCATION OF RELEASE AND FORFEITURE; BAIL PIECES; EXONERATION OF SURETY
WC4010	WC530	DUTIES AND POWERS OF A BAIL AGENCY; PRETRIAL SERVICES UNIT
WC9023	WC576(b)	FILING

**Rule WC113. Notices.**

(a) The court administrator is responsible for preparing and mailing all required notices of court proceedings to counsel for the defendant or to the unrepresented defendant. The notice shall be mailed first class or delivered through another means to the counsel of record or unrepresented defendant at the address then-listed in the Westmoreland Criminal Justice Information System.

(b) The defendant or counsel of record is responsible for informing the clerk of courts of any known change of address for the defendant. Any department or agency who has been informed of a change of address by the defendant or counsel, shall inform the clerk of courts on a Change of Information Form. The clerk of Courts shall enter any change of address into the Westmoreland Criminal Justice Information System within 24 hours of receipt of the Change of Information Form.

**WC576. Filing.**

(a) A copy of all motions, notices of expedited ARD's or pleas, guilty plea agreements/petitions, opposed petitions for bond reduction, and ARD agreements must be served on the court administrator for scheduling purposes.

(b) Whenever the Pennsylvania Rules of Criminal Procedure require service of a copy of a document on the

opposing party, the party having the responsibility of making service shall also serve a copy of the same on the court administrator.

**Rule WC600. Prompt Trial.**

(a) The court administrator shall compile the list for the upcoming trial term, listing cases by run date order as provided by the district attorney. The earliest run date shall be listed first and the latest run date shall be listed last.

(b) The court administrator shall provide notice of trial pursuant to Pa.R.Crim.P. 113, and WC113. Notice of each attorney's cases on the trial list shall be given to the attorney of record as soon as possible after the list is compiled. The court administrator will mail a notice by first class mail to all pro se defendants.

(c) The parties shall indicate to the court administrator, or to the court during a trial readiness conference, whether the case is ready to proceed to trial; whether the case can be disposed through a negotiated plea, ARD, nolle pros, or other disposition; and whether the case should be passed to a later date during the term, or continued to the next trial term.

(d) Requests for continuances will be presented to the calendar control judge prior to the term. Continuances will be granted by Order. The court will indicate on the Order whether the continuance is to be charged to the Commonwealth or to the defendant, or whether the continuance is due to the unavailability of the court. Continued cases shall be rescheduled for the next available trial term.

(e) Passed cases shall be deferred to a later date during the term

(f) All cases not reached during the term shall be continued to the next trial term due to the unavailability of the court.

**Comment**

The district attorney is responsible for calculating the most recent Rule 600 run date and entering the current run date into the Westmoreland Criminal Justice Information System. Cases without a run date entered into the Westmoreland Criminal Justice Information System shall be given the lowest priority.

**Rule WC601. Presence of Judge.**

(a) The court administrator will assign homicide and other specially designated cases to a judge who will handle all pretrial, trial, and post adjudication matters. For all other court cases the court administrator will assign a pretrial judge to handle all pretrial matters.

(b) During the trial term, either the calendar control judge or the court administrator assigns the trial judge for all cases not specifically assigned pursuant to subsection (a).

(c) The court administrator assigns judges for summary trials as cases and judges become available.

[Pa.B. Doc. No. 01-937. Filed for public inspection June 1, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[58 PA. CODE CHS. 131 and 139]

#### Crossbows; Elk

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2001, meeting, adopted the following changes:

Amend § 131.2 (relating to definitions) by defining a crossbow, § 131.4 (relating to civil liability for wildlife killed) by making an editorial change to correct the reference to 34 Pa.C.S. § 2307(e) (relating to unlawful taking or possession of game or wildlife) and add § 131.8 (relating to replacement costs for wildlife killed) to establish replacement costs as provided in 34 Pa.C.S. § 925(i) (relating to jurisdiction and penalties).

Amend § 139.2 (relating to definitions) to define antlered and antlerless elk, to facilitate the harvest of additional antlerless deer and to define client and guide for elk hunting.

These amendments were adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

#### *Amendment to § 131.2*

##### 1. Introduction

The act of December 20, 2000 (P. L. 452, No. 111) (Act 111) removed the crossbow from the list of unlawful hunting devices contained in section 2308 of the code (relating to unlawful devices and methods). To adopt regulations relating to the use of crossbows to hunt, it is first necessary to define "crossbow." The Commission at its meeting held on January 23, 2001, proposed, and at its April 10, 2001, meeting adopted, adding a definition of "crossbow" to § 131.2. This change is being made under the authority contained in section 2102 of the code (relating to regulations).

##### 2. Purpose and Authority

As is indicated, Act 111 gives the Commission the authority to allow the use of crossbows to hunt in this Commonwealth. To regulate their use however, what constitutes a crossbow must be established. The adopted addition will accomplish that purpose.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking..." Section 2102(d) of the code also directs the Commission to promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used..." The change was adopted under this authority.

##### 3. Regulatory Requirements

The amendment merely defines the term "crossbow."

##### 4. Persons Affected

Individuals wishing to hunt using a crossbow will be affected by the change.

##### 5. Comment and Response Summary

No official comments were received with regard to the adopted change.

##### 6. Cost and Paperwork Requirements

The adopted change should not result in any additional cost or paperwork.

#### *Amendment to § 131.4*

##### 1. Introduction

When section 2307 of the code was changed by the act of December 21, 1998 (P. L. 1274, No. 166) (Act 166), the penalty section was changed from subsection (d) to subsection (e). Section 131.4, which refers to section 2307(d) of the code, was never changed to reflect this amendment. At its meeting held on January 23, 2001, the Commission proposed, and at its April 10, 2001, meeting adopted, amendments to § 131.4 to refer to section 2307(e) of the code. The change is being made under section 2102 of the code.

##### 2. Purpose and Authority

As is indicated in the Introduction, the change is essentially an editorial change resulting from the addition of a subsection to section 2307 of the code. Changing the subsection will have the regulation correctly refer to the penalty provisions of that section. This change was made under section 2102 of the code which provides that: "The commission shall promulgate such regulations as it deems necessary concerning game or wildlife..."

##### 3. Regulatory Requirements

The amendment is an editorial change.

##### 4. Persons Affected

Since the adopted change is editorial, it will not affect anyone not affected by the original regulation.

##### 5. Comment and Response Summary

No official comments were received with regard to the adopted change.

##### 6. Cost and Paperwork Requirements

The adopted change should not result in any additional cost or paperwork.

#### *Addition of § 131.8*

##### 1. Introduction

To more effectively manage the game and wildlife of this Commonwealth, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting adopted § 131.8. Section 925(i) of the code provides for the payment of replacement costs in addition to fines and costs "... as is fixed by regulation of the commission." This section provides the authority for the adopted regulation.

##### 2. Purpose and Authority

The Commission has expended and continues to expend a great deal of money and resources in encouraging the increase of endangered, threatened and other critical species. The unlawful possessing, killing and taking of these species tends to frustrate the purpose of these expenditures. The adopted regulation will discourage unlawful possession and killing and compensate the Commission for its investment in these species.

As was pointed out in the Introduction, section 925(i) of the code specifically authorizes the Commission to fix by regulation replacement costs for unlawfully killed species. In addition, section 2102 of the code directs the Commission to promulgate "... such regulations as it deems necessary and appropriate concerning game and wildlife . . . ." Both of these sections provide the authority for the change.

### 3. Regulatory Requirements

The adopted regulation will specify replacement costs to be assessed on conviction for unlawfully possessing or killing specified species.

### 4. Persons Affected

Individuals unlawfully possessing or killing certain game and wildlife species will be affected by the adopted regulation.

### 5. Comment and Response Summary

No official comments were received with regard to the adopted change.

### 6. Cost and Paperwork Requirements

The adopted change should not result in any additional cost or paperwork. Persons unlawfully killing or possessing wildlife will be required to pay the specified replacement cost.

## Amendment to § 139.2

### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 2001, proposed, and at its April 10, 2001, meeting adopted, changing § 139.2 to add definitions of "antlered elk" and "antlerless elk" and to revise the definition of "field possession limit-deer" to eliminate the requirement that a harvested deer be transported and secured prior to harvesting additional deer. These changes were adopted under section 322(c)(1) of the code (relating to powers and duties of the commission) and 2102(b)(1) of the code.

### 2. Purpose and Authority

In Act 111, the General Assembly authorized the Commission to issue elk hunting licenses and the Commission has established a 6-day elk hunting season in 2001. To carefully control the harvest of elk, antlered and antlerless elk must be distinguished. The proposed addition to § 139.2 would accomplish this purpose.

In addition, last year the Commission had established by definition of "field possession limit-deer" a field possession limit of one deer at a time. Where multiple harvest of deer are authorized, however, the Commission wants to encourage a high harvest of deer. To do this, the Commission has changed the definition contained in § 139.2 to require only the lawful tagging of a harvested deer prior to harvesting another deer.

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "... fix seasons . . . and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits. These sections provide the authority for the adopted changes.

### 3. Regulatory Requirements

The addition of definitions of "antlered" and "antlerless" elk will facilitate requiring elk hunters to distinguish between the two. The change in the definition of field

possession limit-deer will relax requirements but still require the lawful tagging of harvested deer.

### 4. Persons Affected

Individuals wishing to hunt deer and elk will be affected by the changes.

### 5. Comment and Response Summary

No official comments were received with regard to the adopted changes.

### 6. Cost and Paperwork Requirements

The adopted changes should not result in any additional cost or paperwork.

### Effective Date

The amendments are effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### Contact Person

For further information on the changes contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 131 and 139, are amended by amending §§ 131.2 and 131.4; by adding § 131.8 to read as set forth at 31 Pa.B. 1746 (March 31, 2001); and by amending § 139.2 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 31 Pa.B. 1746 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) These amendments shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
Executive Director

(Editor's Note: The proposal to add § 137.33 (relating to protection of elk) included in the proposed rulemaking at 31 Pa.B. 1746, has been withdrawn by the Commission.)

**Fiscal Note:** 48-128. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 139. SEASONS AND BAG LIMITS

#### § 139.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:



*Antlered deer*—A deer having two or more points to one antler, or with one antler 3 inches or more in length.

*Antlered elk*—An elk having at least one spike visible above the hairline.

*Antlerless deer*—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

*Antlerless elk*—An elk without antlers, or an elk with no spike visible above the hairline.

*Client*—Any person who receives the services of a guide.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

*Daily limit*—The maximum number permitted to be taken by one person in 1 day during the open season.

*Early small game hunting season*—A designated period when only squirrels and grouse may be hunted and taken.

*Field possession limit-deer*—When multiple harvests of deer per day are authorized, only one deer at a time may be harvested. Before harvesting additional deer, the deer previously harvested shall be lawfully tagged.

*Guide*—Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.

*Hunting hours*—The period each day of the open season, Sundays excepted, when game and wildlife may be lawfully taken.

*Regular small game hunting season*—The designated period of time when resident small game species may be hunted and taken.

*Season limit*—The maximum number of wildlife which may be taken during a designated open season or license year.

[Pa.B. Doc. No. 01-938. Filed for public inspection June 1, 2001, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 139]**  
**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2001, meeting, adopted the following change:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 2001-2002 hunting license year.

This amendment was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).  
*Amendment to § 139.4*

1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting adopted amendments to § 139.4 to provide for seasons and bag limits for the 2001-2002 license year. These seasons and bag limits were adopted under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission; and regulations). Notable changes for the 2001-2002 year include earlier antlerless

deer seasons and increased opportunities to take antlerless deer, an elk hunting season for the first time in 70 years and increased small game hunting opportunities.

*Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to “. . . fix seasons. . . and daily, season and possession limits for any species of game or wildlife.” Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

The changes that have been adopted for the 2001-2002 season are primarily intended to increase the harvest of antlerless deer, allow the limited taking of elk and to maximize recreational opportunities where game and wildlife populations allow. Major changes are as follows:

1. The thrust of the deer seasons for 2001-2002 is to emphasize the taking of antlerless deer, the main mechanism by which deer populations are controlled, and to limit the harvesting of antlered deer. As a result, the rifle antlerless season will begin on the same day as the rifle antlered deer season and run concurrently with that season. There will also again be an early (October) antlerless muzzleloader season and a similar rifle season for junior and senior license holders, disabled person permit holders and those serving on active duty in the armed forces.

It should be noted that the regular antlerless season originally proposed to start on a Saturday will now start on the following Monday.

2. In the act of December 20, 2000 (P. L. 452, No. 111) (Act 111), the Commission was authorized to issue elk hunting licenses. The elk population in this Commonwealth has reached the point where a limited hunt will not jeopardize the population and there are more and more elk-human conflicts. The Commission has adopted a 6-day elk season for those issued an elk hunting license.

3. The Commission has generally expanded the late small game hunting season.

4. Turkey Management Area #9-A has been closed to fall turkey hunting.

3. *Regulatory Requirements*

These seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. *Persons Affected*

All persons wishing to hunt and trap in this Commonwealth would be affected by these seasons and bag limits.

5. *Comment and Response Summary*

Comments with regard to the proposed changes to the deer seasons ran roughly evenly for and against. A great deal of concern was expressed with regard to starting the antlerless season on Saturday. The Commission has therefore changed the start of that season to the following Monday.

6. *Cost and Paperwork Requirements*

The new seasons and bag limits would not result in additional costs either to the Commission or to hunters and furtakers.

7. *Effective Dates*

The effective dates of the rulemaking are July 1, 2001, to June 30, 2002.

8. *Contact Person*

For further information on the changes, the contact person is David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by the amending § 139.4 to read as set forth in Annex A to this order.

(b) The Executive Director of the Commission shall submit this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending § 139.4 shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal note 48-127 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)**

**2001-2002 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 8	6	12
Squirrels—(Combined species)	Oct. 13	Nov. 24	6	12
	and			
	Dec. 10	Dec. 24		
	and			
	Dec. 26	Feb. 9, 2002		
Ruffed Grouse—(Statewide)	Oct. 13	Nov. 24	2	4
	and			
	Dec. 10	Dec. 24		
	and			
	Dec. 26	Jan. 12, 2002		
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 27	Nov. 24	4	8
	and			
	Dec. 10	Dec. 24		
	and			
	Dec. 26	Feb. 9, 2002		

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Ringneck Pheasant—Male only	Oct. 27	Nov. 24	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area	Oct. 27	Nov. 24	2	4
	Dec. 10	Dec. 24		
	Dec. 26	Feb. 9, 2002		

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 27	Nov. 24	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2002	1	2
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season		Unlimited	

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Turkey—Male or Female			1	1
Management Areas #1-A, 1-B, 2 & 7-A	Oct. 27	Nov. 10		
Management Areas #3, 4, 5, 6 & 8	Oct. 27	Nov. 17		
Management Area #7-B	Oct. 27	Nov. 3		
Management Area #9-A	Closed to fall turkey hunting			
Management Area #9-B	Oct. 27	Nov. 3		
Turkey (Spring Gobbler) Statewide Bearded Bird only	April 27, 2002	May 25, 2002	1	1

**MIGRATORY GAME BIRDS**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Field Possession Limit After First Day</b>
Crows	July 1	Nov. 25		Unlimited
(Hunting permitted on Friday, Saturday and Sunday only)	Dec. 28	April 7, 2002		
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season		Unlimited	

## FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2002	6	12
Quail	Sept. 1	Mar. 31, 2002	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2002	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2002	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2002	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2002	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

## DEER

Species	First Day	Last Day	Daily Limit	Deer Field Possession Limit
Deer, Antlered <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	One antlered.	
Deer, Antlerless (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	An antlerless deer with each required antlerless license.	
Deer, Regular Antlered—(Statewide) <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long	Nov. 26	Dec. 8	One antlered.	
Deer, Antlerless—(Statewide) Only Junior and Senior License Holders, <sup>2</sup> Disabled Person Permit (to use a vehicle) Holders and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.	
Deer, Regular Antlerless—(Statewide) <sup>3</sup>	Nov. 26	Dec. 8	An antlerless deer with each required antlerless license.	
Deer, Antlerless only—(Statewide) (Flintlock Muzzleloading firearms only)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.	
Deer, Antlered or Antlerless—(Statewide) <sup>1</sup> (Flintlock Muzzleloading firearms only)	Dec. 26	Jan. 12, 2002	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.	
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.	

## SPECIAL REGULATIONS AREAS SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY

Species	First Day	Last Day	Daily Limit	Season Limit
Deer, Antlered <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	One antlered.	
Deer, Antlerless (Archery—Bows and Arrows Only)	Sept. 29 and Dec. 26	Nov. 10  Jan. 12, 2002	An antlerless deer with each required antlerless license.	
Deer, Antlered <sup>1</sup> with 2 or more points to an antler or a spike 3 or more inches long	Nov. 26	Dec. 8	One antlered deer.	

<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Deer, Antlerless	Nov. 26 and Dec. 26	Dec. 8  Jan. 12, 2002	An antlerless deer with each required antlerless license.	
<b>BEAR</b>				
Bear, any age	Nov. 19	Nov. 21	1	1
<b>ELK</b>				
Elk, Antlered <sup>4</sup>	Nov. 12	Nov. 17	1	1
Elk, Antlerless <sup>4</sup>	Nov. 12	Nov. 17	1	1
<b>FUR TAKING—TRAPPING</b>				
Minks and Muskrats—(Statewide)	Nov. 17	Jan. 13, 2002	Unlimited	
Beaver—(Statewide)	Dec. 26	Mar. 31, 2002		
Zones 1 & 2 (except McKean, Potter and Tioga Counties)			20	20
Zone 2 McKean, Potter and Tioga Counties			20	40
Zone 3			20	40
Zones 4 & 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 14	Feb. 23, 2002	Unlimited	
Bobcat (Zones 2 & 3) <sup>5</sup>	Oct. 14	Feb. 23, 2002	1	1
<b>FUR TAKING—HUNTING</b>				
<b>Species</b>	<b>First Day</b>	<b>Last Day</b>	<b>Daily Limit</b>	<b>Season Limit</b>
Coyotes—(Statewide)	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.			Unlimited
Opossums, Skunks, Weasels—(Statewide)	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide)	Oct. 13	Feb. 23, 2002		Unlimited
Bobcat (Zones 2 & 3) <sup>5</sup>	Oct. 13	Feb. 23, 2002	1	1

No open seasons on other wild birds or wild mammals.

<sup>1</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>2</sup> Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>3</sup> The Executive Director is hereby authorized to extend, by order, in accordance with § 139.3, this season by 1 day either Statewide or on a designated area basis when it appears, after polling the Commissioners and regional offices, that there has been an underharvest of antlerless deer. Public notice of the extension shall be given by extensive publication.

<sup>4</sup> The Executive Director is hereby authorized to extend, by order, in accordance with § 139.3, this season by 5 days from December 26, 2001, to December 31, 2001, (excluding Sunday), if the harvest quota is not met during the first season. If the quota is not met during the first extension, a second 5 day extension from January 2, 2002, to January 7, 2002, (excluding Sunday) may be ordered.

<sup>5</sup> Bobcat may only be taken by furtakers in possession of a Bobcat Hunting—Trapping Permit.

**GAME COMMISSION**  
**[58 PA. CODE CH. 147]**

**Corrective Amendment to 58 Pa. Code § 147.553(1)—  
 (3)**

The Game Commission has discovered a discrepancy between the agency text of 58 Pa. Code § 147.553 (relating to permit), as deposited with the Legislative Reference Bureau and the official text as published at 30 Pa.B. 767 (February 12, 2000), and published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 305) and as currently appearing in the *Pennsylvania Code*. Paragraphs (1)—(3) were inadvertently dropped.

Therefore, under 45 Pa.C.S. § 901: the Game Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 147.553(1)—(3). The corrective amendment to 58 Pa. Code § 147.553(1)—(3) is effective as of February 12, 2000, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 147.553 appears in Annex A.

*(Editor's Note: For a proposed rulemaking concerning § 147.553(1), see 31 Pa.B. 2806 (June 2, 2001).)*

**Annex A**

**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**SUBCHAPTER R. DEER CONTROL**  
**AGRICULTURE**

**§ 147.553. Permit.**

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation and enrolled in the Deer Damage Area Program unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 30 each calendar year, excluding Sundays, during the hours of dawn to dusk only.

(2) *Exceptions.* The permit is not valid from May 16 to July 31, inclusive, for general crop farming and from May 16 to June 30 for vegetable farming.

(3) *Fee for permit.* There is no fee for the issuance of the deer control permit.

[Pa.B. Doc. No. 01-940. Filed for public inspection June 1, 2001, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 3490]

### Protective Services

#### *Statutory Authority*

The Department of Public Welfare (Department) proposes to amend Chapter 3490 (relating to protective services) to read as set forth in Annex A under the authority of Articles VII and IX of the Public Welfare Code (62 P.S. §§ 701–774 and 901–922); 42 Pa.C.S. §§ 6301–6365 (relating to the Juvenile Act); section 2168 of the County Code (16 P.S. § 2168); section 405 of the County Institution District Law (62 P.S. § 2305); and Chapter 63 of 23 Pa.C.S. §§ 6301–6385 (relating to the Child Protective Services Law (CPSL)).

#### *Purpose of the Proposed Amendments*

It is the purpose of Chapter 3490 to:

- Encourage more complete reporting of suspected child abuse; to involve law enforcement agencies, as permitted by this chapter, in responding to child abuse; and to establish protective services in each county for the purpose of investigating reports swiftly and competently.
- Protect children from further abuse and provide rehabilitative services for children and parents involved so as to ensure the child's well-being and to preserve, stabilize and protect the integrity of family life whenever appropriate.
- Ensure that each county children and youth agency establishes a program of general protective services for children; to assess the risk of harm to a child and respond adequately to meet the needs of families and children who may be at risk; and to prioritize the response and services to children most at risk.
- Provide for investigation of reports of suspected abuse of students by school employees and to screen applicants for employment in schools to determine whether or not the applicant has a prior history of abusing children.
- Establish a training and certification program for all county children and youth agency staff who provide direct services to children who are in need of protective services and for persons who supervise direct service workers.

#### *Need for the Proposed Amendments*

These amendments are needed to implement the act of December 15, 1998 (P. L. 963, No. 127) (Act 127), and to clarify and amend existing regulations.

#### *Requirements*

a. Section 3490.2 (relating to purposes) adopts the statutory requirement of section 6302 of the CPSL (relating to findings and purpose of chapter) that when the unity of the family cannot be maintained as a result of abuse, neglect or the need for protective services that the county agency is required to find another alternative permanent family for the child. This is consistent with the language in the Juvenile Act which was amended as a result of the act of December 15, 1998 (P. L. 949, No. 126) (Act 126). The Juvenile Act and the CPSL were amended

to be consistent with the provisions of the Federal Adoption and Safe Families Act of 1997 (42 U.S.C.A. §§ 678, 673b and 679b), which focuses on safety, permanency and timeliness as paramount for all children.

b. Section 3490.4 (relating to definitions) was amended to include a definition of imminent risk. The Department originally trained county agency staff on imminent risk and defined "imminent risk" as substantial evidence that a child would be a victim of serious physical injury, sexual abuse or exploitation except for happenstance, intervention of a third party or actions by the alleged victim. In *E.D. v. Department of Public Welfare*, 719 A.2d 384 (Cmwlth. 1998), the Commonwealth Court held that the standard that the child would have suffered serious physical injury was too high a standard to maintain an indicated report and ordered the report expunged. This prompted the Office of Children, Youth and Families to review its definition of imminent risk. In 1998, the county agencies indicated only 314 reports of imminent risk. A report of imminent risk provides the county children and youth agencies (county agencies) with an opportunity to intervene in a family where there is an indication that a child may be abused in the future. The small number of reports of imminent risk demonstrates missed opportunities to protect children when there is a very high risk of physical injury, sexual abuse or exploitation. Therefore, the Department is proposing to define imminent risk as: "Imminent Risk—The exposure of a child to the substantial probability of serious physical injury or sexual abuse or exploitation which but for happenstance, intervention of a third party, or actions by the child does not occur."

c. Section 3490.34 (relating to pending complaint file and file of unfounded reports awaiting expunction) proposes to adopt the statutory requirement of section 6337 of the CPSL (relating to disposition of unfounded reports) that ChildLine maintain reports of suspected child abuse that were determined unfounded by the county agency for 1 year after the date the report was received by ChildLine. The report will be expunged from the pending complaint file, as soon as possible, but no later than 120-calendar days after the 1-year period following the date the report was received at ChildLine. Prior to Act 127, ChildLine was required to expunge unfounded reports within 120-calendar days of receiving the report. Reports that are ordered to be expunged as the result of the appeal process will be expunged immediately after the time limit for the next level in the appeal process has passed.

This section and § 3490.37(a) (relating to release of information: Statewide Central Register, pending complaint file and file of unfounded reports) are to be further amended to be consistent with the Act 127 amendment in section 6335(b) of the CPSL (relating to information in pending complaint and unfounded report files), which gives law enforcement officials (LEOs) access to these reports when investigating certain crimes. LEOs did not have access to unfounded reports previously. This will give LEOs access to information that could assist them in investigating identified crimes, missing child reports or child abuse. This will also assist county agencies in assessing the risk to a child when the county agency receives a subsequent report of suspected child abuse.

d. Sections 3490.58 and 3490.173 (relating to notifications; and notifications by the county agency) are to adopt the statutory requirement of section 6341(f) of the CPSL

(relating to amendment or expunction of information) that a county agency advise subjects of reports of suspected child abuse that unfounded reports of suspected child abuse will be expunged no later than 120-calendar days following the expiration of 1 year from the date the report was received at ChildLine.

These sections and § 3490.70 (relating to expunction and amendment of report by the county agency) further adopt the statutory requirement of the CPSL that the information regarding subjects of unfounded reports of suspected child abuse, including those determined unfounded through an appeal proceeding, who receive services will be expunged no later than 120-calendar days following the expiration of 1 year after the termination or completion of services provided or arranged by the county agency. The information related to the provision of services other than the unfounded report will be maintained under Chapter 3130 (relating to administration of county children and youth social service programs). When reports are determined to be unfounded as a result of an appeal proceeding, and the family has not been accepted for services, the report will be expunged upon notification from ChildLine. Prior to Act 127 there was no statutory requirement regarding the expunction of unfounded reports of suspected child abuse when the family was accepted for services.

e. Section 3490.60 (relating to services available through the county agency) will adopt the statutory requirement of section 6365(b) of the CPSL (relating to services for prevention, investigation and treatment of child abuse). The county agency is required to make available a multidisciplinary team (MDT) for the prevention, investigation and treatment of child abuse. The county agency shall convene the multidisciplinary team at any time, but not less than annually, to review substantiated cases of child abuse, including responses by the county agency and other agencies providing services to the child. This is to be a systemic review to determine how the county agency is meeting its mandate to investigate reports of suspected abuse and the need for general protective services and provide services to protect children from further abuse and neglect.

The MDT is also required, where appropriate, to assist on a case-by-case basis in the development of a family service plan for the child.

Prior to Act 127, the CPSL required the county agency to have an MDT but it did not define the role of the MDT. The amendments establish two roles for the MDT and that the county agency may convene the MDT at any time, but not less than annually. This amendment will involve other community agencies and professionals in the important role of assisting the county agency in protecting children. Child abuse is a community problem and services should be coordinated to prevent further abuse to a child.

f. Section 3490.60 further proposes to adopt the statutory requirement in section 6365(c) of the CPSL that the county agency and the district attorney establish a team to investigate any case of child abuse involving crimes against children, which are set forth in § 3490.91(a)(9) and (10) (relating to persons to whom child abuse information shall be made available). The county agency administrator and district attorney are required to develop a protocol to be used in receiving and investigating these reports. The district attorney will convene an investigative team in accordance with the protocol. The investigative team will consist of those individuals and agencies responsible for investigating the abuse or for

providing services to the child and will at a minimum include a health care provider, county caseworker and LEO. This amendment will reduce the trauma to a child by having to participate in numerous interviews. Coordination with the LEO will improve prosecution efforts and fortify efforts to assure the safety of the child.

g. Section 3490.91(a)(5) will adopt the statutory requirement of section 6340(a)(5) of the CPSL (relating to release of information in confidential reports) that county agency staff may testify at hearings before a district justice, a judge of the Philadelphia Municipal Court or a judge of the Pittsburgh Magistrates Court when there is a criminal matter involving a charge of child abuse. Prior to Act 127, the confidentiality provisions of the CPSL prohibited county agency staff from testifying at the district justice level without a court order from a court of common pleas. The agency often has information that will aid LEOs in prosecuting alleged perpetrators. The testimony may afford children the protection of the criminal justice system.

h. Section 3490.91(a)(9) will adopt the statutory requirement of section 6340(a)(9) of the CPSL that LEOs have access to information in the county agency files when investigating serious physical injury or one or more of the criminal offenses set forth in section 6344(c) of the CPSL (relating to information relating to prospective child-care personnel). LEOs also have access to child abuse information and general protective services information when investigating any crime involving a child regardless of the relationship of the perpetrator/caretaker to the child.

Under section 6340(a)(15) of the CPSL, LEOs also have access to child abuse information and general protective services when a family moves from one residence or location to another.

The county agency must release any information in any records that may assist the LEO in the investigation. LEOs have access to general protective services information, as § 3490.39 (relating to expunction from the Statewide Central Register) references "reports made under this chapter" and general protective services reports are now handled under the CPSL.

i. Section 3490.91(a)(10) adopts the statutory requirement of section 6340(a)(10) of the CPSL that county agencies must report suspected child abuse to the district attorney, the district attorney's designee or other LEO, as set forth in the county protocols for investigative teams. Except for endangering the welfare of children, all reports of suspected child abuse that might be a criminal offense, or the attempt, solicitation or conspiracy to commit any of the offenses found in section 6344(c) of the CPSL, must be reported to the district attorney, the district attorney's designee or other LEO designated in the county protocol.

The proposed amendment also requires the county agency to report to the district attorney or designee, or other LEO, serious physical injury involving extensive and severe bruising, burns, broken bones, lacerations, internal bleeding, shaken baby syndrome or choking or an injury that significantly impairs a child's physical functioning, either temporarily or permanently, regardless of the relationship of the alleged perpetrator to the child.

j. Section 3490.94 (relating to release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation) will be amended by the addition of subsection (c) which states that the Department will not release the name of a person who made a report of suspected child abuse or cooperated in the



investigation when the person does not respond to the Secretary's written notification asking whether or not the person believes that the release would be detrimental to the person's safety. When the Secretary receives a request to release the name of the person who made a report of suspected child abuse or cooperated in the investigation, the Secretary will write to the person who made the report and ask whether or not that person thinks that the release of the name would be detrimental to the person's safety. This aids the Secretary in making a decision on whether or not to release the name. The Department's policy is not to release the person's name when the person does not respond to the Secretary's written notification. This policy acknowledges that either the Secretary's letter or the person's response was not received. This amendment would regulate current practice of the Department.

k. Sections 3490.105a and 3490.191 (relating to request by a perpetrator to amend or expunge an indicated report of child abuse received by ChildLine after June 30, 1995; and request by a school employee to amend or expunge an indicated report of student abuse) will adopt the statutory language in section 6341 (b) of the CPSL which requires the Secretary to notify all subjects when the Secretary grants a perpetrator's request to amend or expunge an indicated report of child abuse. The sections will be amended further to require the Secretary to notify not only the perpetrator but also the county agency when the Secretary denies a perpetrator's request to amend or expunge an indicated report of child abuse. Since the county agency provides information to the Secretary to help make the decision, it is appropriate to notify the county agency of the decision.

The section also proposes to adopt the statutory language that requires the Secretary to notify the appropriate LEOs when the Secretary grants the request to expunge the report. Sections 3490.106a and 3490.192 (relating to hearings and appeals proceedings for indicated reports received by ChildLine after June 30, 1995; and request for a hearing by a school employee for indicated reports of student abuse) was amended to adopt the statutory requirement of section 6341(c) of the CPSL requiring the Secretary to notify the appropriate LEO of a request for a hearing.

l. Section 3490.122 (relating to responsibilities of an applicant, prospective operator or legal entity of a child care service) will adopt the statutory requirement of section 6344(h) of the CPSL that volunteers for the Big Brothers and Big Sisters programs are exempt from paying the processing fee to the Department for a ChildLine clearance to verify whether or not the person's name is on file as a perpetrator of child abuse. The *Pennsylvania Child Abuse History Clearance* form may be downloaded from the Department's website at <http://www.dpw.state.pa.us>.

m. Section 3490.122 will adopt the statutory requirement of section 6344(c)(3) of the CPSL that a child-care administrator may not hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), committed within the 5-year period immediately preceding the request for verification. This will protect children from persons convicted of a felony drug related offense within the preceding 5-year period.

This section was also amended to prohibit an administrator from hiring a person who was convicted of a

Federal crime or crime of another state that is equivalent to one of the Commonwealth crimes listed in section 6344(c) of the CPSL. This section was amended to include the requirements for submission of fingerprints to the Federal Bureau of Investigation when the applicant is not a resident of this Commonwealth.

This section will also be amended by adding subsection (h) to require the administrator of a child care service to make and keep a copy of the original verification certificate. The *Pennsylvania Child Abuse History Clearance* form has instructions to the administrator to keep a copy of the certificate on file. A section requiring an administrator to make and keep a copy is needed for monitoring and enforcement purposes.

n. Section 3490.123 (relating to responsibilities of prospective adoptive parents, prospective foster parents, foster family care agencies and adoption investigators) prohibits adoption agencies, foster care agencies and persons designated by the court under 23 Pa.C.S. § 2535(a) (relating to investigation) from approving an applicant when the applicant has been convicted of a felony offense under the Controlled Substance, Drug, Device and Cosmetic Act, committed within the 5-year period immediately preceding the request for verification. This will protect children from being placed in foster care with or adopted by persons who have been convicted of a felony drug related offense within the preceding 5-year period.

#### *Affected Individuals and Organizations*

The proposed amendments will affect children and youth and their families, as well as public and private children and youth agencies, LEOs, persons seeking employment in a child-care service, prospective foster and adoptive applicants and volunteers for the Big Brothers and Big Sisters program.

#### *Accomplishments/Benefits*

Children deserve to grow up in safe, nurturing homes. Sadly, many are victims of child abuse and neglect. It is a problem that has devastating effects on children and families in this Commonwealth. While substantial progress has been made in addressing this problem, the Department continues to look for ways to protect children. These proposed amendments address amendments to the CPSL as a result of Act 127. Children will be afforded the protection of the law enforcement community by: maintaining unfounded reports for 1 year and giving law enforcement officials access to these reports; joint investigations of reports of suspected child abuse by the members of the investigative team; and reporting all reports of suspected serious physical injury to LEOs. Changing the standard for when children are at imminent risk of serious physical injury or sexual abuse or exploitation from "would have occurred" to "is likely to occur" will allow the county agencies to intervene and deliver needed services to families before the child is actually abused.

In 1998, 75% of the reports of suspected child abuse were determined unfounded and expunged within 120-calendar days of the receipt of the report at ChildLine. In 80% of unfounded reports, the child is injured but the seriousness of the injury does not rise to the level of serious physical injury as defined by the statute and Departmental regulations. Access to this information was limited to county agency staff, employees of the Department, subjects of the reports and the Office of Attorney General when conducting an audit to insure that the expunction requirements of the CPSL and Departmental regulations are being fully and properly conducted. Act

127 and this proposal extend the time that these unfounded reports are maintained by 1 year. ChildLine will keep unfounded reports for 1 year after the date of the oral report to ChildLine under the provisions of the CPSL and this proposal. The county agencies will maintain unfounded reports that are accepted for services for a year after the case is closed for service. Act 127 and these regulations also give LEOs access to information in unfounded reports on file at ChildLine. This information could be very helpful to LEOs when investigating a crime or missing child report, especially when a family moves from one county to another and injures the child again. It alters information available to the LEO and allows the LEO to conduct a more thorough investigation.

The professional community that treats abused children and their families has come to realize that child abuse is a community problem. A solution is located in the total resources of the community, not solely the responsibility of the children and youth agency. After reaching this conclusion, the need for members of different professions to come together periodically to review reports of suspected child abuse and develop a coordinated treatment approach was the next logical step. County MDTs will develop policies and procedures on its role in the community, identify which cases it will review, who will be a member of the MDT and the frequency of meetings. This will be another tool for the community to use in preventing and treating child abuse.

Two noticeable shifts have occurred in the field of protective services over the past 4 decades. First, the extent and severity of child abuse has increased. The number of reports of suspected child abuse has increased from 568 in 1968, the first year following the enactment of the act of August 14, 1967 (P. L. 239, No. 91) (11 P. S. §§ 2101—2110) (Repealed), known as the Child Abuse Law, to 22,589 in 1998. The number of deaths, annually, from child abuse has increased from 19 in 1968, to 52 in 1998.

The sexual abuse of children has always been a sensitive subject. In 1967, the Child Abuse Law did not specifically identify sexual abuse as a type of abuse. The 1999 Annual Report on Child Abuse reflects that sexual abuse was involved in 42% of all substantiated reports.

When the Child Abuse Law was replaced by the CPSL in 1975, the prevailing belief was that child abuse was a family problem and best served by the social services agencies in the community. It was the prevailing view that prosecuting parents for anything less than homicide, sexual abuse or exploitation, or serious bodily injury was counterproductive to preserving the family unity and for getting the alleged perpetrator to cooperate in rehabilitative programs. Criminal prosecution was difficult due to the evidentiary problems of child witnesses.

However, with the passage of time, things have changed. Children are being severely abused and almost half of the reports that are substantiated are sexual abuse. Also, over time, the need for law enforcement involvement and closer working relationships between the county agencies and LEOs has become apparent. Act 127 established the requirement that the county administrator and district attorney establish an investigative team and protocols on the roles and responsibilities of each agency in investigating reports of suspected child abuse that are referred to LEOs. This will streamline the investigative process, allow the two agencies to share information and reduce the trauma to the child in having to repeat information to numerous people during the course of the investigation.

The General Assembly has shown a great deal of interest in assuring the health and safety of children not only when children are in their own homes but also when children are entrusted to the care of a person other than the child's parents. The CPSL was amended to prohibit child care workers and foster and adoptive parent applicants from being approved when they have been convicted of a felony drug offense within the 5-year period preceding clearance.

#### *Fiscal Impact*

- **Public Sector**

The fiscal impact of these proposed amendments will be minimal except for the requirement that the district attorney and county administrator establish an investigative team as required by § 3490.60.

The costs to establish an investigative team in each county are based on the assumption that for every 750 reports of suspected child abuse that were made in 1998, a county would have to hire one additional caseworker. Based on this assumption, it was determined that 29 full-time equivalent caseworkers would be hired State-wide and one full-time supervisor would be hired by Philadelphia because of the number of reports they receive. A cost of living increase of 3.5% per year was used for FY 2000-01 to 2003-04.

Year	2000-01	2001-02	2002-03	2003-04	2004-05
Federal	\$205	\$212	\$220	\$227	\$235
State	\$666	\$690	\$714	\$739	\$765
Counties	\$167	\$175	\$181	\$187	\$194
Total	\$1,038	\$1,077	\$1,115	\$1,153	\$1,194

(The figures are in thousands)

- **Private Sector**

There will be no increase in costs to the private sector.

- **General Public**

Section 3490.122 will adopt the statutory requirement of section 6344(h) of the CPSL that volunteers for the Big Brothers and Big Sisters programs are exempt from paying the processing fee to the Department for a ChildLine clearance to verify whether or not the person's name is on file as a perpetrator of child abuse. In the 4 months between March 1, 1999, when the exemption became effective, and June 30, 1999, ChildLine received and screened 1,100 requests from persons wanting to become a Big Brother or a Big Sister. This means that ChildLine may receive approximately 3,300 requests a year. This will result in annual savings to Big Brothers and Big Sisters volunteers of \$33,000.

#### *Paperwork Requirements*

LEOs may now receive a copy of unfounded reports awaiting expunction from ChildLine. ChildLine will have to make and send a copy to the LEO; thus, resulting in a minimal increase in paperwork for ChildLine.

County agencies are now required to report certain suspected serious physical injuries to an LEO when a parent is the alleged perpetrator. This will result in a minimal increase in paperwork for the county agencies.

#### *Effective Dates*

These amendments will take effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### *Sunset Date*

No sunset date has been established for these regulations. The Secretary is required by the law, and these

regulations, to submit an annual report to the Governor and the General Assembly on the implementation of the law. The report must include recommendations to amend the law; thus, the Department is continuously evaluating the effectiveness of the law and the need for amendments.

*Public Comment Period*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Cathy Utz, P. O. Box 2675, Harrisburg, PA 17105-2675, or fax to (717) 705-0364 within 30-calendar days after the date of publication in the *Pennsylvania Bulletin*. All comments received within 30-calendar days will be reviewed and considered in the preparation of the final-form regulations. Comments received after the 30-calendar day comment period will be considered for any subsequent revisions of these proposed amendments.

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 21, 2001, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Aging and Youth and the Senate Committee on Public Health and Welfare. 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 in compliance with Executive Order 1996-1. 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 10-calendar days of the close of the Committees' review. 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, prior to final publication, of the amendments of objections raised by the Department, the General Assembly and the Governor.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-469. (1) General Fund; (2) Implementing Year 2000-01 is \$666,000; (3) 1st Succeeding Year 2001-02 is \$690,000; 2nd Succeeding Year 2002-03 is \$714,000; 3rd Succeeding Year 2003-04 is \$739,000; 4th Succeeding Year 2004-05 is \$765,000; 5th Succeeding Year 2005-06 is \$792,000; (4) 1999-00 Program—\$431,245,000; 1998-99 Program—\$403,619,000; 1997-98 Program—\$398,740,000; (7) County Child Welfare; (8) recommends adoption. Funds are included in the budget for this purpose.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART V. CHILDREN, YOUTH AND FAMILIES  
MANUAL**

**CHAPTER 3490. PROTECTIVE SERVICES**

**Subchapter A. CHILD PROTECTIVE SERVICES**

**INTRODUCTION**

**§ 3490.2. Purposes.**

The purposes of this subchapter are to:

\* \* \* \* \*

**(7) Provide another alternative permanent family when the unity of the family cannot be maintained.**

**§ 3490.4 Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Imminent risk**—The exposure of a child to the substantial probability of serious physical injury or sexual abuse or exploitation which but for happenstance, intervention of a third party or actions by the child does not occur.

\* \* \* \* \*

**DEPARTMENTAL RESPONSIBILITIES**

**§ 3490.34. Pending complaint file and file of unfounded reports awaiting expunction.**

\* \* \* \* \*

(d) [ **Unfounded reports** ] Reports determined unfounded by the county agency shall be [ **expunged at ChildLine within 120-calendar days after the date of the initial report to ChildLine** ] maintained at ChildLine for 1 year after the date the report was received by ChildLine. ChildLine shall expunge the report, as soon as possible, but no later than 120-calendar days after the 1-year period following the date the report was received at ChildLine.

(e) Reports determined unfounded through the appeal process will be expunged immediately after the expiration of the appeal period for the next level of appeal.

(f) Reports which are unfounded awaiting expunction may not be released from the [ **pending complaint** ] file of unfounded reports awaiting expunction except to a subject of a report upon written request, law enforcement officials, employees of the Department under this subchapter and employees of the Office of Attorney General under section 6345 of the CPSL (relating to audits by Attorney General).

**§ 3490.37. Release of information: Statewide Central Register, pending complaint file and file of unfounded reports.**

(a) A request for information from the Statewide Central Register, pending complaint file or file of unfounded reports by persons permitted access to this information, other than the county agency, or a law enforcement official shall be in writing and signed by the person requesting the information.

\* \* \* \* \*

**COUNTY RESPONSIBILITIES**

**§ 3490.58. Notifications.**

\* \* \* \* \*

(b) Within 72 hours of interviewing the subject, the county agency shall notify the subject in writing of:

\* \* \* \* \*

(5) The fact that the report, if determined unfounded, will be expunged from the pending complaint file [ **within** ] no later than 120-calendar days following the expiration of 1 year from the date the report was received at ChildLine.

\* \* \* \* \*

(d) Except for the subject child, the county agency shall notify all subjects in writing of one of the following when the county agency determines that the report is unfounded:

(1) The information will be kept on file at the county agency and clearly identified as an unfounded report of suspected child abuse when the family has been accepted for services. **The information regarding the unfounded report of suspected child abuse will be expunged no later than 120-calendar days following the expiration of 1 year after the termination or completion of services provided or arranged by the county agency. The information related to the provision of services other than the unfounded report shall be retained under § 3130.43 (relating to family case records).**

(2) The report is unfounded and because the family has not been accepted for services that all information will be expunged at the county agency upon notification from ChildLine and that the report will be expunged from the pending complaint file within 120-calendar days **following expiration of 1 year** of receipt of the report at ChildLine.

\* \* \* \* \*

**§ 3490.60. Services available through the county agency.**

(a) **Additional services.** In addition to those services required in Chapter 3130 (relating to administration of county children and youth social service programs), the county agency shall provide, arrange or otherwise make available the following services for the prevention and treatment of child abuse:

\* \* \* \* \*

(3) Multidisciplinary teams composed of professionals from a variety of disciplines who are consultants to the county agency in its case management responsibilities as required by Chapter 3130 who perform one of the following functions:

\* \* \* \* \*

(iv) Participate in the State or local child fatality review team authorized under section 6340(a)(4) and **section 6343(b)** of the CPSL (relating to release of information in confidential reports; and performance audit) convened by a professional, an organization and the county agency for the purpose of investigating a child fatality or the development and promotion of strategies to prevent child fatality.

(b) **Multidisciplinary team.** The county agency shall make available a multidisciplinary team for the prevention, investigation and treatment of child abuse and shall convene the multidisciplinary team at any time, but not less than annually:

(1) **To review founded and indicated cases of child abuse, including responses by the county agency and other agencies providing services to the child.**

(2) **To assist in the development of a family service plan for the child, when appropriate.**

(c) **Investigative team.** The county agency and the district attorney shall develop a protocol for the convening of investigative teams for any case of child abuse involving crimes against children, which are set forth in § 3490.91(a)(9) and (10) (relating to release of information in confidential reports).

(1) **The county protocol shall include standards and procedures to be used in receiving and referring reports and coordinating investigations of reported cases of child abuse and a system for sharing the information obtained as a result of any interview.**

(2) **The protocol shall include other standards and procedures to avoid duplication of fact-finding reports and interviews to minimize the trauma to the child.**

(3) **The district attorney shall convene an investigative team in accordance with the protocol. The investigative team shall consist of those individuals and agencies responsible for investigating the abuse or for providing services to the child and shall at a minimum include a health care provider, county caseworker and law enforcement official.**

**§ 3490.70. Expunction and amendment of report by the county agency.**

(a) The county agency shall amend or expunge a record of child abuse upon notification from ChildLine. The county agency shall expunge all information in its possession in unfounded, founded and indicated reports of child abuse upon notification from ChildLine. The county agency shall notify those to whom it gave information to take similar action.

(b) **When the report has been unfounded and the family has been accepted for services, the information shall be kept on file at the county agency and clearly identified as an unfounded report of suspected child abuse. The information regarding the unfounded report will be expunged no later than 120-calendar days following the expiration of 1 year after the termination or completion of services provided or arranged by the county agency. The information related to the provision of services other than the unfounded report shall be retained under § 3130.43 (relating to family case records).**

**CONFIDENTIALITY**

**§ 3490.91. Persons to whom child abuse information shall be made available.**

(a) Reports, report summaries and other accompanying information obtained under the CPSL and this chapter in the possession of the Department and a county agency are confidential. Except for the subject of a report, persons who receive information under this section shall be advised that they are subject to the confidentiality provisions of the CPSL and this chapter, that they are required to insure the confidentiality and security of the information and that they are liable for civil and criminal penalties for releasing information to persons who are not permitted access to this information. This material shall only be released under the CPSL and this chapter and be made available only to the following:

\* \* \* \* \*

(5) A court of competent jurisdiction [ **under a court order** ], including a district justice, a judge of the Philadelphia Municipal Court and a judge of the Pittsburgh Magistrates Court, pursuant to court order or subpoena in a criminal matter involving a charge of child abuse under § 3490.4 (relating to definitions) or a court of common pleas upon written request from a judge in connection with any matter involving custody of a child. **Disclosure through testimony shall be subject to the restriction of**

§ 3490.94(a) (relating to release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation).

\* \* \* \* \*

(9) Law enforcement officials of any jurisdiction inside or outside of this Commonwealth, if the information is relevant in the course of investigating cases of:

(i) Homicide, or other criminal offenses set forth in section 6344(c) of the CPSL (relating to information relating to prospective child care personnel), sexual abuse or exploitation, [or] serious bodily injury or serious physical injury perpetrated by persons whether or not related to the victim.

\* \* \* \* \*

(iii) Repeated physical injury to a child under circumstances which indicate that the child's health, safety or welfare is harmed or threatened.

\* \* \* \* \*

(10) [Law enforcement officials who] The district attorney or a designee or other law enforcement official, as set forth in the county protocols for investigative teams required in § 3490.60 (relating to services available through the county agency), shall immediately receive reports of suspected child abuse from the county agency, when the initial report or initial review by the county agency gives evidence that the alleged child abuse is one of the following:

(i) [Homicide,] A criminal offense set forth in section 6344(c) of the CPSL (relating to information relating to prospective child-care personnel) not including an offense under section 4304 of the CPSL (relating to endangering welfare of children) or an equivalent crime under Federal law or the law of another state, sexual abuse or exploitation, or serious bodily injury perpetrated by persons whether or not related to the child.

\* \* \* \* \*

(iii) Serious physical injury involving extensive and severe bruising, burns, broken bones, lacerations, internal bleeding, shaken baby syndrome, or choking, or an injury that significantly impairs a child's physical functioning, either temporarily or permanently.

\* \* \* \* \*

(18) Appropriate officials of another county or state regarding an investigation related to child abuse or protective services when a family has moved to that county or state. Reports under this paragraph shall include general protective service reports and related information. Reports and information under this paragraph shall be provided under § 3490.401 (relating to intercounty transfer of cases).

§ 3490.94. Release of the identity of a person who made a report of suspected child abuse or cooperated in a subsequent investigation.

\* \* \* \* \*

(c) If the person does not respond to the Secretary's written notification, the Department will not release the person's name.

GENERAL REQUIREMENTS FOR CHILD PROTECTIVE SERVICES

§ 3490.105a. Request by a perpetrator to amend or expunge an indicated report of child abuse received by ChildLine after June 30, 1995.

\* \* \* \* \*

(b) The Secretary will decide within 30-calendar days whether or not to grant the request. The Secretary will notify the perpetrator, the county agency and other subjects in writing as follows:

(1) [Except the subject child,] The perpetrator, the county agency, all other subjects of the report and the appropriate law enforcement officials when the decision is to grant the request.

(2) [Only the] The perpetrator and county agency when the decision is to deny the request.

\* \* \* \* \*

§ 3490.106. Hearings and appeals proceedings for reports received by ChildLine prior to July 1, 1995.

\* \* \* \* \*

(h) Parties to a hearing held under this section have [30] 15-calendar days from the date of the final order of the Bureau of Hearings and Appeals to request the Secretary to reconsider the decision or 30-calendar days to appeal the final order to the Commonwealth Court.

§ 3490.106a. Hearings and appeals proceedings for indicated reports received by ChildLine after June 30, 1995.

\* \* \* \* \*

(f) Hearings will be scheduled and final administrative action taken in accordance with the time limits specified in § 275.4(b) and (e)(1), (3) and (5) (relating to procedures). In addition to any other notifications required by these sections, the appropriate law enforcement officials will be given notice of the hearing.

\* \* \* \* \*

§ 3490.108. Cooperation of county agencies and law enforcement agencies.

Consistent with this chapter, the county agencies and law enforcement agencies shall cooperate and coordinate, to the fullest extent possible, their efforts to respond to and investigate reports of suspected child abuse.

VERIFICATION OF THE EXISTENCE OF CHILD ABUSE AND STUDENT ABUSE RECORDS FOR CHILD CARE SERVICES

§ 3490.122. Responsibilities of an applicant, prospective operator or legal entity of a child care service.

(a) An applicant or prospective operator of a child care service shall submit a request for verification on forms provided by the Department. The request for verification shall include a check or money order for the fee charged by the Department, payable to the Department of Public Welfare, which will not exceed \$10. A fee will not be charged to an individual who makes the request to apply to become a volunteer with an affiliate of Big Brothers of America or Big Sisters of America. Prospective [workfare] Workfare program participants are exempt from payment of the fee. To obtain a form for the clearance statement, an applicant may call

the ChildLine verification unit at (717) 783-6211 and request a *Pennsylvania Child Abuse History Clearance Form* or it can be downloaded from the Department of Public Welfare Website at <http://www.dpw.state.pa.us>.

\* \* \* \* \*

(d) An administrator, or other person responsible for hiring decisions, may not hire or contract with an applicant, nor may a prospective operator be issued a certificate of compliance or registration if the applicant's criminal history record information dictates that the applicant or prospective operator has been convicted of a crime as specified in section 6344 of the CPSL (relating to information relating to prospective child-care personnel), **an equivalent crime under Federal law** or an equivalent out-of-State crime as determined by the Department.

\* \* \* \* \*

(f) An applicant or prospective operator of a child care service located in this Commonwealth who is not a resident of this Commonwealth **[is required]** shall submit a full set of fingerprints to ChildLine on Federal Bureau of Investigation forms provided by ChildLine. ChildLine shall submit the fingerprints to the Federal Bureau of Investigation to obtain a report of criminal history record from the Federal Bureau of Investigation **[according to procedures established by the Department and on forms provided by ChildLine]**. ChildLine shall serve as the intermediary for the purposes of this subsection.

(g) An administrator may not hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), committed within the 5-year period immediately preceding the request for verification.

(h) The administrator shall make and maintain a copy of the original *Pennsylvania Child Abuse History Clearance* verifying whether or not the name of the applicant is on file at ChildLine. If the applicant is hired, the copy shall be placed in the employee's personnel record.

**§ 3490.123. Responsibilities of prospective adoptive parents, prospective foster parents, foster family care agencies and adoption investigators.**

\* \* \* \* \*

(d) A prospective adoptive parent or prospective foster parent may not be approved by a foster family care agency, an adoption agency, or a person designated by the court under 23 Pa.C.S. § 2535(a) **(relating to investigation)** when any of the following circumstances exist:

\* \* \* \* \*

(4) The parent has been convicted of a felony offense under the Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), committed within the 5-year period immediately preceding the request for verification.

\* \* \* \* \*

**Subchapter B. ABUSE OF STUDENTS IN SCHOOL COUNTY RESPONSIBILITIES**

**§ 3490.173. Notification by the county agency.**

\* \* \* \* \*

(b) Within 72 hours of the initial interview, the county agency shall notify the subject in writing of the following:

\* \* \* \* \*

(5) The fact that unfounded reports are expunged within 120-calendar days **after the expiration of 1 year** of the receipt of the report by ChildLine.

\* \* \* \* \*

**GENERAL REQUIREMENTS FOR STUDENT ABUSE**

**§ 3490.191. Request from a school employe to amend or expunge an indicated report of student abuse.**

(a) The school employee responsible for the student abuse may request the Secretary to amend or expunge an indicated report for a school employee on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this chapter. The written request shall be postmarked within 45-calendar days of the mailing date of the letter from **[the Statewide Central Register notifying the employe of the indicated status]** ChildLine under §§ 3490.40 and 3490.40a (relating to notifications regarding indicated reports; and notifications regarding founded reports).

(b) The Secretary will decide whether to grant or deny a request made under subsection (a) within 30-calendar days from the date the request is received. The Secretary will notify **the school employee responsible for the student abuse**, all subjects of the report and the appropriate county agency **[of the decision by first-class mail.]** in writing as follows:

(1) **The school employee responsible for the student abuse, the county agency, all other subjects of the report, and the appropriate law enforcement officials when the decision is to grant the request.**

(2) **The school employee responsible for the student abuse and the county agency when the decision is to deny the request.**

(c) **The notification from the Secretary will be sent by first-class mail.**

**§ 3490.192. Request for a hearing from a school employe for indicated reports of student abuse.**

\* \* \* \* \*

(f) Hearings will be scheduled and final administrative action taken in accordance with the time limits specified in § 275.4(b) and (e)(1), (3) and (5) (relating to procedures). **In addition to any other notifications required by these sections, the appropriate law enforcement officials will be given notice of the hearing.**

[Pa.B. Doc. No. 01-941. Filed for public inspection June 1, 2001, 9:00 a.m.]

**GAME COMMISSION**

[58 PA. CODE CHS. 139 AND 147]

**Deer Damage Areas; Deer Control**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 10, 2001, meeting, proposed the following amendments:

Rescind § 139.16 (relating to deer damage areas). Since the antlered and antlerless deer seasons will run concurrently, this program is no longer needed.

Amend §§ 147.552—147.554 (relating to application; permit; and subpermit), by removing reference to the Deer Damage Area Program.

These amendments will have no adverse impact on the wildlife resources of the Commonwealth.

The authority for these proposals is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the April 10, 2001, meeting of the Commission, and comments on these proposals can be sent to the Director of Information and Education of the Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until June 8, 2001.

§§ 139.16 and 147.552—147.554

1. *Introduction*

To deal with damage being done by deer on farmland in this Commonwealth, the Commission promulgated regulations providing for the designation of “deer damage areas” and allowing antlerless deer to be taken with the appropriate antlerless license on those areas during the antlered deer season. The primary provisions providing for these areas are contained in § 139.16 (relating to deer damage areas). At its meeting on April 10, 2001 (See 31 Pa.B. 2793 (June 2, 2001).), the Commission finally adopted seasons and bag limits which provide for concurrent antlered and antlerless deer seasons. As a result, the deer damage area designation becomes meaningless. The Commission therefore proposed eliminating and reserving all provisions relating to deer damage areas. These changes are proposed under section 2102 of the code (relating to regulations).

2. *Purpose and Authority*

As was indicated in the Introduction, the Commission has established concurrent antlered and antlerless deer seasons throughout this Commonwealth for 2001. As a result, the provision contained in § 139.16 for the killing of antlerless deer during the antlered deer season has become meaningless. This Commission has therefore proposed changing all sections referring to deer damage areas to eliminate those references.

Section 2102 of the code, authorizes the Commission to promulgate regulations relating to seasons and bag limits and game and wildlife. This section provides the authority for the proposed changes.

3. *Regulatory Requirements*

The proposed changes would eliminate a program that has become obsolete so there would be no additional requirements.

4. *Persons Affected*

Since deer hunters will be able to take antlerless deer during the antlered seasons throughout this Commonwealth, the proposed changes should have no impact.

5. *Cost and Paperwork Requirements*

The proposed changes would not result in any additional cost, either to the Commission or to hunters.

6. *Effective Date*

These changes would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

7. *Contact Person*

For further information on the proposed changes the contact person is David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-132. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* For a corrective amendment concerning § 147.553, see 31 Pa.B. 2798 (June 2, 2001).)

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

§ 139.16. [ **Deer damage areas** ] (Reserved).

[ **(a) This section provides for the hunting and taking of antlerless deer during the antlered deer season on certain lands designated by the Executive Director as “Deer Damage Areas.”**

**(1) To qualify as a designated deer damage area, the landowner or lessee of the eligible farmland shall be enrolled as a participant in the Commission's cooperative farm game program or safety zone program. All contiguous land owned or leased must be enrolled in the program and remain open to public hunting throughout the hunting license year.**

**(2) Interested landowners shall contact their respective Commission regional office in writing or by phone between July 1 and August 31 of each year. If contacting the office by mail, correspondence shall be postmarked by August 31.**

**(3) Commission officers will contact interested landowners by October 10 and provide them with the program details and assist them with the sign-up procedures.**

**(4) Deer damage area signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting should be completed prior to the opening of the fall archery deer season, but no later than October 31.**

**(5) Failure to meet any conditions in paragraph (1), (2), (3) or (4), will cause the farm to be removed from the deer damage area program.**

**(b) Hunters shall have the appropriate antlerless license for the county in which the deer damage area is found before hunting or taking an antlerless deer. ]**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**AGRICULTURE**

§ 147.552. **Application.**

\* \* \* \* \*

(b) Applications will only be accepted from persons who have been enrolled in [ **the Deer Damage Area Program (Program) for at least 2 hunting seasons**

immediately preceding their applications; or from persons who have been enrolled in ] one of the Commission public access programs (Farm Game Project or Safety Zone—P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program.

\* \* \* \* \*

§ 147.553. Permit.

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation [and enrolled in the Deer Damage Area Program] unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September [30] 28 each calendar year, excluding Sundays, during the hours of dawn to dusk only.

\* \* \* \* \*

§ 147.554. Subpermit.

The permittee may acquire from the Commission subpermits, not to exceed the number provided for in § 147.553 (relating to permit), to be issued to qualified individuals of the permittee's choosing for the purpose of removing deer from the permittee's property by shooting. There is no fee charged for the subpermit. Qualifications are as follows:

\* \* \* \* \*

(3) A permittee may not issue more than one subpermit to a person to take deer on the permittee's land enrolled in the [Deer Damage Area Program] Agricultural Deer Control Program.

\* \* \* \* \*

[Pa.B. Doc. No. 01-942. Filed for public inspection June 1, 2001, 9:00 a.m.]

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# STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

[Correction]

## Standards for Disinfection and Sanitation

An error appeared in a proposed amendment to 49 Pa. Code Chapter 3, published at 31 Pa.B. 2686, 2687 (May 26, 2001). The fiscal note information should read as follows:

**Fiscal Note:** 16A-424. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-902. Filed for public inspection May 25, 2001, 9:00 a.m.]

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# STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

[Correction]

## General Revisions

An error appeared in a proposed amendment to 49 Pa. Code Chapter 19, published at 31 Pa.B. 2691, 2693 (May 26, 2001). The correct title of the proposal is "General Revisions" and the fiscal note information should read as follows:

**Fiscal Note:** 16A-602. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-903. Filed for public inspection May 25, 2001, 9:00 a.m.]

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# NOTICES

## ATHLETIC OVERSIGHT COUNCIL

### Schedule of Meetings

Notice is hereby given that the regular meetings of the Athletic Oversight Council are scheduled as follows:

June 20, 2001	9 a.m.	Heritage Room B, Lobby Level
September 20, 2001	9 a.m.	Honors Suite, First Floor
December 20, 2001	9 a.m.	Honors Suite, First Floor

Unless due and timely notice to the contrary is given, all meetings will be held in the Department of Education Building, 333 Market Street, Harrisburg, PA in the rooms previously noted.

The contact person regarding these meetings is John Weiss, Bureau of Curriculum and Academic Services, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4865 or the PA Relay Service (800) 654-5984. Persons with disabilities needing special accommodations to attend the meetings may contact John Weiss at least 24 hours in advance of the meetings so that arrangements can be made.

JOHN WEISS,  
*Bureau of Curriculum and  
Academic Services*

[Pa.B. Doc. No. 01-943. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, June 6, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: a report on the Comprehensive Plan Workshop of the Commission's Watershed Advisory Council; summaries of the PCB Model Expert Panel meeting of May 18, 2001, and the Toxics Advisory Committee meeting of May 31, 2001; a report on recent meetings of the Monitoring Advisory Committee; and an update on the Delaware Estuary Program.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include, in addition to the following dockets listed, a resolution to adopt the 2001 Water Resources Program.

The dockets scheduled for public hearing are as follows:

1. *Borough of Hampton D-74-8 CP Renewal*. A groundwater withdrawal renewal project to supply up to 6.6

million gallons (mg)/30 days of water to the applicant's public water distribution system from Wells Nos. 1 and 3 in the Kittatinny Formation and Well No. 4 in the PreCambrian Formation. The applicant requests to retain the total withdrawal limit of all wells at 6.6 mg/30 days. The project is located in Hampton Borough, Hunterdon County, NJ.

2. *Merrill Creek Owners Group D-77-110 CP (Amendment 13)*. A resolution to amend Table A (Revised) of Docket No. D-77-110 CP (Amendment 12) to include the addition of the AES Ironwood, L.L.C. facility in South Lebanon Township, Lebanon County, PA as a "Designated Unit." The AES Ironwood, L.L.C. project is a 700 MW independent power project approved via Docket D-97-45 on April 21, 1998, and the project is subject to curtailment unless its consumptive water use during Commission lower basin drought conditions can be made up by releases from storage. The Merrill Creek reservoir will provide the storage and is located in Harmony Township, Warren County, NJ.

3. *Philadelphia Suburban Water Company D-90-50 CP Renewal*. A groundwater withdrawal renewal project to supply up to 92 mg/30 days of water to the applicant's public water distribution system from existing Wells Nos. 1—10. Wells Nos. 1—6 are completed in dolomite; Wells Nos. 7—10 are completed in gneiss. No increase in allocation is proposed. The project wells are located in East Caln, West Whiteland and Upper Uwchlan Townships, Chester County, PA. Wells Nos. 3, 4, 5 and 6 are located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Audubon Water Company D-97-43 CP*. A groundwater withdrawal project to supply up to 9.3 mg/30 days of water to the applicant's distribution system from new Wells Nos. 1 and 2 and to retain the existing withdrawal limit from all wells at 42.0 mg/30 days. The project is located in Lower Providence Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

5. *City of Gloucester D-2000-20 CP*. A project to dredge the Delaware River in Water Quality Zone 4 off Jersey Avenue in Gloucester City, Gloucester County, NJ, for the construction of Proprietors Park riverwalk and marina adjacent to the existing riverfront park. The proposed floating dock marina will serve 24 boats up to 24 feet long. A fixed breakwater will be installed to protect the marina from ice and waves generated by passing ships. A 75-foot long T-shaped fishing pier also will be constructed and the existing 17-space parking lot will be expanded to accommodate 34 vehicles.

6. *Binney & Smith, Inc. D-2000-33*. A project to increase the combined total withdrawal of groundwater from 14 mg/30 days to 16 mg/30 days to continue to serve the applicant's corporate offices and manufacturing facilities from Wells Nos. 1 and 4 in the Epler Formation. Approximately 98% of the water is used for noncontact cooling and will continue to be returned to the groundwater table via existing injection Well No. 2. The project is located in Forks Township, Northampton County, PA.

7. *Montgomery County Geriatric Center D-2000-40*. A groundwater withdrawal project to supply up to 1.5 mg/30 days of water to the applicant's residential community water supply system from new Well No. 4 in the Brunswick Formation and to establish a withdrawal limit from all wells of 8 mg/30 days. The project is located in

Upper Providence Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Philadelphia Suburban Water Company D-2000-48 CP*. A groundwater withdrawal project to supply up to 8 mg/30 days of water to the applicant's public water distribution system from new Deer Run Well No. 1 and Grandstaff Wells Nos. 1 and 2 in the Anorthosite Formation and to retain the withdrawal limit from all wells at 8 mg/30 days. The project is located in Honey Brook Township, Chester County in the Southeastern Pennsylvania Ground Water Protected Area.

9. *Redpack Foods, Inc. D-2000-58*. A groundwater withdrawal project to supply up to 18 mg/30 days of water to the applicant's vegetable processing facility from new Wells Nos. 2 and 6 in the Cohansey Aquifer and to establish a withdrawal limit from all wells of 18 mg/30 days. The project is located in Lawrence Township, Cumberland County, NJ.

10. *Citizens Utilities Water Company of Pennsylvania D-2000-71 CP*. A project to transfer up to 0.33 million gallons per day (mgd) of potable water to the applicant's public water distribution system via the Rose Hills interconnection with the Western Berks Water Authority, which is located near the intersection of Firethorn Lane and State Hill Road in Sinking Spring Borough, Berks County, PA. The transfer will enable the applicant to provide an additional source of potable water to continue its service of portions of Lower Heidelberg and Spring Townships, Berks County, PA.

11. *Upper Bern Township D-2001-2 CP*. A project to construct a new 0.055 mgd sewage treatment plant (STP) to serve the Village of Shartlesville area of Upper Bern Township, Berks County, PA. The proposed STP will replace failing on-lot disposal systems and provide advanced secondary treatment via sequencing batch reactor and chemical addition processes. Treated effluent will be discharged to Wolf Creek in the Northkill Creek watershed. The project is located approximately 2,000 feet south of the intersection of Interstate 78 (U.S. Route 22) and Wolf Creek as found on the Auburn, PA USGS quad map.

12. *University of Delaware D2001-11 CP*. A groundwater withdrawal project to supply up to 3.24 mg/30 days of water to the applicant's boiler/air conditioning system (Central Utility Plant) from new Well CUP in the Columbia Aquifer. The project well is located in the White Clay Creek watershed in the City of Newark, New Castle County, DE.

13. *Municipal Authority of the Borough of Orwigsburg D-2001-14 CP*. An application to upgrade and expand a contact stabilization sewage treatment plant (STP) from 0.6 mgd to 0.9 mgd to provide high quality secondary

treatment of 0.9 mgd via a vertical loop reactor, oxidation ditch process. The project will continue to serve approximately 4,000 residents of Orwigsburg Borough, Schuylkill County, PA. The plant is located in North Manheim Township at the northwest corner of the intersection of State Highway 61 and Legislative Route 53011. STP effluent will continue to be discharged to Mahannon Creek in the Schuylkill River watershed.

In addition to the public hearing, the Commission will address the following at its 1:30 p.m. business meeting: minutes of the April 19, 2001, business meeting; announcements; report on hydrologic conditions; reports by the Executive Director and General Counsel; public dialogue; and resolutions 1) extending and modifying Resolution No. 99-23 establishing the Watershed Advisory Council, 2) extending the Commission's contract with RESOLVE, Inc. to provide facilitation services at a July meeting of the Watershed Advisory Council, 3) authorizing the Executive Director to enter into an agreement with the U.S. Army Corp of Engineers to update the basin Daily Flow Model, 4) amending Resolution No. 2000-17 to allow the Commission to provide in-kind services as partial match for section 22 funds under the Commission's contract with the U.S. Army Corps of Engineers for a Lehigh River Instream Flow Study, 5) authorizing the Executive Director to enter into an agreement with an independent laboratory for ambient surface water sampling and analysis for conventional pollutants in the nontidal lower Delaware River over a period of 3 years, 6) extending the Commission's April 1999 contract with the Northeast-Midwest Institute, 7) and providing for election of the offices of Chair, Vice Chair and Second Vice Chair for the Year 2001-2002, commencing July 1, 2001.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 01-944. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 22, 2001.

**BANKING INSTITUTIONS**  
**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-16-01	Reeves Bank, Beaver Falls, and First National Bank of Pennsylvania, Greensville Surviving Institution— First National Bank of Pennsylvania, Greensville	Beaver Falls	Effective

Both institutions are wholly-owned subsidiaries of F.N.B. Corporation, Hermitage.

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-17-01	Firsttrust Savings Bank Conshohocken Montgomery County	385 Oxford Valley Rd. Yardley Bucks County	Approved
5-18-01	Keystone Savings Bank Bethlehem Northampton County	3015 W. Emmaus Ave. Allentown Lehigh County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-21-01	Farmers First Bank Lititz Lancaster County	<i>To:</i> 338 Park City Ctr. Lancaster Lancaster County  <i>From:</i> 735 Park City Center Lancaster Lancaster County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-945. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of an Underwater Diving Consultant; Project Reference No. FDC-500-701DIV

The Department of Conservation and Natural Resources (Department) will retain underwater diving consultants for the maintenance, repair and underwater inspection of hydraulic structures for dams owned and operated by the Bureau of State Parks. It is the Department's intent to enter into two agreements, one for dams in the western and northcentral parts of this Commonwealth and one for dams in the eastern and southcentral parts of this Commonwealth. Each contract will be for a 24-month period with three 12-month extensions possible.

Letters of Interest for this project will only be accepted from individuals, firms or corporations who are certified professional divers having been trained in the inspection and evaluation of hydraulic structures.

The provisions of 25 Pa. Code §§ 105.52 and 105.53 (relating to inspections; and inspections by owners and inspection reports) detail the conditions and requirements of inspections and their corresponding reports that are to be prepared for our submission to the Department of Environmental Protection (DEP), Bureau of Waterways Engineering, Division of Dam Safety.

The services to be provided under this contract shall include, but not be limited to, the following:

1. Video inspections of intake structures, conduits, sluice gates, valves, trash racks and the like.
2. Debris removal from sluice gates, pipe conduits, trash racks and the like.
3. Installation and/or removal of stop logs.
4. Sluice gate adjustments and repairs.
5. Valve adjustments and repairs.
6. Injection grouting and crack repair.
7. Installation and/or repair of trash racks.
8. Application and repair of underwater coatings and linings.
9. Underwater inspection of bridge components.

## 10. Concrete repairs.

Selected firm or firms shall provide the underwater labor and work required to provide the previous services. All materials and associated shop work will be provided by others.

**General Requirements**

1. All divers shall be certified professional divers. All diving operations shall be performed in accordance with the latest revisions of the Association of Diving Contractors Consensus Standards for Commercial Diving Operations and the OSHA Commercial Diving Regulations (1910 OSHA Subpart T) in conjunction with the United States Navy Diving Manual.

2. The consultant dive team shall be trained and experienced in the inspection and evaluation of hydraulic structures. The dive team shall have an effective blend of diving and engineering expertise and be knowledgeable in the inspection of the structural and nonstructural components of a dam. The dive team shall be familiar with the inspection of concrete structures, sluice gates, trash racks, gate valves, concrete conduits and the like.

3. All diving to be performed will be surface-supplied air diving. Divers shall be equipped with helmets with two-way communication. Continuous two-way voice communication shall be provided between all divers and the surface crew at all times.

4. The dive consultant shall upon notification be able to respond to a site within 24 hours. In the event of an emergency, as perceived by the Department, the dive consultant may be required to mobilize onsite in a shorter period of time.

5. The underwater inspection shall be supplemented by a written report of the observations made. The inspection report shall include descriptions, locations, measurements and sketches for each inspection performed. The inspection report shall document all areas of deterioration, voids, damage and the like, discovered during the inspection. Four copies of the inspection report shall be submitted to the Department. Each dam inspection shall be submitted as a separate report.

6. The inspection report shall also include a videotape of the entire inspection to document typical conditions encountered and areas of distress. The video inspection equipment shall be equipment useful and required to view and record underwater inspections as clear pictures. Narration of the inspection shall be included on the videotape. Four copies of the videotape inspection shall be submitted along with four copies of the written inspection report for each dam. Only one dam inspection shall be included on one videotape. All tapes shall be clearly marked with the name of the dam and the date inspected on the tape casing and on the sleeve.

Each underwater consulting firm will be evaluated upon, but not limited to, the following criteria:

1. Professional qualifications, experience and technical competence of personnel proposed to perform the assignment. Evaluation will consider relevant past experience, education, training, registration, certification and longevity with the firm. Evaluation shall include familiarity with OSHA Commercial Diving Regulations and the Association of Diving Contractors Standards.

2. Record of satisfactory performance by the firm on similar assignments. This record shall establish the ability to properly manage the project in terms of costs,

quality control and performance schedules. Names and telephone numbers of references shall be included.

3. Specialized experience with specific application to dams in this Commonwealth.

State park-owned dams located in this western and northcentral Commonwealth include, but are not limited to, the following:

Bald Eagle	149 Main Park Road, Howard, PA 16841, Centre County
Black Moshannon	R.R. 1, Box 183, Philipsburg, PA 16866, Centre County
Chapman	R.R. 2, Box 1610, Clarendon, PA 16313, Warren County
Clear Creek	R.R. 1, Box 82, Sigel, PA 15860, Jefferson County
Hills Creek	R.R. 2, Box 328, Wellsboro, PA 16901, Tioga County
Kettle Creek	HCR 62, Box 96, Renovo, PA 17764, Clinton County
Keystone	R.R. 2, Box 101, Derry, PA 15627, Westmoreland County
Kooser	943 Glades Pike, Somerset, PA 15501, Somerset County
Laurel Hill	1454 Laurel Hill Park Road, Somerset, PA 15501, Somerset County
Little Pine	4205 Little Pine Creek Road, Waterville, PA 17776, Lycoming County
M. K. Goddard	684 Lake Wilhelm Road, Sandy Lake, PA 16145, Mercer County
Moraine	225 Pleasant Valley Road, Portersville, PA 16051, Butler County
Mt. Pisgah	R.R. 3, Box 362A, Troy, PA 16947, Bradford County
Parker Dam	R.R. 1, Box 165, Penfield, PA 15849, Clearfield County
Poe Valley	1405 New Lancaster Valley Road, Milroy, PA 17063, Centre County
Pymatuning	2660 Williams Field Road, Jamestown, PA 16134, Crawford County
Raccoon Creek	3000 State Route 18, Hookstown, PA 15050, Beaver County
Ryerson Station	R.R. 1, Box 77, Wind Ridge, PA 15380, Greene County
Sinnemahoning	R.R. 1, Box 172, Austin, PA 16720, Cameron County
Yellow Creek	170 Route 259 Highway, Penn Run, PA 15765, Indiana County

State park-owned dams located in the eastern and southcentral parts of this Commonwealth include, but are not limited to, the following:

Beltzville	2950 Pohopoco Drive, Lehighton, PA 18235, Carbon County
Canoe Creek	R.R. 2, Box 560, Route 22, Hollidaysburg, PA 16648, Blair County
Cowans Gap	6235 Aughwick Road, Fort Loudon, PA 17224, Fulton County
Frances Slocum	565 Mt. Olivet Road, Wyoming, PA 18644, Luzerne County

French Creek	843 Park Road, Elverson, PA 19520, Berks County
Gifford Pinchot	2200 Rosstown Road, Lewisberry, PA 17339, York County
Gouldsboro	P. O. Box 387, Tobyhanna, PA 18466, Monroe County
Hickory Run/Nescopeck	R.R. 1, Box 81, White Haven, PA 18661, Carbon County
Lackawanna	R.R. 1, Box 230, Dalton, PA 18414, Lackawanna County
Little Buffalo	R.R. 2, Box 256, Newport, PA 17074, Perry County
Locust Lake	R.R. 1, Box 1051, Barnesville, PA 18214 Schuylkill County
Marsh Creek	675 Park Road, Downingtown, PA 19335, Chester County
Memorial Lake	R.R. 1, Box 7045, Grantville, PA 17028, Lebanon County
Neshaminy	3401 State Road, Bensalem, PA 19020, Bucks County
Nockamixon	1542 Mountain View Drive, Quakertown, PA 18951, Bucks County
Pine Grove Furnace	1100 Pine Grove Road, Gardners, PA 17324, Cumberland County
Prince Galitzin	966 Marina Road, Patton, PA 16668, Cambria County
Promised Land	R.R. 1, Box 96, Greentown, PA 18426, Pike County
Ricketts Glen	R.R. 2, Box 130, Benton, PA 17814, Luzerne County
Shawnee	132 State Park Road, Schellsburg, PA 15559, Bedford County
Tobyhanna	P. O. Box 387, Tobyhanna, PA 18466, Monroe County
Tuscarora	R.R. 1, Box 1051, Barnesville, PA 18214, Schuylkill County

#### **Commitment to Enhance Socially/Economically Restricted Businesses (SERB)**

The Commonwealth strongly encourages the submission of proposals by SERBs.

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as a selection criteria in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD), Department of General Services (DGS), will evaluate the aforementioned criteria and will assign a point value to be considered within the overall RFP total point tabulation.

Proposers not considered to be socially/economically restricted businesses seeking to identify the businesses for joint venture and subcontracting opportunities are encouraged to contact Department of General Services, Office of Minority and Women Business Enterprises, Room 502, North Office Building, Harrisburg, PA 17125, (717) 787-7380.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim.

SERBs are businesses whose economic growth and development has been restricted based on social and economic bias. Such businesses are BCABD certified minority- and women-owned businesses and certain restricted businesses whose development has been impeded because their primary or headquarter facility is physically located in an area designated by the Commonwealth as being in an enterprise zone. Businesses will not be considered socially/economically restricted if one of the conditions listed below exists:

1. The business has gross revenues exceeding \$4 million annually, or
2. The concentration of an industry is such that more than 50% of the market is controlled by the same type of SERB (Minority Business Enterprise (MBE) Women Business Enterprise (WBE)) or businesses within designated enterprise zones.

Proposers not considered to be socially/economically restricted businesses seeking to identify such businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Contract Administration and Business Development, Room 502, North Office Building, Harrisburg, PA 17125, (717) 787-7380, fax: (717) 787-7052, [www.dgs.state.pa.us](http://www.dgs.state.pa.us)

#### **SERB Information**

SERBs are encouraged to participate as prime proposers. SERBs qualifying as an MBE/WBE must provide their BCABD certification number. SERBs qualifying as a result of being located in a designated enterprise zone must provide proof of this status.

Proposers not considered to be SERBs must describe, in narrative form, their company's approach to enhance SERB utilization on a professional level in the implementation of this proposal.

The following options will be considered as part of the final criteria for selection:

- Priority Rank 1—Proposals submitted by SERBs.
- Priority Rank 2—Proposals submitted from a joint venture with a Commonwealth-approved SERB as a joint venture partner.
- Priority Rank 3—Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERB. The optional approach used will be evaluated with Option Number 1 receiving the greatest value and the succeeding options receiving a value in accordance with the previously listed priority ranking.

The percent designated for SERB commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal. The selected contractor's SERB commitment amount will be included as a contractual obligation when a contract is entered into. One copy of the SERB information shall be submitted in a separate sealed envelope, clearly marked. Said information will be evaluated by DGS.

#### **General Requirements and Information**

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Additional information con-

cerning the services described in this notice may be obtained by contacting Edward E. Raptosh, Senior Civil Engineer Hydraulic, Bureau of Facility Design and Construction, (717) 783-3329.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project being proposed. The description shall include the client, contact person, telephone number, the estimated or actual cost of the portion of the work which the firm was involved with, the project manager and the names of all personnel who made major contributions to the project.

A standard new 1999 DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Forms may be obtained by calling (717) 787-4892 or by visiting the DGS website at [www.dgs.state.pa.us/forms.htm#purch](http://www.dgs.state.pa.us/forms.htm#purch). Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

#### General Requirements

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. Miscellaneous expenses such as copies, prints, sepias, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

- Criteria evaluated by the Technical Review will include:

A. Professional's understanding of the problem as demonstrated in Letter of Interest and as stated in their own interpretation of the tasks to be performed.

- B. Qualifications of firm.
- C. Professional personnel in firm
- D. Soundness of approach as demonstrated in Letter of Interest.
- E. Available manpower to perform the services required.
- F. SERB participation (evaluated by DGS).
- G. Equitable distribution of the contracts.
- H. Geographic proximity to proposed work areas.

Each proposer shall relate their proposal to the previous criteria.

Six copies of the Letter of Interest and the required forms and also one copy of the SERB information must be received no later than 4 p.m. on June 29, 2001. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 01-946. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. All Oil and Gas Related permit applications are listed under Section III. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will

be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

### **I. NPDES Renewal Applications**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0025437	North Coventry Municipal Authority P. O. Box 0833 Pottstown, PA 19464-0833	Chester County North Coventry Township	Schuylkill River	Renewal
PA0031747	Glen Mills School Glen Mills Road Concordville, PA 19331	Delaware County Thornbury Township	East Branch Chester Creek	Renewal

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0060054	Pocono Associates, L.P. 42 Woodland Road Mount Pocono, PA 18344-9703	Monroe County Paradise Township	Forest Hills Run (1E)	Yes

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0070050	Reading Alloys, Inc. P. O. Box 53 Robesonia, PA 19551-0053	Berks County Heidelberg Township	UNT Spring Creek/ 3-C	Yes
PA0012998	Atlas Minerals & Chemicals Inc. 1227 Valley Road, P. O. Box 38 Mertztown, PA 19539-0038	Berks County Longswamp Township	Toad Creek/2-C	Yes
PA0084603	Fairmount Homes 219 Cats Back Road Ephrata, PA 17522	Lancaster County West Earl Township	Conestoga River/ 7-J	Yes
PA0080438	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-0983	Lancaster County Brecknock Township	Muddy Creek/7-J	Yes
PA0083771	Turkey Hill Dairy, Inc. 2601 River Road Conestoga, PA 17516-9630	Lancaster County Manor Township	Mann's Run/7-J	Yes

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0228125	PPL Generation LLC Two North Ninth St. Allentown, PA 18101-1179	Snyder County Shamokin Dam Borough	Unnamed tributary to Susquehanna River 6A	Renewal Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0209350	Delmar Township Supervisors R. R. 5 Box 70A Wellsboro, PA 16901-9111	Tioga County Delmar Township	Heise Run 9A	Renewal Yes

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0000124**, Industrial Waste. **International Paper Company—Erie Mill**, 1540 East Lake Road, Erie, PA 16533.

This proposed facility is located in the City of Erie, **Erie County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge non-contact cooling water.

The receiving stream, Presque Isle Bay and Outer Erie Harbor, is in watershed 15 and classified for: warm water fishery, aquatic life, water supply and recreation. There is no potable water supply affected by this discharge.

The proposed effluent limits for Outfall 006 based on a design flow of 7.2 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.6
Stormwater			See Part C, Condition No. 4		
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 007 based on a design flow of 12.2 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 010 based on a design flow of 0.9 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 012 based on a design flow of 0.15 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 013 based on a design flow of 0.007 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.2
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 014 based on a design flow of 0.11 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.6
Stormwater			See Part C, Condition No. 4		



<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 015 based on a design flow of 0.003 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature				110°F	
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 017 based on a design flow of 3.0 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30	60	
Iron (total)			2	4	
Aluminum (total)			4	8	
Manganese (total)			1	2	
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 018 based on a design flow of 2.21 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine			0.5		1.6
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The EPA Waiver is in effect.

**PA0038814**, Sewage. **Ellport Borough Sewer Authority**, 313 Burns Avenue, Ellwood City, PA 16177.

This proposed facility is located in Ellport Township, **Lawrence County**.

Description of Proposed Activity: a renewal for a treated sewage discharge to increase discharge flows.

The receiving stream, Connoquenessing Creek, is in watershed 20-C and classified for: warm water fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River located at Eastvale, approximately 11 miles below point of discharge.

The proposed interim effluent limits for Outfall 001 are based on a design flow 0.356 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>5</sub> -N (5-1 to 10-31)	22		44
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 100,000/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**PA0104175**, Industrial Waste. **National Fuel Gas Supply Corporation—Lamont Compressor Station**, P. O. Box 2081, Erie, PA 16512.

This proposed facility is located in Jones Township, **Elk County**.

Description of Proposed Activity: discharge of noncontact cooling water.

The receiving stream, Hoffman Run, is in watershed 17-A and classified for: high quality-cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Western PA Water Company on the Clarion River located at Clarion, approximately 36 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.016 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	XX				
Oil and Grease			15		30
(*) Temperature			Daily Average		
January 1-31			38		
February 1-29			37		
March 1-31			49		
April 1-15			54		
April 16-30			56		
May 1-15			57		
May 16-31			61		
June 1-15			64		
June 16-30			68		
July 1-31			72		
August 1-15			71		
August 16-31			71		
September 1-15			66		
September 16-30			60		
October 1-15			57		
October 16-31			53		
November 1-15			46		
November 16-30			41		
December 1-31			37		
pH			Within limits of 6.0 to 9.0 standard units at all times.		

XX—Monitor and report on monthly DMRs.

In addition to the effluent limits, the permit contains the following major special conditions.

The EPA Waiver is in effect.

**PA0221996**, Sewage. **North Brook Homeowners Association**, 103 McDonnell Lane, Butler, PA 16001.

This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Activity: a renewal for a treated sewage discharge.

The receiving stream, unnamed tributary to Glade Run, is in watershed 20-C and classified for: warm water fishes, water supply, recreation.

The proposed effluent limits for Outfall 001 are based on a design flow 0.00200 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.7		3.4
(11-1 to 4-30)	5.1		10.2
Phosphorus			
(4-1 to 10-31)	2		4
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Dissolved Oxygen		Minimum of 5 mg/l at all times	
Total Residual Chlorine	0.3		0.6
pH			6.0 to 9.0 standard units at all times

The EPA Waiver is in effect.

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**No. PA0054917**, Sewage, **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341-1940.

This application is for renewal of an NPDES permit to discharge treated sewage from Uwchlan Township's Eagleview wastewater treatment plant in Uwchlan Township, **Chester County**. This is an existing discharge to Shamona Creek via wetlands.

The receiving stream is classified for the following uses: high quality trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.15 MGD (before expansion of STP) and 0.475 MGD (after completion of plant expansion) are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	7.0	10.5	14.0
(11-1 to 4-30)	14.0	21.0	28.0
Suspended Solids	20	30	40
Ammonia (as N)			
(5-1 to 10-31)	1.0		2.0
(11-1 to 4-30)	3.0		6.0
Phosphorus (as P)	1.0		2.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Minimum of 6.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Total Residual Chlorine (Issuance to completion of plant expansion)	0.06		0.2

Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

Use UV disinfection system in expanded plant.

**No. PA0025488**, Sewage, **Borough of Avondale**, 110 Pomeroy Street, P. O. Box 247, Avondale, PA 19311.

This application is for renewal of an NPDES permit to discharge treated sewage from an existing Avondale Borough sewage treatment plant in Avondale Borough, **Chester County**. This is an existing discharge to unnamed tributary to East Branch White Clay Creek.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.3 mgd from issuance of the permit through plant expansion and upgrade are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P)	2.0		4.0
Total Residual Chlorine	0.5		1.17
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Minimum of 2 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

*Daily Maximum  
(mg/l)*

Acrolein	0.0040	0.008	0.0100
Acrylonitrile	0.0012	0.0024	0.0030
Carbon Tetrachloride	0.0053	0.0106	0.0132
4,4'-DDD	0.000004	0.000008	0.00001
Diazinon	0.00091	0.00182	0.00227
Malathion	0.00224	0.00448	0.00560
Silver, Total	Monitor	Monitor	Monitor

The proposed effluent limits for Outfall 001, based on an average flow of 0.5 mgd from completion of plant expansion and upgrade through expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	1.2		2.4
(11-1 to 4-30)	3.6		7.2
Phosphorus (as P)	2.0		4.0
Total Residual Chlorine	0.4		0.8
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Minimum of 3 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		
		<i>Maximum Daily (mg/l)</i>	
Acrolein	0.0030	0.0060	0.0075
Acrylonitrile	0.0010	0.0020	0.0025
Carbon Tetrachloride	0.0033	0.0066	0.0082
4,4'-DDD	0.000003	0.000006	0.000007
Diazinon	0.00064	0.00128	0.00160
Malathion	0.00156	0.00312	0.00390
Silver, Total	Monitor	Monitor	Monitor

The EPA Waiver is not in effect.

Special Test Methods for certain pollutants.

**PA0028584**, Sewage, **West Goshen Sewer Authority**, 848 South Concord Road, West Chester, PA 19380.

This application is for renewal of the NPDES Permit to discharge treated sewage from West Goshen Sewer Authority sewage treatment plant in West Goshen Township, **Chester County**. This is an existing discharge to Chester Creek (Goose Creek).

The receiving stream is classified for: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001 and 002, based on an annual average flow of 6.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	38	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2	—	4
(11-1 to 4-30)	6	—	12
Total Residual Chlorine	0.02		0.06
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Minimum of 5 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Phosphorus as P (4-1 to 10-31)	2.0		4.0
Copper, Total	Monitor		Monitor
Lead, Total	Monitor		Monitor
BIS (2-Ethyl Hexyl) Phthalate	Monitor		Monitor

The EPA Waiver is not in effect.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Application No. PA 0026263**, SIC Code 4952, Sewage, **York City Sewer Authority**, c/o Blakey, Yost, Bupp & Schaumann, 17 East Market Street, York, PA 17401.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Codorus Creek in Watershed 7-H, in Manchester Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Co. located in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 16 MGD (at peak hour plant flow) are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH			From 6.0 to 9.0 inclusive	
Dissolved Oxygen			Minimum of 5.0 at all times	
Total Residual Chlorine	0.5	XXX	XXX	1.6

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	45	XXX	60
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22	XXX	30
(11-1 to 4-30)	20	30	XXX	40
NH <sub>3</sub> -N				
(5-1 to 10-31)	1.7	XXX	XXX	3.4
(11-1 to 4-30)	2.1	XXX	XXX	4.2
Total Phosphorus	2.0	XXX	XXX	4.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

The proposed effluent limits for Outfall 002 for a design flow of 26 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		From 6.0 to 9.0 inclusive		
Dissolved Oxygen		Minimum of 5.0 at all times		
Total Suspended Solids	30	45	XXX	60
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22	XXX	30
(11-1 to 4-30)	20	30	XXX	40
NH <sub>3</sub> -N				
(5-1 to 10-31)	1.7	XXX	XXX	3.4
(11-1 to 4-30)	2.1	XXX	XXX	4.2
Total Phosphorus	2.0	XXX	XXX	4.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			
Oil and Grease	XXX	XXX	Monitor & Report	XXX
Total Nitrogen	XXX	XXX	Monitor & Report	XXX

Individuals make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0026808**, SIC Code 4952, Sewage, **Springettsbury Township**, 3501 North Sherman Street, York, PA 17402.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Codorus Creek in Watershed 7-H, Springettsbury Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 15 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	—	50
Total Suspended Solids	30	45	—	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.0	—	—	4.0
(11-1 to 4-30)	3.0	—	—	6.0
Total Phosphorus	2.0	—	—	4.0
Total Residual Chlorine	0.33	—	—	1.07
Free Cyanide	—	—	Monitor & Report	—
Total Nitrogen	—	—	Monitor & Report	—
Dissolved Oxygen			Minimum of 5.0 at all times	
pH			From 6.0 to 9.0 inclusive	
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

Individuals make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PAR123513**, CAFO, **Franklin Hog Farm**, Dry Run Farm, Ting-Kwang Chiou, 312 Hammon Place, Silver Spring, MD 20904.

This proposed facility is located in Peters Township, **Franklin County**.

Description of Proposed Activity: An existing farrow to feeder operation with a Total Average 1310.85 AEUs/ Swine Farm.

The receiving stream, Dry Run, is in the State water plant watershed 13-C and is classified for: CWF, MF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAR123514**, CAFO, **Franklin Hog Farm**, Timber Ridge Farm, Ting-Kwang Chiou, 312 Hammonton Place, Silver Spring, MD 20904.

This proposed facility is located in Belfast Township, **Fulton County**.

Description of Proposed Activity: An existing finishing operation with a Total Average AEUs/1276 Swine Farm.

The receiving stream, Tonoloway Creek is in the State Water Plan watershed 13-B and is classified for: WWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PA # PA0112127**, Industrial Waste SIC 0921, **Fish and Boat Commission**, 1601 Elmerton Avenue, P. O. Box 67000, Harrisburg, PA 17106-7000.

Facility Address: Fish and Boat Commission, Tylersville Fish Culture Station, R. R. 2, Box 173, Loganton, PA 17747-9734.

This proposed facility is located in Logan Township, **Clinton County**.

Description of Proposed Activity: This proposed action is for reissuance of an NPDES permit for an existing discharge from the fish culture station to Fishing Creek.

The receiving stream, Fishing Creek, is in the State Water Plan watershed 9C and is classified for: High Quality—Cold.

The proposed effluent limits for Outfall 001 are based on a design flow of See Below.

<i>Flow</i>	<i>GPM (MGD)</i>
January	6000 (8.63)
February	6000 (8.63)
March	6000 (8.63)
April	6000 (8.63)
May	6000 (8.63)
June	4000 (5.75)
July	4000 (5.75)
August	4000 (5.75)
September	4000 (5.75)
October	4500 (6.47)
November	5000 (7.2)
December	6000 (8.63)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum<sup>2</sup></i>
CBOD <sub>5</sub>					
January	290		4	8	10
February	290		4	8	10
March	290		4	8	10
April	290		4	8	10
May	290		4	8	10
June	190		4	8	10
July	190		4	8	10
August	190		4	8	10
September	190		4	8	10
October	270		5	10	13
November	300		5	10	13
December	360		5	10	13

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum <sup>2</sup>
Total Suspended Solids					
January	430		6	12	15
February	430		6	12	15
March	430		6	12	15
April	430		6	12	15
May	430		6	12	15
June	290		6	12	15
July	290		6	12	15
August	290		6	12	15
September	290		6	12	15
October	430		8	16	20
November	480		8	16	20
December	580		8	16	20
Total Soluble Phosphorus			0.3	0.6	0.75
pH (Std. Units)		Within the range 6.0 to 9.0			
Dissolved Oxygen			M & R		
N-NH <sub>3</sub>			M & R		
Formaldehyde*			0.43	1.07	1.1
Terramycin**			M & R		
Chloramine T**		M & R			
Hydrogen Peroxide**		NONDETECT			NONDETECT

In addition to the effluent limits, the permit contains the following major special conditions.

\*Formaldehyde limit effective 18 months after permit effective date. Until then monitor and report (M&R). Sampling must be performed when therapeutic applications are being conducted on the raceways. This sampling shall occur to capture the maximum concentration of the application with regards to the retention time through the raceways and detention pond prior to release at outfall 001.

\*\*Conduct WETT testing to determine safe effluent level. Until then monitor and report (M & R).

Other Conditions:

1. Regular removal of solids from settling chamber.
2. Restriction on peak biomass—262,000 pounds of fish.
3. Whole effluent toxicity testing for therapeutic chemicals.
4. Stream bioassessment monitoring requirement.

The EPA waiver is in effect.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PA0203831**, Sewage, **Larry J. and Candace R. Youngblood**, R. R. 2, Box 2359-3, Wampum, PA 16157-9318.

This application is for Renewal and Transfer of an NPDES permit to discharge treated sewage from Riverside Primary Center STP in North Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Thompson Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Beaver Falls M.A. Eastvale Plant.

*Outfall 001: existing discharge, design flow of 0.0064 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
Total Residual Chlorine	1.4		3.3	
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0238538**, Sewage. **Patricia and Robert Tuznik**, 9028 South Creek Road, Girard, PA 16417.

This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Activity: SFTF for discharge of treated sewage from a single residence and a kennel.

The receiving stream, unnamed tributary of Elk Creek, is in Lake Erie watershed and classified for: cold water and migratory fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0008 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	30		60
Total Residual Chlorine	1.4		3.3
Phosphorus as "P"	1.0		
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS  
CONTROLLED INDUSTRIAL WASTE AND SEWAGE  
WASTEWATER  
APPLICATIONS UNDER THE PENNSYLVANIA  
CLEAN STREAMS LAW  
PART II PERMITS**

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted above the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

**I. Municipal and Industrial Permit Applications under the Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. 0501402**, Sewage, **Zane Weicht**, 1179 N. Milk & Water Roads, Everett, PA 15537.

This proposed facility is located in West Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their single-family residence.

**NPDES Permit No. 6701405**, Sewage, **Kenneth P. and Tina A. Runkle**, 3041 East Prospect Road, York, PA 17402-9506.

This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment system to serve their single-family residence.

**NPDES Permit No. 0596408, amendment #1**, Sewage, **Chestnut Ridge Area Joint Municipal Authority**, 320 Lane Metal Road, New Paris, PA 15554.

This proposed facility is located in East St. Clair, **Bedford County**.

Description of Proposed Action/Activity: Construction of a third treatment unit at their existing wastewater treatment plant.

**NPDES Permit No. 3674409 01-1**, Sewage, **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517.

This proposed facility is located in Brecknock Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for construction/modification of a Sewage Treatment Plant.

**WQM Permit No. 0101404**, Sewerage, **Hamilton Township Board of Supervisors**, 272 Mummerts Church Road, Abbottstown, PA 17301.

This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Sanitary Sewer extension comprised of 20,000 linear feet of 8" and 10" gravity sewer, 10,000 linear feet of 4", 6" and 8" forcemain and three pump stations.



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**I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

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*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit 0801401.** Sewerage. **Canton Borough Authority**, P. O. Box 237, Canton, PA 17724.

This proposed facility is located in Canton Borough, **Bradford County**.

Description of Proposed Action/Activity: The Canton Borough Authority is pursuing the rerating of the Treatment capacity of their existing wastewater treatment plant, according to the engineering report completed by Hunt Engineers. The Application was received at the Northcentral Regional Office on May 10, 2001.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 0201407.** Sewerage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Application for the construction and operation of a sewage pumping station to serve the Fish Run #2 Service Area located in Franklin Park Borough, **Allegheny County**.

**Application No. 6301403.** Sewerage, **Bessie Hazelbaker**, 533 California Drive, Coal Center, PA 15423. Application for the construction and operation of a small flow sewage treatment facility to serve the Hazelbaker Residence located in West Pike Run Township, **Washington County**.

**Application No. 6501409.** Sewerage, **John M & Gina L. Franolich**, R. R. 1 Box 14A, Volk Road, Irwin, PA 15642. Application for the construction and operation of a small flow sewage treatment facility to serve the Franolich Residence located in Sewickley Township, **Westmoreland County**.

**Application No. 6579402-A1.** Sewerage, **Hempfield Suburban MHC LLC**, 9073 Nemo Street, West Hollywood, CA 90069. Application for the modification and operation of the Wastewater Treatment Plant to serve the Suburban Acres MHP located in Hempfield Township, **Westmoreland County**.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 1001201.** Industrial Waste, **Borough of Zelienople**, Municipal Building, 111 West New Castle Street, Zelienople, PA 16063.

This proposed facility is located in Zelienople Borough, **Butler County**.

Description of Proposed Action/Activity: This project is for the installation of a temporary reverse osmosis system.

**WQM Permit No. 1601402.** Sewerage, **Borough of New Bethlehem**, 210 Lafayette Street, New Bethlehem, PA 16242.

This proposed facility is located in New Bethlehem Borough, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction of a new sanitary sewer system in the area north of Broad Street and west of Leisure Run.

**WQM Permit No. 4201402.** Sewerage, **Borough of Kane Authority**, 112 Bayard Street, P. O. Box 79, Kane, PA 16735.

This proposed facility is located in Kane Borough, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction of CSO related by-pass facilities at the Pine Street wastewater treatment plant.

**WQM Permit No. 4201403.** Sewerage, **Robert Daggett**, 12 Hedgehog Hollow, Bradford, PA 16701.

This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a common ground infiltration trench disposal system to serve two homes.

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**NPDES Stormwater Individual Permit**

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The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10N031	C. J. Mustacchio 208 Grant St. Olyphant, PA 18447-1412	Lackawanna County Olyphant Borough Dickson City Borough	Lackawanna River HQ

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit PAS102703**, Stormwater. **Pennsylvania General Energy Corp.**, 208 Liberty Street, Warren, PA 16365 has applied to discharge stormwater associated with a construction activity located in Kingsley and Jenks Townships, **Forest County** to Salmon Creek (HQ-CWF).

## SAFE DRINKING WATER

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### Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 3901504**, Public Water Supply.

Applicant	<b>New Smithfield Truck Stop</b>
Township or Borough	Weisenberg Township, <b>Lehigh County</b>
Responsible Official	Neil Bortz, Manager
Type of Facility	Truck Stop/Service Sta. TNCPWS
Consulting Engineer	Michael Krasley, P.E. 2126 Allen St. Allentown, PA 18104
Application Received Date	May 16, 2001
Description of Action	MTBE Removal System

**Permit No. 4501502**, Public Water Supply.

Applicant	<b>Aventis Pasteur, Inc.</b>
Township or Borough	Pocono Township
Responsible Official	Bruce Kilby Discovery Drive Swiftwater, PA 18370
Type of Facility	Public Water Supply
Consulting Engineer	David Horton, P.E. URS Corporation 2325 Maryland Road Willow Grove, PA
Application Received Date	May 15, 2001
Description of Action	Install a new potable water/fire water supply system at the Aventis Pasteur Inc. Swiftwater, PA facility. The water supply system will include three existing and two new water supply wells. Water treatment will consist of filtration, aeration and disinfection with sodium hypochlorite. Treated water will be dosed with zinc polyphosphate for corrosion control. pH adjustment with caustic will be available if needed. Stormwater from improved areas will be managed by swales and culverts detained in a newly constructed stormwater detention pond.

**Permit No. 5401505**, Public Water Supply.

Applicant	<b>Hegins Township Water Authority</b>
Township or Borough	Hegins and Hubley Townships
Responsible Official	Demetrius Kasmari
Type of Facility	Public Water Supply
Consulting Engineer	Alfred Benesch & Co. 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
Application Received Date	May 9, 2001
Description of Action	Waterline extensions, rehabilitation of finished water storage tank, development of well #6, hydrant replacement, service line replacement and installation of SCADA system

**Permit No. 6401502**, Public Water Supply.

Applicant	<b>Himalayan Institute</b>
Township or Borough	Dyberry Township
Responsible Official	Suzanne Grady Secretary, Board of Directors
Type of Facility	Community Water System
Consulting Engineer	Michael J. Propst, P.E. Keystone Consulting & Associates, LLC 34 Brown Street Honesdale, PA 18431 (570) 251-8315
Application Received Date	May 18, 2001
Description of Action	The application proposes construction of a 10,000-gallon atmospheric storage tank and a duplex booster pump station at Well No. 1.

**MINOR AMENDMENT****Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Application No. N/A**, Minor Amendment.

Applicant	<b>MC Resource Development Company</b>
Township or Borough	East Brunswick/West Penn Townships, <b>Schuylkill County</b>
Responsible Official	Neil C. Minnig
Type of Facility	Bulk Water Hauling
Consulting Engineer	Kenneth M. Justice, P.E.
Application Received Date	May 9, 2001
Description of Action	A modification to a construction permit for a bulk water hauling facility. The deletion of filtration and finished water storage and the resizing and extension of a transmission line to the load out station.

**RESIDUAL WASTE GENERAL PERMITS**

**Application for Permit Modification under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR065. Bethlehem Steel Corporation**, 1170 Eighth Avenue, Bethlehem, PA 18106-7699. General Permit Number WMGR065 for beneficial use, in the Northeast Region, of various wastes from steelmaking and foundry operations taken from a remediation site owned by the permittee as construction fill at an adjacent Act 2 remediation site, also owned by the permittee. Only beneficial use of the following types of residual wastes was authorized under General Permit Number WMGR065: refractories, foundry sands, slags, air emission control solids and the media associated with their excavation. General Permit Number WMGR065 was issued on November 29, 2000. The application was received from Bethlehem Steel Corporation by Central Office on April 30, 2001, for major modification of General Permit Number WMGR065 to include beneficial use of manganese dioxide ore, chromium oxide ore and excavated fill material.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Application for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR002D004. Earth Products, Inc.**, 289 Cornish Road, Lake Lynn, PA 15451. Description: the beneficial use of wastewater treatment sludge generated by paper mills as soil additive to establish or reestablish agricultural productivity

on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mines sites. The application for determination of applicability was received by the Division of Municipal and Residual Waste on May 7, 2001.

Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

#### **Applications under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit Application No. 101413. McCusker & Sons Paper Salvage**, 725 E. 4th Street, Chester, PA 19013. This application was received for a reissuance from McCusker & Sons Paper Salvage to Republic Services of Pennsylvania, LLC. Facility located in the City of Chester, **Delaware County**. The application was received in the Southeast Regional Office on May 15, 2001.

**Application Permit No. 100973. Republic Services of Pennsylvania, LLC** (dba Quickway Transfer Station), 2900 Orthodox Street, Philadelphia, PA 19137. This application was received for a reissuance from Republic Services Group of Pennsylvania II, LLC to Republic Services of Pennsylvania, LLC. Facility located in the City of Philadelphia, **Philadelphia County**. The application was received in the Southeast Regional Office on May 15, 2001.

**Application Permit No. 101468. Republic Services of PA, LLC** (dba Girard Point Transfer Station), 3600 S. 26th Street, Philadelphia, PA 19145. This application was received for a reissuance from Republic Services Group of Pennsylvania I, LLC to Republic Services of Pennsylvania, LLC. Facility located in the City of Philadelphia, **Philadelphia County**. The application was received in the Southeast Regional Office on May 15, 2001.

**Application Permit No. 300852. Flagg Brass Residual Waste Landfill**, 1020 West High Street, Stowe, PA 19464. This application was received for a modification to the closure plan for the Flagg Brass Residual Waste Landfill. The application was received in the Southeast Regional Office on May 15, 2001.

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 101600. Waste Reduction and Recycling Center**, 2100 Sans Souci Parkway, Wilkes-Barre, PA 18702. A major permit modification for an increase of the daily tonnage from 150 tons per day to 200 tons per day for this municipal waste processing facility located in Hanover Township, **Luzerne County**. The application was found to be administratively complete in the Regional Office on May 8, 2001.

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No. 100934. IESI Pa. Blue Ridge Landfill Corp.**, P. O. Box 399, Scotland, PA 17254, Greene Township, **Franklin County**. Previously incorrectly published as administratively complete on February 9, 2001. The application was administratively complete by the Southcentral Regional Office on May 16, 2001.

Comments concerning the application should be directed to Keith Kerns, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit Application No. 101217. Casella Waste Management of Pa., Inc. for Wellsboro Area Transfer Facility**, Delmar Township, **Tioga County**. Application for permit modification to increase tonnage of waste received, receive residual waste and other operational changes. The application was accepted as a complete application by the Williamsport Regional Office on May 15, 2001.

Comments concerning the application should be directed to John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Persons interested in obtaining more information about the general permit application may contact the Williamsport Office at (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## **AIR QUALITY**

### **NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

#### **NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (DEP) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The DEP has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice and must file protests or comments on a

Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121 through 143, the Federal Clean Air Act and regulations adopted under the Act.

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**Applications Received and Intent to Issue Operating Permits Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**63-00901: Allegheny Millwork** (104 Commerce Blvd., P. O. Box 493, Lawrence, PA 15055) for installation of Spray Booths at Cecil Township Plant in Cecil Township, **Washington County**.

**03-00147: Asbury Graphite Mills, Inc.** (R. D. 7, Box 1, Kittanning, PA 16201) for installation of a Double Roll Crusher at Kittanning Division in North Buffalo Township, **Armstrong County**.

**03-00206: Rosebud Mining Co.** (R. D. 9, Box 379-A, Kittanning, PA 16201) for operation of Coal Processing/Stockpiling at Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**43-00317: Allegheny Asphalt/Lindy Paving Co.—Mercer Plant** (R. D. 3, Box 2A, Northgate Industrial Park, New Castle, PA 16103) for a Synthetic Minor Operating Permit for operation of the facility's air contamination sources consisting of a 400 tph drum mix hot asphalt plant in Wolf Creek Township, **Mercer County**.

**25-00456: Keystone Foundry Division** (944 West 12th Street, Erie, PA 16501) for a Natural Minor Operating Permit for operation of a non-ferrous foundry in Erie, **Erie County**.

**PLAN APPROVALS**

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**Applications Received for Plan Approvals Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**40-320-014: Quebecor World Printing USA Corp.** (Route 924, Humboldt Industrial Park, R. R. 1, Box 409Z, Hazleton, PA 18201) for modification of Bindery Lines 1 and 2 air cleaning device in Hazleton, **Luzerne County**.

**45-318-030A: Custom Designs and Manufacturing Co., Inc.** (P. O. Box 216, Route 940 and Harvest Lane, Pocono Summit, PA 18346) for construction of a robotic paint spray operation in Tobyhanna Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-03041A: Tyrone Synfuels, LP** (160 Quality Center Road, Homer City, PA 15748) to modify the operation of the existing fuel production facility by allowing the coal processing rate to exceed 200 tons per day, at the Tyrone Division, in Snyder Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation Plants.

**07-05001E: Appleton Papers Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673) for the installation of the High Volume Low Concentration (HVLC) noncondensable gas (NCG) handling system. In addition, the No. 3 Power Boiler will be modified to control the HVLC NCG incineration system. An NCG incinerator installed under Plan Approval No. 07-05001D will be used as a backup to control the NCG system. The proposed project is located at the Spring Mill in Roaring Spring Borough, **Blair County**. This project is subject to 40 CFR 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.

**44-05014A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) to add No. 5, No. 6 and reprocessed fuel oil grades to the list of approved fuels for the existing drum mix asphalt plant. The plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**67-03103: Gerhardt USA** (400 East Locust Street, Dallastown, PA 17313) for the construction of a Hard Chrome Plating Manufacturing operation controlled by a composite mesh pad system located in Dallastown Borough, **York County**. This source is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**62-148A: Elkhorn Field Services, Roystone Gas Processing Plant** (Route 6, Sheffield, PA 16347) for modification of Plan Approval 62-329-005A to change requirements for the dehydration unit in Sheffield Township, **Warren County**.

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**Intent to Issue Plan Approvals Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-05021A: Knouse Foods Cooperative, Inc.** (P. O. Box 709, Biglerville, PA 17307) for installation of two natural gas/#5 reclaimed oil-fired boilers (that is, 700 HP and 600 HP, respectively) at their Peach Glen Plant in Tyrone Township, **Adams County**. The 700 HP boiler will have the potential to emit 65.1 tons per year of sulfur oxides, 25.1 tons per year of nitrogen oxides and 9.90 tons per year of carbon monoxide. The 600 HP boiler will have the potential to emit 55.8 tons per year of sulfur oxides, 21.5 tons per year of nitrogen oxides and 8.48 tons per year of carbon monoxide. The company will limit the actual (total) facility emissions of sulfur oxides to less than 100 tons per year to maintain a synthetic minor status. The boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial—Institutional Steam Generating Units. The Plan Approval and Operating Permit shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**01-05022A: Knouse Foods Cooperative, Inc.** (P. O. Box 709, Biglerville, PA 17307) for installation of a 250 HP natural gas/#5 reclaimed oil-fired boiler at their Orrtanna Plant in Hamiltonban Township, **Adams County**. The boiler will have the potential to emit 23.1 tons per year of sulfur oxides, 8.89 tons per year of nitrogen oxides and 3.51 tons per year of carbon monoxide. The company will limit the actual (total) facility emissions of sulfur oxides to less than 100 tons per year to maintain a synthetic minor status. The boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial—Institutional Steam Generating Units. The Plan Approval and Operating Permit shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**01-05031A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of 11 diesel-fired electrical generating units (maximum rated capacity of 15 MW) at the Germantown Substation located in Mt. Joy Township, **Adams County**. These electrical generating units will increase the facility's emissions of: NOx by 61 tons per year (TPY); SOx by ten TPY; CO by eight TPY; VOC by two TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**06-03088: Metropolitan Edison Co. dba GPU Energy** (2800 Pottsville Pike, Reading, PA 19640-0001) for the construction of six electrical generating units controlled by Tier 1 combustion controls and low sulfur fuel oil in Muhlenberg Township, **Berks County**. The units will have the potential to emit a total of 23 tons per year of nitrogen oxides, 4.5 tons per year of sulfur dioxides and

2.5 tons per year of carbon monoxide. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The source will conform to the requirements of 40 CFR Part 89 (Tier 1) for non-road diesel engines. The plan approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**06-05071A: Sealed Air Corp.** (450 Riverfront Drive, Reading, PA 19602) for the construction of a 29.9 million BTU boiler controlled by a low NOx burner and low sulfur fuel oil in the City of Reading, **Berks County**. The boiler will have the potential to emit 14 tons per year of sulfur oxides, 21 tons of nitrogen oxides and 6 tons per year of carbon monoxide. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The plan approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The plan approval will be incorporated into the Title V operating permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**21-03053: Parthemore Funeral Home and Cremation Services, Inc.** (1301 Bridge Street, New Cumberland, PA 17070) for the construction of a gas-fired cremation unit controlled by an afterburner located in New Cumberland Borough, **Cumberland County**. The emissions from the operation of the unit primarily consist of nitrogen oxides and particulate matter. Nitrogen oxide emissions are estimated to be 1 ton/year and particulate matter emissions will generate about 400 lbs/year. The plan approval and operating permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**21-03054: Gibson-Hollinger Funeral Home, Inc.** (501 North Baltimore Avenue, Mt. Holly Springs, PA 17065) for the construction of a gas-fired cremation unit controlled by an afterburner located in Mt. Holly Springs Borough, **Cumberland County**. The emissions from the operation of the unit primarily consist of nitrogen oxides and particulate matter. Nitrogen oxide emissions are estimated to be 1 ton/year and particulate matter emissions will generate about 400 lbs/year. The plan approval and operating permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**21-05029A: Atlantic Refining and Marketing Corp.** (1801 Market Street, Philadelphia, PA 19103) for the installation of a Vapor Combustion Unit at the Mechanicsburg Terminal, 5145 Simpson Ferry Road, Hampden Township, **Cumberland County**. This facility currently has a Title V Operating Permit No. 21-05029. This installation will result in no change in facility emissions. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

**21-05045A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of 14 diesel-fired electrical generating units (maximum rated capacity of 12.5 MW) at the Allen Substation located in Monroe Township, **Cumberland County**. These electrical generating units will increase

the facility's emissions of: NOx by 47 tons per year (TPY); SOx by nine TPY; CO by five TPY; VOC by one TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**28-03001A: GS Electric** (1051 Sheffler Drive, Chambersburg, PA 17201) for modification of the existing electric motor manufacturing facility in Chambersburg Borough, **Franklin County**. The facility emits several hundred pounds of styrene annually. The plan approval and operating permit will contain monitoring, record keeping and reporting requirements to ensure compliance with the applicable air quality requirements.

**34-03005A: Energex American, Inc.** (R. R. 5, Box 343, Mifflintown, PA 17059) for the installation of a sawdust-fired rotary dryer system in Walker Township, **Juniata County**. Maximum particulate matter emissions are estimated at 2.6 pounds per ton of dried wood. The plan approval and operating permit will contain monitoring, record keeping and reporting requirements to ensure compliance with the applicable air quality requirements.

**34-03006A: Railworks Wood Products** (P. O. Box 251, McAlisterville, PA 17049) for modification of an existing boiler and installation of particulate matter controls in Fayette Township, **Juniata County**. These actions will reduce emissions of all pollutants from the facility. The plan approval and operating permit will contain monitoring, record keeping and reporting requirements to ensure compliance with the applicable air quality requirements.

**36-03096A: Carvell & Rick, Inc.** (1780 Newport Road, Ephrata, PA 17522) for construction and relocation of a spray painting operation (Operating Permit No. 36-03096) from 4437 Oregon Pike, West Earl Township, **Lancaster County**. The spray painting operation for this non-Title V metal fabrication facility will have the potential to emit 35 tons per year of volatile organic compounds. The Plan Approval and Operating Permit will contain reporting, record keeping and operating conditions designed to keep the facility operating within all applicable air quality requirements.

**36-03100A: Signature Custom Cabinetry, Inc.** (434 Springville Road, Ephrata, PA 17522) for the construction of a Paint Booth in Ephrata Township, **Lancaster County**. The estimated VOC emissions from the Paint Booth are about 1.5 tons per year. The facility potential to emit VOC is less than 50 tons per year. The Plan Approval and Natural Minor Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**36-05004B: M&M/Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) for an increase in operating hours for a diesel generator at their Elizabethtown Plant in Elizabethtown Borough, **Lancaster County**. The increase in the hours (that is, from 500 to 4,000) of operation will increase the potential to emit nitrogen oxides from the diesel generator to 32.9 tons per year. This is a potential increase of approximately 28.8 tons per year over the diesel generator's current nitrogen oxides emission potential. The company will limit the actual (total) facility emissions of nitrogen oxides to less than 100 tons per year to maintain a synthetic minor status. The Plan Approval and Operating Permit shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**36-05008A: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17557) for the construction of two vegetable fryers each controlled by a scrubber in Earl Township, **Lancaster County**. The addition of the two vegetable fryers will increase the facility's emissions of particulate matter by 500 lbs/year. The facility is currently operating under a synthetic minor operating permit, which limits the emissions of particulate matter to less than 100 tons/year. The plan approval and operating permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**36-05093A: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for the addition of Nos. 4 and 5 fuel oil grades to the approved fuels for the existing asphalt plant in East Cocalico Township, **Lancaster County**. Potential sulfur oxides emissions will increase by approximately two tons per year. The facility will remain a synthetic minor with limits on annual emissions of criteria pollutants. The plan approval and operating permit will include record keeping and reporting requirements to ensure compliance with the applicable air quality requirements.

**67-05030A: C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402) for the installation of a Flexographic Press controlled by a permanent total enclosure and a catalytic incinerator at Manchester Township, **York County**. The facility currently has Title V Operating Permit No. 67-05030. This installation will result in no change in facility emissions. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

**67-05085A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of 14 diesel-fired electrical generating units (maximum rated capacity of 12.5 MW) at the Cly Substation in Newberry Township, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 47 tons per year (TPY); SOx by nine TPY; CO by five TPY; VOC by one TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The

electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05086A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of nine diesel-fired electrical generating units (maximum rated capacity of 12.0 MW) at the Hill Substation in Shrewsbury Township, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 48 tons per year (TPY); SOx by eight TPY; CO by six TPY; VOC by one TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05087A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of six diesel-fired electrical generating units (maximum rated capacity of 9.0 MW) at the Pleasureville Substation in Springettsbury Township, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 38 tons per year (TPY); SOx by six TPY; CO by five TPY; VOC by one TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05088A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of ten diesel-fired electrical generating units (maximum rated capacity of 15 MW) at the Roundtop Substation in Warrington Township, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 63 tons per year (TPY); SOx by ten TPY; CO by nine TPY; VOC by two TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month

period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05089A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of nine diesel-fired electrical generating units (maximum rated capacity of 9 MW) at the Westgate Substation in York City, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 32 tons per year (TPY); SOx by seven TPY; CO by three TPY; VOC by one TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05090A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of ten diesel-fired electrical generating units (maximum rated capacity of 15 MW) at the Yoe Substation in Windsor Township, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 63 tons per year (TPY); SOx by ten TPY; CO by nine TPY; VOC by two TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.



**67-05091A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) for the construction of 12 diesel-fired electrical generating units (maximum rated capacity of 14 MW) at the Yorkana Substation in Lower Windsor Township, **York County**. These electrical generating units will increase the facility's emissions of: NOx by 56 tons per year (TPY); SOx by ten TPY; CO by seven TPY; VOC by two TPY; PM10 by one TPY. Facility emissions of NOx, SOx, CO and PM10 are limited to 100 TPY during any consecutive 12-month period. Facility emissions of VOC are limited to 50 TPY during any consecutive 12-month period. Facility emissions of aggregate hazardous air pollutants (HAPs) and any individual HAP are limited to 25 TPY and ten TPY during any consecutive 12-month period. Each electrical generating unit shall comply with the Non-Road Tier 1 emission limits contained at 40 CFR Part 89, Subpart B. Annual operation of each electrical generating unit is limited to 438 hours during any consecutive 12-month period. The electrical generating units shall be operated using No. 2 fuel oil only. The sulfur content of the No. 2 fuel oil fired at the substation shall not exceed 0.3% (by weight). The plan approval and operating permit will contain additional monitoring, record keeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**38-318-036A: American LaFrance Aerials** (64 Cocalico Creek Road, Ephrata, PA 17522) for the installation of a paint booth at their plant (18th and Lehman Streets, Lebanon, PA 17046) in West Lebanon Township, **Lebanon County**. The coatings listed in the permittee's application comply with the volatile organic compound (VOC) limit found in 25 Pa. Code, § 129.52, Table 1. Overall VOC and hazardous air pollutant (HAP) emission rates are expected to be less than 7.9 and 4.8 tons per year, respectively. The Plan Approval and Operating Permit shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**08-310-001E: Dalrymple Gravel and Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) for construction of various pieces of sand and gravel processing equipment (crushers, screens and conveyors) as well as a 750 KW diesel-fired generator along Chemung Flats Road in Athens Township, **Bradford County**.

Dalrymple has requested a limit on the hours of operation of the generator to 4,380 hours per year, resulting in the following emissions: particulate matter (1.7 tons per year), sulfur oxides (19.4 tons per year), carbon monoxide (13.2 tons per year), nitrogen oxides (57.6 tons per year) and volatile organic compounds (1.7 tons per year). Particulate matter emissions from the sand and gravel processing equipment are expected to be minimal due to the moist nature of the material being processed and the use of a water spray dust suppression system.

The Department of Environmental Protection has determined that the proposed equipment will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department of Environmental Protection consequently intends to issue plan approval for the construction of the respective equipment. Additionally, if the Department deter-

mines that the equipment is operating in compliance with all applicable plan approval conditions and regulatory requirements following its construction, the conditions established in the plan approval will be incorporated into an operating permit via administrative amendment under 25 Pa. Code § 127.450.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These are intended to assure proper operation of the equipment as well as a compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. Under the best available technology provisions of §§ 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department of Environmental Protection, water spray dust suppression nozzles shall be installed at the discharge of the TelSmith 1310S cone crusher.

2. An operable water truck equipped with a pressurized mechanism shall be kept onsite and filled with water at all times that the stone crushing plant is operating. This water truck shall be used, as needed, for the prevention and control of fugitive air contaminant emissions from the plant roadways, and the like.

3. Under the best available technology requirements of §§ 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department of Environmental Protection, the Caterpillar 750KW diesel generator shall not operate more than 4,380 hours in any 12 consecutive month period or use more than 23,397 gallons of diesel fuel in any 12 month consecutive month period. Records shall be maintained of the number of hours the generator is operated each month as well as the number of gallons of diesel fuel burned in the generator each month. All records maintained under this condition shall be retained on site for at least 5 years and made available to the Department upon request.

4. Under the best available technology provisions of §§ 127.1 and 127.12 of Chapter 127 of Article III of the Rules and Regulations of the Department of Environmental Protection, the generator shall not emit more than 26.3 pounds per hour or 57.6 tons per year of nitrogen oxides (NOx). In addition, the generator shall not emit more than 6.03 pounds per hour or 13.2 tons per year of carbon monoxide (CO).

**19-00001A: Magee Rieter Automotive Systems, Inc.** (408 West 5th Street, Bloomsburg, PA 17815) for construction of a 13.5 million BTU per hour natural gas-fired carpet dryer on a new dyeline in the Town of Bloomsburg, **Columbia County**. Magee Rieter Automotive Systems, Inc. is a major facility that has been issued a Title V operating permit.

The Department of Environmental Protection has determined that the proposed dryer will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department of Environmental Protection consequently intends to issue plan approval for the construction of the respective equipment. Additionally, if the Department determines that the equipment is operating in compliance with all applicable plan approval conditions and regulatory requirements following its construction, the conditions established in this plan approval will be incorporated into the Title V operating permit via administrative amendment under 25 Pa. Code § 127.450.

The worst-case air contaminant emissions rates to be associated with the respective dryer are 10.4 tons of carbon monoxide, 6.1 tons of nitrogen oxides and 5.9 tons of volatile organic compounds in any 12 consecutive month period.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the dryer. These are intended to assure proper operation of the dryer as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions.

1. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides (NOx) emissions shall not exceed 6.1 tons in any 12 consecutive month period, the carbon monoxide (CO) emissions shall not exceed 10.4 tons in any 12 consecutive month period and the volatile organic compound (VOC) emissions shall not exceed 5.9 tons in any 12 consecutive month period.

2. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all carpet that enters the dryer shall first be subjected to the steaming, water rinsing and vacuuming process proposed in the plan approval application.

3. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the dryer shall only be used to dry carpet which has no backing or coating with the exception that the foam fluorocarbon emulsion identified in the plan approval application may be applied to carpet prior to being processed through the dryer.

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the dryer shall not be used to dry carpet which has not been washed to remove oil prior to the dyeing process.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

#### **NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT**

**10-001C: AK Steel Corp.** (Route 8 South, P. O. Box 832, Butler, PA 16003) for conversion of the #12 Pickle Line from hydrochloric/hydrofluoric/nitric acid pickling line to a hydrochloric/hydrofluoric/hydrogen peroxide pickling operation in **Butler County**. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. The permit will be subject to the following conditions:

1. The permittee shall install and maintain instrumentation to monitor the scrubber liquid flow and scrubber pressure drop. The pressure drop across the control device and the water flow rate to the control device shall be recorded on a weekly basis.

2. A stack test shall be conducted to develop emission factors for PM, NOx, HF and HCL emissions. The emission rates shall be expressed in lb/hr and lb/ton.

The above conditions will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate the Best Available Technology for the source.

#### **MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35

P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54803019T2. No. 1 Contracting Corporation**, (49 South Main Street, Ashley, PA 18706), transfer of an existing anthracite surface mine operation from Harri-

man Coal Corporation in Hegins and Porter Townships, **Schuylkill County** affecting 1,313.0 acres, receiving stream—West Branch Rausch Creek. Application received May 15, 2001.

**13743002R3. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Banks and Hazle Townships, **Carbon and Luzerne Counties** affecting 964.0 acres, receiving stream—none. Application received May 16, 2001.

**40663028R3. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 474.0 acres, receiving stream—none. Application received May 16, 2001.

**54693047R3. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 698.0 acres, receiving stream—none. Application received May 16, 2001.

**54840201R3. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in West Mahanoy and Mahanoy Townships and Shenandoah Borough, **Schuylkill County** affecting 332.0 acres, receiving stream—none. Application received May 16, 2001.

**40663029R3. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 521.0 acres, receiving stream—none. Application received May 17, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17990123. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), transfer of an existing bituminous surface mine permit from Thunder Coal Company, located in Penn Township, **Clearfield County** affecting 64.8 acres. Receiving stream—unnamed tributary to Kratzer Run, unnamed tributaries to Bell Run. Application received April 30, 2001.

**17860144. Junior Coal Contracting, Inc.** (R. D. 3, Box 225A, Philipsburg, PA 16866), transfer of an existing bituminous surface mine permit from Power Operating Co., Inc. and renewal of the same permit. The permit is located in Decatur Township, **Clearfield County** and affects 324 acres. Receiving stream—Shimmel Run and Big Run. Application received May 9, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**32910102. Permit Renewal, M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7961), for continued operation of a bituminous surface and auger mine in Center & Brushvalley Townships, **Indiana County**, affecting 222.3 acres, receiving stream unnamed tributaries to Yellow Creek, Brush Creek, Tearing Run and Tearing Run. Application received May 14, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**63841302. Maple Creek Mining, Inc.**, (981 Route 917, Bentleyville, PA 15314), to renew the permit for the Maple Creek Mine in New Eagle Borough, City of Monongahela, Carroll Township, Somerset Township, Fallowfield Township, North Strabane Township, Nottingham

Township, **Washington County** to renew permit, no additional discharges. Application received February 21, 2001.

**11971301. T.J.S. Mining, Inc.**, (R. D. 1, Box 260D, Shelocta, PA 15774), to operate the Morningstar Mine in Cresson Township, **Cambria County** to operate a new deep mine, tributary to Bear Rock Run. Application received April 10, 2001.

**03951601. Keystone Coal Mining Corp.**, (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Keystone Cleaning Plant in Plumcreek Township, **Armstrong County** to renew permit, no additional discharges. Application received April 20, 2001.

**30841316. Consol Pennsylvania Coal Co.**, (Group I Operations, P. O. Box 355, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County**, revision for new air shaft 4 south No. 2 10.6 acres and new NPDES 108, Dunkard Fork. Application received May 9, 2001.

*Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**38870301C3. Pennsylvania Lime, Inc.**, (P. O. Box 160, Annville, PA 17003), correction to an existing quarry operation and NPDES Permit #PA0595543 in North Londonderry, North Annville and Annville Townships, **Lebanon County** affecting 934.5 acres, receiving stream—Killinger and Quittapahilla Creeks. Application received May 14, 2001.

**22880301C2. Rocky Licensing Corporation**, (1001 Paxton Street, Harrisburg, PA 17104), correction to an existing quarry operation in Lower Swatara Township, **Dauphin County** affecting 141.3 acres, receiving stream—Swatara Creek. Application received May 14, 2001.

**22880302C2. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), correction to an existing quarry operation and NPDES Permit #PA0594211 in Lower Swatara Township, **Dauphin County** affecting 126.0 acres, receiving stream—Swatara Creek. Application received May 17, 2001.

*Noncoal Applications Returned*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54000301. Middleport Materials, Inc.**, (P. O. Box 189, Telford, PA 18969), return of a quarry application in Schuylkill and Walker Townships, **Schuylkill County** affecting 55.2 acres, receiving stream—none. Application received February 17, 2000. Application returned May 15, 2001.

#### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the

issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-819. Doylestown Township**, 425 Wells Road, Doylestown, PA 18901, Doylestown Township, **Bucks County**, ACOE Philadelphia District. To remove the existing Iron Hill Road single span bridge and to install and maintain a precast concrete twin box culvert having a clear span of 12 feet and an underclearance of 4 feet in and along Cooks Run (WWF-MF) and impacting 0.02 acre of adjacent wetlands. The project will include: widening of Iron Hill Road; construction of a new bike path along the eastern side of the southbound travel lane; modifying approximately 130 linear feet of Cooks Creek and the installation of stormwater facilities associated with bridge and roadway construction (Doylestown PA Quadrangle N: 9.75 inches; W: 4.9 inches).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E48-305. Upper Mount Bethel Development Group, Inc.**, P. O. Box 73, Stroudsburg, PA 18360, in Upper Mount Bethel Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain two road crossings consisting of reinforced concrete box culverts in Jacoby Creek (CWF) and 0.25 acre of adjacent wetlands for the purpose of providing access to the proposed Saddle Creek Residential Subdivision. The project is located northeast of the intersection of Million Dollar Highway and Laurel Hill Road (Stroudsburg, PA-NJ, Quadrangle N: 8.8 inches; W: 2.3 inches).

**E45-411. Jerry Perry**, R. R. 1, Box 1416, Stroudsburg, PA 18360, in Hamilton Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximate 5,000 square feet building addition to the existing Personal Care Facility located in the 100-year floodway of a tributary to Cherry Creek (HQ-CWF). The project is located south of S.R. 2003 (Kemmerstown Road), approximately 0.15 mile west of S.R. 2002 (Stroudsburg, PA-NJ, Quadrangle N: 10.8 inches; W: 16.8 inches).

**E48-304. Moore Township**, 2491 Community Drive, Bath, PA 18014, in Moore Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 117-inch by 79-inch aluminized steel arch culvert in a tributary to Hokendauqua Creek (CWF). The project is located along South Oaks Road, approximately 0.4 mile east of S.R. 4005 (Kunkletown, PA, Quadrangle N: 3.9 inches; W: 10.7 inches).

**E54-286. Branch Township**, P. O. Box 265, Llewellyn, PA 17944, in Branch Township, **Schuylkill County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a reinforced concrete box culvert having a span of 18 feet and an underclearance of 6.0 feet which includes a 6-inch culvert depression in West Creek (CWF). The project is located along Township Road T557 (Main Street), approximately 0.2 mile west of T568 (Cornish Street). (Minersville, PA, Quadrangle N: 10.1 inches; W: 7.0 inches).

**E40-570. Certain Teed Corporation**, 1220 Oakhill Road, Mountain Top, PA 18707-2199, in Wright Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stairway along Watering Run (CWF), for the purpose of providing access to an existing stormwater outfall. The project is located in the Crestwood Industrial Park, approximately 1.5 miles northwest of the intersection of S.R. 0437 and T-395. Wilkes-Barre West, PA, Quadrangle N: 0.2 inch; W: 1.0 inch).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E21-321. Dana Aunkst**, South Middleton Township, Municipal Bldg, 520 Park Drive Boiling Springs, PA 17007 in South Middleton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a 12-foot wide pedestrian foot bridge having a clear span of 87-feet and an underclearance of 6.7 feet across the Yellow Breeches Creek (HQ-CWF) for the purpose of connecting South Middleton Trail System to the Township's Park located 1,800 feet downstream of the bridge on SR 21008 that crosses the Yellow Breeches Creek (Carlisle, PA Quadrangle N: 2.12 inches; W: 3.03 inches).

**E22-429. Daniel Lispi**, Harrisburg City, 10 N Second Street, Harrisburg, PA 17101 in the City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 60 boat floating dock facility along with a pavilion, wood observation deck, chain link fencing, parking lot for 16 vehicles and portable restroom in the channel and floodway of the Susquehanna River (WWF) for the purpose of developing

South Pointe Marina located at the southern end of City Island (Harrisburg West, PA Quadrangle N: 0.25 inch; W: 1.1 inches).

**E28-287. Daniel Sheedy**, Greens of Greencastle, P. O. Box 68, Boonsboro, MD 21713 in Antrim Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain 4,400 linear feet of 12-inch diameter PVC sewerline to serve Phase 3, 4 and 5 of the Greens of Greencastle development project along Muddy Run (HQ CWF). The placement of the sewerline impacts wetlands. The project is located about 1.5 mile northwest of Greencastle Borough (Greencastle, PA Quadrangle N: 10.56 inches; W: 16.76 inches and Williams, PA Quadrangle N: 10.48 inches; W: 0.94 inch).

**E36-709. Charles Miner**, C. M. Industries d/b/a Hope Hosiery Mill, P. O. Box 487, Adamstown, PA 19501 in Adamstown Borough, **Lancaster County**, ACOE Baltimore District.

To remove the existing building and to construct and maintain a new building at the same location of the Hope Hosiery Mill within the left bank's 100-year floodway of Little Muddy Creek (TSF) located just upstream of the Willow Street bridge (Terre Hill, PA Quadrangle N: 21.1 inches; W: 7.9 inches).

**E36-710. Carol Thompson**, 3264 Back Run Road, Manheim, PA 17545 in Rapho Township, **Lancaster County**, ACOE Baltimore District.

To maintain an existing three units of 8-foot by 6-foot squash corrugated metal pipe (CMP) culvert at the channel of Back Run (TSF) to serve as an access drive to a subdivision of Carol Marie Thompson located on the north side of Back Run Road (SR 4016) about 0.9 mile north from its intersection with Milton Grove Road (SR 4033) (Manheim, PA Quadrangle N: 3.15 inches; W: 15.46 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E08-373. Leprino Foods**, 400 Leprino Avenue, Waverly, NY, 14892-1384. Dry Brook Creek Enclosure, in South Waverly, **Bradford County**, ACOE Baltimore District (Sayre, PA Quadrangle N: 22.75 inches; W: 6 inches).

The permit application proposes to increase an existing enclosure by an additional 220 lineal feet. The existing twin cell culvert measures 9.5 feet by 6.5 feet and currently conveys flow under Leprino Foods Processing Plant. The new enclosure addition will consist of a twin cell 9.75 foot by 6.5-foot enclosure and associated outlet protection. This project is located directly of exit 60 of NYSR 17. This project proposes to impact 250 linear feet of Dry Brook Creek that is designated a Warm Water Fishery and does not propose to impact any wetlands.

**E14-391. David E. Ethers**, Liberty Township, 124 Hunter Run Road, Howard, PA 16841. T-477 Culvert, in Liberty Township, **Centre County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 10.4 inches; W: 12.65 inches).

To remove the existing arch culvert and to construct and maintain a 30 foot long, 71 inch by 47 inch pipe arch culvert with R-5 approach and outlet riprap and to construct a temporary sandbag coffer dam in an unnamed tributary to Bald Eagle Creek on Township Road T-477 approximately 300 feet east of the intersection of T-477 with Eagleville Road in Liberty Township, Centre County. The project will not impact on wetlands while impacting

approximately 50 feet of waterway. The unnamed tributary to Bald Eagle Creek is a Cold Water Fisheries stream.

**E18-314. PA DCNR-Bureau of Facility Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. Forestry Bridge No. 10-0016R Replacement, in Chapman Township, **Clinton County**, ACOE Baltimore River Basin District (Slate Run, PA Quadrangle N: 0.6 inch; W: 14.8 inches).

To remove an existing structure and construct, operate and maintain a single span prestressed concrete box beam bridge to carry Hyner Run Road across Left Branch, Hyner Run (High Quality—Cold Water Fishery). The single span bridge shall be constructed with a minimum clear span of 36.1-feet, underclearance of 2.5-feet and skew of 65-degrees. Bridge construction shall be completed in dry work conditions through the use of dams and pumping or fluming stream flow around work area. Bridge construction shall be conducted during stream low flow conditions. The project will permanently impact 511-square feet of wetland and 153-feet of waterway. The project is located along the northern right-of-way of SR 0120 approximately 1,000-feet north of Left Branch, Hyner Run Road and Right Branch, Hyner Run Road. This permit also seeks authorization for temporary wetland impacts of 2431.76-square feet and waterway impacts of 11-feet. Temporary impacts are associated with construction of a temporary road crossing. All temporary wetlands and waterway impacts shall be fully restored. The permanent wetland impacts of 511-square feet are de minus and replacement wetlands will not be required.

**E19-210. James K. Kendter**, Pennsylvania Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754-0218. SR 1019 Bridge, in Briar Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 10.6 inches; W: 2.6 inches).

To remove the existing 38-foot span timber deck I-beam bridge which has a curb-to-curb width of 19.7-feet and an average underclearance of 5.0-feet and a normal waterway opening of 34.5 feet and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 45.9-feet, a curb-to-curb width of 26.0-feet and average underclearance of 5.5 feet and a clear opening of 45.9-feet and to construct and maintain a temporary road crossing with four 48-inch corrugated metal pipes 90-feet downstream of the existing structure. The proposed bridge will be located on SR 1019, Section 007 over East Branch Briar Creek approximately 0.5 mile from the intersection of SR 1014 with SR 1019. The project will impact on 0.04 acre of wetland while impacting approximately 60 feet of waterway. East Branch Briar Creek is a cold water fisheries stream.

**E19-213. Stanley W. Griffin**, 240 Green Creek Road, Orangeville, PA 17859. Water Obstruction and Encroachment Permit Application, in Greenwood Township, **Columbia County**, ACOE Susquehanna River Basin District (Benton, PA Quadrangle N: 8.65 inches; W: 6.96 inches).

To construct and maintain a two span wooden structure having a span of 40.08 feet and a minimum underclear of 5.83 feet with a skew of 90° and wood abutments in Green Creek located 1 mile along Green Creek Road, east of the intersection of SR 254 and Green Creek Road. This project proposes to impact 12 linear feet of Green Creek, which is, designated a Trout Stocked Fishery and does not propose to impact any jurisdictional wetlands.

**E19-214. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Catawissa Township, **Columbia County**, ACOE Susquehanna River Basin District (Catawissa, PA Quadrangle N: 10.6 inches; W: 11.4 inches).

To remove 149 linear feet of 36-inch diameter corrugated metal pipe and construct and maintain a 152 linear feet of 60-inch diameter reinforced concrete pipe in an unnamed tributary to Catawissa Creek located along S.R. 0487, Segment 0130, Offset 2325. This project proposes to impact 152 linear feet of the unnamed tributary, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

**E41-479. Pa. Dept. of Transportation**, Engineering Dist. 3-0, P. O. Box 218, Montoursville, PA 17754 SR 0220 Muncy Creek bridge replacement in Picture Rocks Borough, **Lycoming County**, ACOE Susquehanna River Basin District (Picture Rocks, PA Quadrangle N: 4.8 inches; W: 12.2 inches).

To remove existing structure and to construct and maintain a three span box beam structure with a total span of 220 feet and a minimum underclearance of 13.2 feet in Muncy creek, temporarily construct and maintain a two span structure with a total span of 170 feet and a minimum underclearance of 7.37 feet in Muncy Creek for a temporary road crossing, temporarily construct and maintain a concrete and sand bag diversion dike at the existing bridge site, all of which are located on SR 0220, Sect. 007, This project proposes to impact 150 linear feet of Muncy Creek which is designated a Trout Stocked Fishery and does not propose any jurisdictional wetland.

**E49-246. William Michael**, Delaware Township Supervisors, P. O. Box 203, Watons town, PA 17777. Dry Dam Stream Crossings, in Delaware Township, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle N: 19.2 inches; W: 15.0 inches). To remove the following stream crossing culvert pipes from Dry Run:

1. Twin 24-inch diameter by 30-foot long CMP in Groover Road (T-634)
2. 49-inch wide by 33-inch high by 20 foot long CMPA in Groover Road (T-634)
3. 36-inch diameter by 30-foot long CMP in Willow Road (T-627)

and to construct and maintain three 48-inch diameter CMP culverts with rock energy dissipaters at the approximate lengths and at the locations listed above. The centroid of the project is located on Willow Road (T-627) approximately 45 feet south of the intersection of Groover Road (T-634) with Willow Road (T-627) in Delaware Township, Northumberland County. The project will not impact wetlands while impacting approximately 100 feet of waterway. Dry Run is a warm water fisheries stream.

**E55-176. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Franklin Township, Snyder County, ACOE Susquehanna River Basin District (Middleburg, PA Quadrangle N: 12.4 inches; W: 4.3 inches).

To remove 48 linear feet of 72-inch diameter corrugated metal pipe and construct and maintain a 48 linear feet of 83-inch by 57-inch elliptical concrete pipe in an unnamed tributary to Middle Creek located along S.R. 1001, Segment 0010, Offset 0710. This project proposes to impact

48 linear feet of the unnamed tributary, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

**E55-177. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Adams Township, **Snyder County**, ACOE Susquehanna River Basin District (Beavertown, PA Quadrangle N: 9.9 inches; W: 10.5 inches).

To remove 20 linear feet of box culvert and construct and maintain a 32 linear feet of 48-inch by 76-inch elliptical concrete pipe in an unnamed tributary to Walker Lake located along S.R. 4018, Segment 0010, Offset 1250. This project proposes to impact 36 linear feet of the unnamed tributary, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**EA28-001. Franklin County Conservation District**, Admin Annex, 218 N. 2nd Street, Chambersburg, PA 17201 in St. Thomas and Hamilton Townships, **Franklin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project in and along approximately 2,000 feet of Dennis Creek (CWF). The project's purpose is to stabilize severely eroding streambanks, improve water quality and improve fisheries habitat. The project will implement a natural stream channel design and construction activities will include riprap rock toe protection, bank grading, bank cover and mud sill cribbing and root wads installation. The site is on the Kenneth Mackey property located 1,000 feet above Twin Bridge Road (Chambersburg, PA Quadrangle N: 13.4 inches; W: 16.3 inches) in Hamilton and St. Thomas Townships, Franklin County.

#### ACTIONS

##### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

##### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of

practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WQM Permit No. 1500421.** Sewage. **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. Applicant is granted approval for the construction and operation of a regional wastewater treatment plant to serve the Route 100 Corridor located in Upper Uwchlan Township, **Chester County**.

**WQM Permit No. 1501406.** Sewage. **Penn Township**, 260 Lewis Road, West Grove, PA 19390. Applicant is granted approval for the construction and operation of a sewage pump station and force main to serve Elk Creek Farms subdivision located in Penn Township, **Chester County**.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0087165.** Industrial Waste, **Bleyer Industries, Inc.**, 500 Walnut Street Extension, Mount Union, PA 17066.

This proposed facility is located in Mount Union Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to Juniata River in Watershed 12-C.

**NPDES Permit No. PA0082619.** Sewage, **WTS Properties, LLC**, Shangri-La Mobile Home Park, P. O. Box 278, King of Prussia, PA 19406.

This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters named Conewago Creek in Watershed 7-F.

**NPDES Permit No. PA0081311.** Sewage, **South Londonderry Township Municipal Authority**, Colebrook Wastewater Treatment Plant, Municipal Building, Box 3, Campbelltown, PA 17010-0003.

This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7-G.

**NPDES Permit No. 2901401.** Sewage, **Hustontown Joint Sewer Authority**, 299 North Clear Ridge Road, P. O. Box 577, Hustontown, PA 17229.

This proposed facility is located in Taylor & Dublin Townships, **Fulton County**.

Description of Proposed Action/Activity: Construction/Operation of Sewage Treatment Facilities, Land Application Facilities, Sewers and Appurtenances and 2 Pump Stations.

**WQM Permit No. 6790408 Transfer 01-1.** Sewerage, **WTS Properties, LLC**, P. O. Box 278, King of Prussia, PA 19406.

This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities.

**WQM Permit No. 3690414 Amendment 01-1.** Sewerage, **Leacock Township Sewer Authority**, P. O. Box 558, Intercourse, PA 17534-0558.

This proposed facility is located in Leacock Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to modify Sewage Treatment Facilities.

**WQM Permit No. 0601403.** Sewerage, **Jerry Seaser and Dawn O'Neill**, P. O. Box 145, Lenhartsville, PA 19534.

This proposed facility is located in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PA0113123.** Sewerage. **Patrick J. Witkowski**, P. O. Box 322, Laporte, PA 18626.

This proposed facility is located in Laporte Township, **Sullivan County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named unnamed tributary of Mill Creek.

**NPDES Permit No. PA0032361.** Sewerage. **Williamsport Area School District**, 1400 West Third Street, Williamsport, PA 17701-7898.

This proposed facility is located in Woodward Township, **Lycoming County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named West Branch Susquehanna River.

**NPDES Permit No. PA0032352.** Sewerage. **Williamsport Area School District**, 1400 West Third Street, Williamsport, PA 17701-7898.

This proposed facility is located in Hepburn Township, **Lycoming County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named Lycoming Creek.

**WQM Permit No 5997408.** Transfer Sewerage. **Lance & Heather Covert**, R. R. 6 Box 121B, Wellsboro, PA 16901.

This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: Change in ownership single residence septic tank, sand filter and chlorinator.

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other

conditions set forth in the general permit: (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other

conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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#### List of NPDES and/or Other General Permit Types

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

#### *General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Germany Township Adams County	PAR100114	Joseph Sutphin, Et Ux 5160 Baltimore Pike Littlestown, PA 17340	Alloway Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAR100122	Larry Hughes 818 Poplar Road New Oxford, PA 17350	S. Branch of Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Silver Spring Township Cumberland County	PAR10H256	Stanley Hoynitski Harrisburg Auto Auction 3812 Sarayo Circle Harrisburg, PA 17110	Hogestown Run Trindle Spring Run CWF-CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Swatara Township Lower Swatara Township Dauphin County	PAR10I267	Kusic Capital Group III, LLC 4201 Crums Mill Rd. Harrisburg, PA 17112	Laurel Run	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100



NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Letterkenny Township Greene Township Franklin County	PAR10M234	Letterkenny Industrial Dev. Auth. 4759 Innovation Way Chambersburg, PA 17201	Rocky Spring Branch TST Unt to Conococheague Creek CWF	Franklin County Conservation District 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
St. Thomas Township Franklin County	PAR10M235	Ursula Riseborough 501 St Thomas-Edenville Rd. St. Thomas, PA 17252	Campbells Run CWF	Franklin County Conservation District 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Spring Township Perry County	PAR105135	West Perry School Dist. 2606 Shermans Valley Road Elliottsburg, PA 17024	Montour Creek	Perry County Conservation District P. O. Box 36 (31 W. Main St.) New Bloomfield, PA 17068 (717) 582-8988
McIntyre Township Lycoming County	PAR103944	Ralston Flood Mitigation Project Lycoming County Commissioners Lycoming County Court House Williamsport, PA 17701	Lycoming Creek CWF	Lycoming County Conservation Dist. 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003

*Southwest Region: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Allegheny County South Fayette Township	PAR10A447	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	Thoms Run/TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAR10A492	Basil Hawanchak 301 Fitzhenry Road Smithton, PA 15479	Thompson Run/ WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Jefferson Hills Borough	PAR10A500	West Jefferson Hills School District 835 Old Clairton Road Clairton, PA 15025	Beam Run/TSF	Allegheny County Conservation District (412) 241-7645
Armstrong County Rayburn Township	PAR10B037	Armstrong County Commissioners 1415 South Avenue/ 450 East Mark Street Kittanning, PA 16201	Cowanshannock Creek/TSF	Armstrong County Conservation District (724) 548-3425
Beaver County Franklin Township	PAR100283	Zelienople Municipal Airport 1857 Route 588 Zelienople, PA 16063	Connoquenessing Creek/WWF	Beaver County Conservation District (724) 774-7090

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Valley Township Chester County	PAR800106	Chester County Aviation, Inc. 1 Earhart Drive Coatesville, PA 19320	Sucker Run—3H Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Tincum Township Delaware County	PAR230013	Esschem Incorporated P. O. Box 1139 Linwood, PA 19061	Delaware Estuary—2E Water- shed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Downingtown Borough Chester County	PAR130007	Alcoa Flexible Packaging 520 Lincoln Avenue Downingtown, PA 19335	Parke Run tribu- tary to East Branch Brandywine Creek—3H Water- shed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Schuylkill County North Manheim Township	PAR802230	Roadway Express, Inc. 1077 Gorge Blvd. P. O. Box 471 Akron, OH 44309-0471	Long Run Creek CWF	DEP NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
York County Hellam Township	PAR113527	Flinchbaugh Engineering, Inc. 4387 Run Way York, PA 17406	Kruetz Creek/ WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Union County White Deer Township	PAR144801	NGC Industries Inc. P. O. Box 338 Milton, PA 17847	Unnamed tribu- tary to West Br. Susquehanna 10D	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Harmar Township Allegheny County	PAR216140	Redland Brick Inc. 15718 Clear Spring Road P. O. Box 160 Williamsport, MD 21795	Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Bedford County W. Providence Township	PAG043676	Zane Weicht 1179 N. Milk & Water Rds. Everett, PA 15537	TSF	DEP—Southcentral Region Water Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Tioga County Delmar Township	PAG044984	Lance & Heather Covert R. R. 6 Box 121B Wellsboro, PA 16901	East Branch Stony Fork Creek 9A	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport, PA 17701

*General Permit Type—PAG-5*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Berks County Muhlenberg Township	PAG053550	Exxon Mobil Refining & Supply Co. Tuckerton Terminal #2046 1900 E Linden Ave. P. O. Box 728 Linden, NJ 07036	Laurel Run/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contract Office and Telephone No.</i>
Kimmel Township Bedford County	PAG083559	Greenfield Township Municipal Auth. P. O. Box 372 Claysburg, PA 16625	Richard Langham Farm Kimmel Township Bedford County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contract Office and Telephone No.</i>
Mifflin County Decatur Township	PAG123507	Kenneth K. & Tina M. Loht 250 Road Apple Drive McClure, PA 17841	Jacks Creek/CWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dillsburg Borough	P. O. Box 370, Dillsburg, PA 17019	York

Plan Description: The approved plan provides for an expansion of the Dillsburg Area Authority wastewater treatment facility on Old Mill Road to 2.3 MGD. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wilmington Township	R. R. 5 Box 469 New Castle, PA 16105	Lawrence

Plan Description: The approved plan provides for construction of gravity and low-pressure grinder pump sewer systems to replace failing on-lot systems in two areas of Wilmington Township. The Beachwood Drive area has 115 buildings located adjacent to New Wilmington, west and south of the Borough. The proposed sewers will connect to the borough's sewerage system for treatment and disposal. The Maiden Blush/Phillips School Road area has 29 buildings. Sewage will be conveyed to the Orchard Terrace sewerage system, owned and operated by the Wilmington Township Sewer Authority, for treatment and disposal.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**BIOSOLIDS INDIVIDUAL PERMITS (PABIG AND PABIS)**

The Department of Environmental Protection (Department) has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel

Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. The paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PABIS 4821. Leslie's Septic Service Pike Township, Potter County.** Leslie's Septic Service, P. O. Box 211, Yahn Road, Galeton, PA 16922-0211 is approved to beneficially use their biosolids on the Circle H Ranch farm in Pike Township, **Potter County**.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**George's Music, Inc.**, Upper Gwynedd Township, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 N. Easton Rd., Willow Grove, PA 19090-2511, on behalf of George's Music, Inc., 650 W. Swedesford Rd., Berwyn, PA 19312, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Background Standards.

**Ashland, Inc.—Aston Chemical Distribution Facility**, Chester Township, **Delaware County**. Cathy A. Pickrel, Ashland, Inc., P. O. Box 2219, Columbus, OH 43216, on behalf of Dunlap, Mellor & Co., Inc., 100 N. Commerce Dr., I-95 Industrial Park, Aston, PA 19014, has submitted a Final Report concerning remediation of site soil contaminated with solvents and BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Park Chase Apartments**, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Park Chase Associates, LP, 115 New St., Glenside, PA 19038, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, polycyclic aromatic hydrocarbons and naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors,

a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Hale Products**, Conshohocken Borough and Whitmarsh Township, **Montgomery County**. Frank Keirse, Hale Products, Inc., 700 Spring Mill Ave., Conshohocken, PA 19428, on behalf of Washington St., Associates III, LP, 700 S. Henderson Rd., Suite 2, King of Prussia, PA 19406, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead and heavy metals. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 8, 2001.

**Metroplex Shopping Center**, Plymouth Township, **Montgomery County**. Charles J. Chelotti, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104, on behalf of Metroplex West Associates, LP, 350 Sentry Parkway, Blue Bell, PA 19422, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, solvents, pesticides, asbestos and arsenic; and site groundwater contaminated with lead, BTEX, solvents and asbestos. The Final Report demonstrated attainment of Statewide Health and Site-specific Standards and was approved by the Department on May 8, 2001.

**Kathy Medley Residence**, Avondale Borough, **Chester County**. Scott W. Steele, Hydrocon Services, Inc., 2945 S. Pike Ave., Allentown, PA 18103, on behalf of Kathy Medley, 105 Chatham St., Avondale, PA 19311, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2001.

**Papp Property**, Darby Township, **Delaware County**. Martin Leibhardt, Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, on behalf of Mr. & Mrs. Papp, 302 Eggleston Terrace, Sharon Hill, PA, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2001.

**Richmond Waterfront Industrial Park, LLC**, City of Philadelphia, **Philadelphia County**. A. L. Holmstrom, Rohm & Haas Co., Box 584, Bristol, PA 19107, has submitted a Final Report concerning remediation of site soil, groundwater, surface water and sediment contami-

nated with PCBs, lead, heavy metals, pesticides, dioxin, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2001.

## HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

### License Issued

**Bethlehem Apparatus Company, Inc.**, P. O. Box Y, 890 Front Street, Hellertown, PA 18055. License No. **PA-AH 0681**. Effective May 15, 2001.

### License Renewed

**Clean Venture, Inc.**, 201 S. First Street, Elizabeth, NJ 07206. License No. **PA-AH 0299**. Effective May 18, 2001.

**Reifsneider Transportation, Inc.**, P. O. Box 756, 223 Fellowship Road, Eagle, PA 19480. License No. **PA-AH 0486**. Effective May 18, 2001.

**Petroclean, Inc.**, P. O. Box 92, Carnegie, PA 15106. License No. **PA-AH 0109**. Effective May 15, 2001.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 100933. Alliance Sanitary Landfill**, Alliance Sanitary Landfill, Inc., 398 South Keyser Avenue, Taylor, PA 18517. A major permit modification for the Area III Expansion application, which would add 147 acres of additional disposal area to this municipal waste landfill located in Taylor and Old Forge Boroughs and Ransom Township, **Lackawanna County**. This expansion would add approximately 23 years of additional life or landfill capacity to the facility. The application was denied by the Regional Office on May 17, 2001.

## AIR QUALITY

**Operating Permit Administrative Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-0087: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on May 16, 2001, for Suface Coating Operation in Falls Township, **Bucks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**17-318-018A: Invensys Energy Metering** (805 Liberty Boulevard, Dubois, PA 15801) on May 15, 2001, to incorporate conditions established in Plan Approval 17-318-018B for a gas meter and regulator surface coating operation consisting of three (3) manual spray booths at Plant #1 in the City of Dubois, **Clearfield County**.

*Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104, Roger Fey, (215) 823-7584.*

**7-012: Tenet HealthSystem—Hahnemann University Hospital** (Broad and Vine Streets, Philadelphia, PA 19102) administratively amended on May 21, 2001, to identify a change in the facility contact, permit contact and responsible official, add two natural-gas fired emergency generators and three insignificant fuel oil tanks, remove a pathological incinerator and to correct the renewal application fee specified under the general conditions for permit renewal in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor Operating Permit was originally issued on July 31, 2000.

**Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-03029: Cumberland Valley Animal Shelter** (2325 Country Road, Chambersburg, PA 17201) on May 14, 2001, for a Natural Minor Operating Permit in Guilford Township, **Franklin County**.

**28-05013: UNOVA Industrial Automation Systems, Inc.** (20 East Sixth Street, Waynesboro, PA 17268) on May 17, 2001, for a Synthetic Minor Operating Permit in Waynesboro Borough, **Franklin County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**33-00108: Brookville Hospital** (100 Hospital Road, Brookville, PA 15825) on April 26, 2001, for a Title V Operating Permit in Brookville Borough, **Jefferson County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0198D: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) on May 16, 2001, for operation of a Cocoa Bean Cleaning System in Upper Hanover Township, **Montgomery County**.

**23-0021A: Congoleum Corp.** (4401 Ridge Road, Trainer, PA 19061) on May 16, 2001, for operation of a 1,000 Kilowatt Emergency Generator in Trainer Borough, **Delaware County**.

**23-0047B: Degussa Corp.** (1200 West Front Street, Chester, PA 19013) for installation for a new storage silo

to store amorphous silicon dioxide with a bag-house to control particulate matter (PM) emissions from the silo and packaging device. This installation will result in a maximum PM emission increase of 0.1 ton per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operation restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**54-321-006B: Guilford Mills, Inc.** (Gold Mills, Inc., 1 Penn Dye Street, Pine Grove, PA 17963) on May 14, 2001, for construction of Tenter Frame 3 in Pine Grove Borough, **Schuylkill County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**37-185B: Universal Refractories, Inc.** (915 Clyde Street, Wampum, PA 16157) on May 4, 2001, for installation of a baghouse on the MgO processing line in Wampum Borough, **Lawrence County**.

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**Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-0087A: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on May 15, 2001, for operation of a Ammonia Scrubber in Falls Township, **Bucks County**.

**23-0024A: Hanson Aggregates PA, Inc.** (523 West Forge Road, Glen Mills, PA 19342) on May 15, 2001, for operation of a Aeropulse Baghouse in Middletown Township, **Delaware County**.

**09-0110: Riverside Construction Materials, Inc.** (7900 Radcliffe Street, Bristol, PA 19007) on May 16, 2001, for operation of a Cement Handling in Bristol Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-05017A: Quebecor World, Fairfield, Inc.** (100 North Miller Street, Fairfield, PA 17320) on May 1, 2001, to authorize temporary operation of two 2-unit double web offset lithographic printing presses with four heatset dryers, covered under this Plan Approval until August 28, 2001, in Fairfield Borough, **Adams County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**49-0014A: Jeraco Industries, Inc.** (135 Sodom Road, Milton, PA 17847) on May 8, 2001, to extend the authorization to operate three fiberglass automotive accessory surface coating spray booths on a temporary basis until September 5, 2001 in Milton Borough, **Northumberland County**.

**08-316-013A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) on May 14, 2001, to extend the authorization to operate a hardboard press (Line 2/Trimboard) and associated air cleaning device (a scrubber) on a

temporary basis until September 11, 2001, in Wysox Township, **Bradford County**.

**08-318-024A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) on May 14, 2001, to extend the authorization to operate a hardboard products surface coating operation (Coating II) on a temporary basis until September 11, 2001, in Wysox Township, **Bradford County**.

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**Plan Approval Minor Modification Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**49-313-032I: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) on May 15, 2001, to add a compliance date (June 30, 2002) to Plan Approval Condition 2 in Riverside Borough, **Northumberland County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

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*Coal Permits Issued*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17820151. Junior Coal Contracting, Inc.** (R. D. 3, Box 225A, Philipsburg, PA 16866), renewal of an existing bituminous surface mine-auger permit in Bradford Township, **Clearfield County** affecting 274.2 acres. Receiving stream—Millstone and Valley Fork Run to West Branch of Susquehanna River. Application received January 16, 2001. Permit issued May 7, 2001.

**17950111. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing surface mine-auger permit in Bigler Township, **Clearfield County** affecting 188 acres. Receiving stream—Maplepole Run to the West Branch of the Susquehanna River. Application received March 6, 2001. Permit issued May 7, 2001.

**17990106. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 431 acres. Receiving stream—unnamed tributary to Laurel Run to Laurel Run. Application received March 29, 1999. Permit issued May 14, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**03990106. Thomas J. Smith, Inc.** (R. R. 1, Box 260-D, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Washington Township, **Armstrong County**, affecting 94.1 acres. Receiving streams: unnamed tributary to Huling Run, to Allegheny River. Application received: August 31, 1999. Permit issued: May 21, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**30841320. Dana Mining Co. of PA, Inc.**, (P. O. Box 1209, Morgantown, WV 26507), to renew the permit for the Dooley Run Mine in Dunkard Township, **Greene County** to renew permit, no additional discharges. Permit issued May 8, 2001.

**32951301. Penn American Coal, L.P.**, (R. D. 1, Box 119A, Avonmore, PA 15618), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County**, revision to add 9.2 surface acres for new haul road, no additional discharges. Permit issued May 8, 2001.

**63831302. Eighty-Four Mining Company**, (P. O. Box 355, Eighty Four, PA 15330), to revise the permit for the Mine No. 84 in Amwell Township, **Washington County** to add 12 surface acres for new airshaft, NPDES Pt. and borehole, Little Chartiers Creek. Permit issued May 10, 2001.

**30841317. Consol PA Coal Co.**, (P. O. Box 355, Group 1, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East and West Finley Townships, **Washington County** to install air shaft F-7, add 29.15 surface areas, tributary to Templeton Fork. Permit issued May 16, 2001.

**30743701. LTV Steel Co., Inc.**, (200 Public Square, Cleveland, OH 44114), to renew the permit for the Nemacolin Coal Refuse Disposal Area in Cumberland Township, **Greene County** to renew the permit, no additional discharges. Permit issued May 16, 2001.

#### *Noncoal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**38950301T. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), transfer of an existing quarry operation in Cornwall Borough, **Lebanon County** affecting 175.5 acres and renewal of NPDES Permit #PA-0223646, receiving stream—abandoned pit to Snitz Creek. Transfer issued May 15, 2001.

**28000803. Bricker Paving & Excavating**, (1661 Edenville Road, Chambersburg, PA 17201), commencement, operation and restoration of a small shale quarry in Hamilton Township, **Franklin County**, affecting 1.50 acres, receiving stream—unnamed tributary to Rocky Spring Run. Permit issued May 18, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**26970401. Laurel Aggregates, Inc.** (P. O. Box 23, Gans, PA 15439). Permit revised to add 92 acres of support at a large noncoal surface mine located in Springhill Township, **Fayette County**, now affecting 245 acres. Receiving streams: unnamed tributaries to Rubles Run and Rubles Run. Application received: October 25, 2000. Revision issued: May 16, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**43002802. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125) Commence-

ment, operation and restoration of a small noncoal slag operation in the City of Hermitage, **Mercer County** affecting 11.2 acres. Receiving streams: Shenango River. Application Received: December 18, 2000. Permit Issued: May 10, 2001.

#### **ABANDONED MINE RECLAMATION**

Bond Forfeiture Contract Awarded	<b>BF 456-101.1</b>
Location	Sandy Township, <b>Clearfield County</b>
Description	Abandoned Mine Land Reclamation
Contractor	S. Construction, Inc. Mineral Ridge, OH
Amount	\$9,551.00
Date of Award	May 21, 2001
Contact	Mary Jane Olsen (717) 783-4800

#### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—708 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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*Permits Issued and Actions on 401 Certifications:***WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E58-238. Hallstead Plaza Properties**, P. O. Box 416, Hallstead, PA 18822. Great Bend Borough and Great Bend Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To place fill in approximately 0.50 acre of wetlands and within the floodway of the Susquehanna River, for the purpose of expanding an existing residential apartment complex. The permittee is required to provide 0.51 acre of replacement wetlands. The project is located on the west side of S. R. 0011, immediately north of the intersection of S. R. 0011 and S. R. 0171. (Great Bend, PA-NY Quadrangle N: 17.1 inches; W: 16.2 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E18-235A. Croda Inc.**, P. O. Box 178, Mill Hall, PA 17751, Wetland Replacement, Bald Eagle Township, **Clinton County**, Baltimore COE (Mill Hall Quadrangle N: 20.5 inches; W: 13.25 inches).

To place and maintain fill in an additional 0.227 acre of palustrine emergent wetlands and 0.03 acre of palustrine forested open water wetlands. The original permit authorized the placement and maintenance of 1.82 acres of wetland fill and authorized construction of a 2.51-acre wetland replacement in the floodway of Bald Eagle Creek. This amendment will expand the wetland replacement area 0.43 acre to 2.94 acres and includes wetland plantings in the replacement area. The purpose of this project is to expand and upgrade existing chemical plant operations. The company property encompasses 26 acres of land with 8 acres currently developed. The fill site is located on the western side of company property located along Draketown Road (T0373) approximately 0.30 mile from the intersection with SR 150 in Bald Eagle Township, Clinton County. Off-site mitigation for impacts will be replaced within the floodway of Bald Eagle creek located along Lusk Run Road approx. 1.0-mile from the intersection with SR 150.

**E18-310. Richard C. Bowman**, 1012 Mackeyville Road, Mill Hall, PA 17751. Fence in the floodway, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 18.65 inches; W: 16.25 inches).

To maintain a 6 foot high by 80 foot long wooden fence in the floodway of Fishing Creek. This project is located at 208 South Water Street, Mill Hall. This permit was issued under Section 105.13(e) "Small Projects."

**E41-470. Lycoming County Commissioners**, Lycoming County Court House, Ralston Flood Mitigation Project, in McIntyre Township, **Lycoming County**, ACOE Baltimore District (Ralston, PA Quadrangle N: .5 inch; W: 11.5 inches).

Construct, operate and maintain a flood mitigation project on Lycoming Creek, which will have a linear distance of 3,900 feet. There is 1,183 feet of earthen berm, 50,789 square feet of graded fill, excavate 3,233 feet of elevated flood plain, erect 175 feet of gabion basket wall, construct a new county bridge and construct a temporary work causeway which shall be removed once construction of the bridge is completed. In-stream channel work other than bridge and temporary causeway is not

authorized by this permit. This flood mitigation project will only offer protection from storm events less than the 40-year design storm. Larger storm events are expected to cause flooding with Ralston. The gabion wall will be constructed out of standard gabion baskets measuring 3 feet by 3 feet by 6 feet. The county bridge will have a clear span length per span of 83 feet, a skew of 83 degrees and a minimum low cord elevation of 841.7 feet. The temporary causeways will be constructed of rock, free of fines and silts, or other non-erodible material. This project is located along SR 0014 in the town of Ralston (Ralston, PA Quadrangle, N: .5 inch, W: 11.1 inches) in McIntyre Township, Lycoming County.

**E49-244. Northumberland County**, 50 South Second Street, Sunbury, PA 17801. Bridge, in Mt. Carmel Borough, **Northumberland County**, ACOE Baltimore District (Mt. Carmel, PA Quadrangle N: 9.0 inches; W: 6.0 inches).

To remove an existing single-span reinforced concrete arch bridge with a bituminous concrete wearing surface, a clear span of 20.0 feet, a minimum upstream underclearance of 14.7 feet and an upstream waterway opening of 220 square feet; and to construct and maintain a 20 foot wide by 10 foot high by 180 foot long reinforced concrete box culvert with a waterway opening of 200 square feet with a chamfered upstream top edge. The proposed structure will be located in Shamokin Creek on Vine Street one block north from the intersection of SR 54161 with North Vine Street. This permit was issued under Section 105.13(e) "Small Projects."

[Pa.B. Doc. No. 01-947. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the public participation center. The "March 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

#### *Ordering Paper Copies Of DEP Technical Guidance*

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes To Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.



*Draft Technical Guidance—Substantive Revision*

DEP ID: 274-3100-001 Title: Policy for Stage II Vapor Recovery Testing Requirements Description: This guidance document identifies testing requirements to verify that the stage II vapor recovery system is operating properly. The Department is currently in the process of revising this policy, based on a recent change to the California Air Resources Board Dynamic Backpressure Test Requirements that this policy follows. Anticipated Effective Date: June 30, 2001 Comment Period Ends: July 28, 2001 Contact: John Harwick at (717) 772-3994 or e-mail at jharwick@state.pa.us.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-948. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Meeting Cancellation Notice

The Cleanup Standards Scientific Advisory Board meeting scheduled to be held on June 21, 2001, at 9:30 a.m., 400 Market Street, Rachel Carson State Office Building, 14th floor conference room has been cancelled. The next scheduled meeting will be held November 29, 2001, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building.

Questions may be directed to Marilyn Wooding at (717) 783-7509.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-949. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.14.B2, which relates to the visual observation of patients.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-950. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application of Good Samaritan Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Good Samaritan Regional Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 51.23 and 51.3(a) (relating to positron emission tomography; and notification), which states that a health care facility shall notify the Department in writing at least 60 days prior to the intended commencement of a health care service which has not been previously provided at that facility.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-951. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application of HealthSouth Reading Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that HealthSouth Reading Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-952. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application of Main Line Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Main Line Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(a)(1) (relating to criteria for ambulatory surgery), which states that ambulatory surgical procedures are limited to those that do not exceed a total of 4 hours of operating time.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-953. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application of Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Memorial Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-954. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application of Palmerton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Palmerton Hospital has requested an exception to the requirements of 28 Pa. Code § 137.21(b)(5) (relating to policies and procedures) regarding administration of oxytocic agents.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154

for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-955. Filed for public inspection June 1, 2001, 9:00 a.m.]

[Correction]

### Application of Punxsutawney Area Hospital for Exception

This is to correct the previous notice for Punxsutawney Area Hospital, published at 31 Pa.B. 2516 (May 12, 2001), that erroneously listed the hospital as Titusville Area Hospital.

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Punxsutawney Area Hospital has requested an exception to the requirements of 28 Pa. Code § 51.3 (relating to notification).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-956. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, June 13, 2001, at 10 a.m., in Room 505 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Joseph May at (717) 772-5298, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-957. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Request for Exception from Long-Term Care Nursing Facility

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Jewish Home of Greater Harrisburg  
4000 Linglestown Road  
Harrisburg, PA 17112

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-958. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments to Hospitals

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to establish an additional class of disproportionate share payments for hospitals that incur significant uncompensated care costs or that experience a high volume of inpatient cases, the cost of which exceeds twice the hospital's average cost per stay for all patients. This change will be effective June 30, 2001.

#### *Hospital Uncompensated Care Payment*

The Department proposes to establish this additional class of payments to annually compensate facilities, which provide a disproportionate share of uncompensated care. A facility would qualify for this payment if the facility's total percentage of the following factors listed is above the median for all facilities.

- The facility's percentage of uncompensated care to net patient revenue as reported to the Pennsylvania Health Care Cost Containment Council (PHC4) over the 3 most recent fiscal year periods.

- The facility's percentage of SSI days to total inpatient days over the 3 most recent fiscal year periods.

- The facility's percentage of MA days to total inpatient days over the 3 most recent fiscal year periods.

The Department will annually determine a payment percentage for each individual qualifying facility by comparing it to all qualifying facilities. The Department will annually publish a list of qualifying facilities in the *Pennsylvania Bulletin* by April 1 for the forthcoming fiscal year.

#### *Hospital Extraordinary Expense Payment*

The Department also proposes to establish a class of disproportionate share payments to annually compensate facilities which incur extraordinary expenses in treating the uninsured on an inpatient basis. A facility may qualify for this payment if they do not qualify for a Hospital Uncompensated Care payment and the facility provided uncompensated care to a patient with extraordinary expenses in the most recent fiscal year for which data is available. Extraordinary expenses are those which exceed twice the hospital's average cost per stay for all patients.

Payment to the facility shall equal the lesser of the cost of:

- The extraordinary expense claim; or
- The prorated amount of each facility's qualified extraordinary expense costs, as applied to the total funds available for these payments.

#### *Fiscal Impact*

The Department intends to fund these additional payments from the Tobacco Settlement Fund. All Federal payment conditions are still applicable, namely, the Commonwealth may not exceed its aggregate annual disproportionate share allotment, and no hospital may receive disproportionate share payments in excess of its hospital-specific limit. Additionally, the total amount of funds received by a facility shall not exceed the uncompensated care amount reported to PHC4.

Since the Tobacco Settlement legislation has not yet been enacted, the fiscal impact of the payments proposed under this notice cannot be determined at this time. The aggregate reimbursements for these additional classes of disproportionate share payments to hospitals will be dependent upon and limited to the amounts actually appropriated in the enacted legislation.

#### *Contact Person*

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office Of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require an alternate format should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-292. (1) General Fund (increases will be based on the passage of the Tobacco Settlement Act); (2) Implementing Year 2000-01 is Unknown; (3) 1st Succeeding Year 2001-02 is Unknown; 2nd Succeeding Year 2002-03 is Unknown; 3rd Succeeding Year 2003-04 is Unknown; 4th Succeeding Year 2004-05 is Unknown; 5th Succeeding Year 2005-06 is Unknown; (4) This is a new appropriation; therefore there is no program history. (7) new appropriation; (8) recommends adoption. Funds are contingent on the passage of appropriations from the Tobacco Settlement funds for this purpose.

[Pa.B. Doc. No. 01-959. Filed for public inspection June 1, 2001, 9:00 a.m.]

#### **Expansion of the Long Term Care Capitated Assistance Program; Request for Information**

The Long Term Care Capitated Assistance Program (LTCCAP) is the Commonwealth's replication of the Program of All-inclusive Care for the Elderly (PACE) Model. Under this Request for Information, the Department of Public Welfare (Department) is asking organizations interested in participating as an LTCCAP provider to contact the Department. Providers will be responsible to provide a specific package of services to individuals enrolled in the program, who are eligible for Medical Assistance (MA) and have been determined to require nursing facility services. To be considered for an LTCCAP site, organizations must be enrolled in the MA Program, meet the requirements included in the PACE Protocol and LTCCAP Provider Agreement, and have a completed feasibility study through a PACE Technical Assistance Center.

The Department will consider, among other things, the following factors when determining site selection for LTCCAP:

- MA service need
- MA service availability (underbedded, overbedded, home and community based services, and the like)
- Project location (suburban v. urban, existing project sites, and the like)
- Uniqueness of project design (closing existing nursing facility beds, collaboration efforts, and the like)

Questions regarding the PACE Protocol or the feasibility study through a PACE Technical Assistance Center should be directed to Cindy M. Proper at (717) 772-2525.

Organizations that feel they meet the previous criteria, and are interested in being considered to provide services under LTCCAP, should submit a letter of interest, along with a copy of their completed feasibility study within 30 days from the date of this publication to: LTCCAP, Division of LTC Client Services, Department of Public Welfare, 6th Floor Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105.

Current LTCCAP providers interested in expanding beyond their designated zip code area are also invited to respond to this request. Responses should be directed to the previous address and include a letter of interest, along with a market analysis of the area of interest.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-290. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-960. Filed for public inspection June 1, 2001, 9:00 a.m.]

**Income and Resource Limits for Spouse Living in the Community When the Other Spouse is Institutionalized**

The Department of Public Welfare increased the income and resource limits described in 55 Pa. Code §§ 181.452(d)(2)(iv), 178.124(a)(3)(i) and (ii) effective January 1, 2001, as required by 42 U.S.C.A. § 1396r-5.

The regulations in §§ 181.452(d)(2)(iv), 178.124(a)(3)(i) and (ii) establish the basis for determining the Monthly Community Spouse Maintenance Need Amount and the maximum and minimum Community Spouse Resource Standard for the Categorically Needy Nonmoney Payment and Medically Needy Only Medicaid programs. These standards are required to be published in the *Pennsylvania Bulletin* annually and are available to the public upon request at the county assistance offices.

Effective January 1, 2001, the amounts are:

Maximum Community Spouse Resource Standard	\$87,000
Minimum Standard Community Spouse Resource Standard	\$17,400
Maximum Monthly Community Spouse Maintenance Need Amount	\$ 2,175

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-286. (1) General Fund; (2) Implementing Year 2000-01 is \$533,000; (3) 1st Succeeding Year 2001-02 is \$1,049,000; 2nd Succeeding Year 2002-03 is \$1,080,000; 3rd Succeeding Year 2003-04 is \$1,113,000; 4th Succeeding Year 2004-05 is \$1,146,000; 5th Succeeding Year 2005-06 is \$1,181,000; (4) 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; 1997-98—\$617,252,000; (7) Medical Assistance-Long Term Care; (8) recommends adoption. Funds are included in the budget for this purpose.

[Pa.B. Doc. No. 01-961. Filed for public inspection June 1, 2001, 9:00 a.m.]

**Inpatient Hospital Services**

The purpose of this announcement is to provide prior notice of the Department of Public Welfare's (Department) intent to revise its payment method for inpatient hospital services effective July 1, 2001. These revisions would affect acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

The Department will negotiate, with representatives of the hospital industry, the possibility of renewing the existing Hospital Payment Rate Agreement (Agreement), which governs the payment methods and standards applicable to hospitals participating in the Medical Assistance Fee-for-Service Program. The Agreement was effective

July 1, 1999, and will expire on June 30, 2001, with regard to disproportionate share and medical education payments. The payment rates under the Agreement are in effect through December 31, 2001. If a revised Agreement is adopted by and between the Department and participating hospitals, the Department expects the payment provisions to be generally similar to those set forth in the current Agreement.

During this period of negotiations, the Department proposes to maintain the disproportionate share and direct medical education payments at the level in effect on June 30, 2001. These payment rates will remain at June 30, 2001, level through December 31, 2001.

*Fiscal Impact*

The necessary funding required to continue the current payment provisions has been provided for in the Department's Fiscal Year 2001-02 Budget Request. Any additional funding resulting from a revised payment method would need to be limited to the amount of funding appropriated by the General Assembly.

*Contact Person*

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require an alternate format should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-291. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-962. Filed for public inspection June 1, 2001, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

[Correction]

**Pennsylvania Pocono Raceway's NASCAR Cash Instant Lottery Game**

An error occurred in the document which appeared at 31 Pa.B. 2234 (April 21, 2001) giving notice of the rules for the new instant lottery game. In section 11(d)(2)(i), reference to validated finalist entries selected in the "first" Second Chance Drawing is incorrect, the provision should reference validated finalist entries selected in the "last" Second Chance Drawing. The corrected text is as follows:

11. Second Chance Drawing Procedures:

\* \* \* \* \*

(d) Manner of conducting the two Grand Prize Finalist Drawings.

\* \* \* \* \*

(2) The Pennsylvania 500 Grand Prize Drawing.

(i) The five hundred validated finalist entries selected in the last Second Chance Drawing shall be placed in a mechanical device. Five finalist entries will be selected as Grand Prize finalists.

\* \* \* \* \*

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-963. Filed for public inspection June 1, 2001, 9:00 a.m.]

Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-965. Filed for public inspection June 1, 2001, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation, pursuant to the authority contained in section 2002(c) of The Administrative Code (71 P. S. § 512 (c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Byzantine, Inc. of 1198 Mulberry Street Bridgewater, PA 15009, seeking to lease highway right-of-way located along State Route 0018, (Legislative Route 115, Section 11A) Center Township, Beaver County, containing 15,863.38 ± square feet or 0.364 ± acre, adjacent to SR 0018, for purposes of customer parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to: Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-964. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation, pursuant to the authority contained in section 2002(c) of The Administrative Code (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Colliers Penn, A Pennsylvania Commercial Real Estate, Inc. Company of 223 Fourth Avenue, Pittsburgh, PA 15222, to lease highway right-of-way located at the intersection of Camp Horne Road and Josephs Lane, Ohio Township, Allegheny County, containing 28411.45 ± square feet or 0.652 acres ±, adjacent to SR 0279, for purposes of parking, landscaping and access to an adjoining parcel.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-966. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation, pursuant to the authority contained in section 2002(c) of The Administrative Code (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by the Borough of Green Tree of 10 W. Manilla Avenue, Green Tree, PA 15220-3310, seeking to lease highway right-of-way located at a point on the northerly legal right-of-way line for limited access for Penn Lincoln Parkway, S. R. 0279, Borough of Green Tree Allegheny County, containing 95,518 square feet or 2.19 acres ±, adjacent to SR 0279, for purposes of a storage area and the construction of a salt storage facility.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S.

### Application for Lease of Right-of-Way

Notice is hereby given that pursuant to 67 Pa. Code § 495.4(d), an application to lease highway right-of-way has been made to the Department of Transportation by Jerry Thorpe, WHIT Productions, One Chatham Center, Suite #415, Pittsburgh, PA 15219 is seeking to lease highway right-of-way located on the easterly side of relocated East Street at the intersection with Mt. Pleasant Road, in the City of Pittsburgh, Allegheny County, containing 1.12± acres or 36,500± square feet, adjacent to S. R. 0279 for purposes of landscaping, erection of a small fence along the right-of-way for Mt. Pleasant Road for litter and noise prevention and maintenance of adjacent property. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-967. Filed for public inspection June 1, 2001, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**George T. Perano v. Commonwealth of Pennsylvania, Department of Environmental Protection; EHB Doc. No. 2000-109-L**

George T. Perano has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Donegal Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 01-968. Filed for public inspection June 1, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 17, 2001, and took the following action:

*Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective May 17, 2001.*

State Board of Cosmetology #16A-458: Application Fees (adopts an amendment to its regulation at 49 Pa. Code § 7.2)

### *Regulations Approved:*

Department of Public Welfare #14-448: Restitution; Appeal and Fair Hearing and Administrative Disqualification Hearings; Food Stamp Discretionary Provisions (amends 55 Pa. Code Chapters 255, 275 and 501)

Department of Public Welfare #14-449: Special MA Eligibility Provisions; Resources Provisions for Categorically Needy NMP-MA and MNO-MA (amends 55 Pa. Code by revising §§ 140.2, 140.202 and 178.2 and adding §§ 140.100, 140.305, 178.84 and 178.163)

Department of Public Welfare #14-461: Medical Assistance Income (amends 55 Pa. Code Chapter 181)

Insurance Department #11-197: Discounting Medical Malpractice Loss Reserves (amends 31 Pa. Code §§ 118.1—118.3 and 118.6)

State Ethic Commission #63-7: Procedure (amends §§ 17.3—17.6 and 17.11, and adds § 21.6 in 51 Pa. Code)

Department of Labor and Industry #12-55: Food-Service Employee Incentive Program (amends 34 Pa. Code Chapter 231)

Pennsylvania Public Utility Commission #57-214: Universal Service Fund (amends 52 Pa. Code by adding sections to Chapter 63)

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*Department of Public Welfare—Restitution; Appeal And Fair Hearing And Administrative Disqualification Hearings; Food Stamp Discretionary Provisions; Regulation No. 14-448*

On April 25, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 255, 275 and 501. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation from the Department implements a Federal directive concerning the disqualification penalty for individuals who have committed an intentional program violation of the Temporary Assistance for Needy Families (TANF), General Assistance (GA) Cash Assistance Programs or the Food Stamp Program. This final-omitted rulemaking applies to all applicants and current and former recipients for TANF, GA or the Food Stamp Program. All persons who had a disqualification pending, prior to the Federal directive, are considered to have served their disqualification.

We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (62 P. S. §§ 201(2) and 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*Department of Public Welfare—Special MA Eligibility Provisions Resource Provisions for Categorically Needy NMP-MA and MNO-MA; Regulation No. 14-449*

On April 25, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare. This rulemaking amends 55 Pa. Code by revising §§ 140.2, 140.202 and 178.2 and adding §§ 140.100, 140.305, 178.84 and 178.163. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation codifies a 1993 Notice of Rule Change (NORC). The purpose of the NORC and this regulation is to adopt a less restrictive resource methodology to determine eligibility for low-income children under 21 years of age and their families in MA and GA programs. The resources of these children and their families will be excluded and will not be considered when determining eligibility for the Healthy Beginnings, Healthy Horizons, Supplement Security Income-related or Temporary Assistance for Needy Families and GA-related programs.

We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (62 P. S. §§ 201(2) and 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*Department of Public Welfare—Medical Assistance Income; Regulation No. 14-461*

On April 25, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapter 181. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation eliminates the requirement that a Medical Assistance (MA) recipient enroll in the Pharmaceutical Assistance Contract for the Elderly (PACE) Program. Federal law requires the Commonwealth to consider compensable drugs as a covered service for Medically Needy Only—MA recipients receiving nursing facility services. Therefore, it is no longer necessary to require MA recipients in nursing facilities to enroll in the PACE Program.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 201(2) and 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*Insurance Department—Discounting Medical Malpractice Loss Reserves; Regulation No. 11-197*

On October 11, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code §§ 118.1—118.3 and 118.6. The proposed regulation was published in the October 21, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. Under section 5(e) of the Regulatory Review Act (71 P. S. § 745.5(e)), the Department resubmitted the proposed regulation on January 25, 2001. The final-form regulation was submitted to the Commission on April 19, 2001.

This final-form regulation amends Chapter 118 to prohibit discounting loss reserves on medical malpractice insurance policies. The regulation also establishes a period during which existing discounts will be phased out.

We have determined this regulation is consistent with the statutory authority of the Department (40 P. S. §§ 92, 112 and 443(a)(2), and 71 P. S. §§ 66, 186, 411 and 412) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*State Ethics Commission—Procedure; Regulation No. 63-7*

On June 22, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Ethics Commission. This rulemaking amends §§ 17.3—17.6 and 17.11, and adds § 21.6 to 51 Pa. Code. The proposed regulation was published in the July 8, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 16, 2001.

The final-form regulation updates cross-references in existing regulations and amends reporting thresholds for Statements of Financial Interest to be consistent with the reporting thresholds in the Public Official and Employee Ethics Act, as amended by Act 93 of 1998. Additionally, the regulation adds a new section relating to confidentiality that incorporates eight existing statutory exceptions and two additional exceptions in conformance with judicial case law.

We have determined this regulation is consistent with the statutory authority of the State Ethics Commission (65 Pa.C.S. § 1107(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.



*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*Department of Labor and Industry—Food-Service  
Employe Incentive Program; Regulation No. 12-55*

On September 27, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 231. The proposed regulation was published in the October 7, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 26, 2001.

This rulemaking implements the Food-Service Employe Incentive Program mandated by Act 168 of 1998, which was an amendment to the Pennsylvania Minimum Wage Act. The regulation: defines the length of training periods for specific jobs in the food service industry; requires that participating employers maintain employe incentive accounts and provide employes with written notification of the training terms; and explains how a participating employer compensates employes that have successfully completed the training program.

We have determined this regulation is consistent with the statutory authority of the Department (43 P. S. § 333.105a) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; John F. Mizner

Public Meeting held  
May 17, 2001

*Pennsylvania Public Utility Commission—Universal  
Service Fund; Regulation No. 57-214*

On March 7, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code by adding sections to Chapter 63. The proposed regulation was published in the March 18, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 31, 2001, but was withdrawn on February 23, 2001, prior to Commission action. This revised final-form regulation was submitted to the Commission on April 19, 2001.

This regulation establishes rules for administration of the intrastate telecommunications Universal Service Fund (USF). The rules include responsibilities of the independent, neutral third-party administrator, the USF auditor and procedures for USF contributions and distributions. The purpose of the USF is to facilitate the transition of the local telephone market from a monopolistic to a competitive market. The USF is designed to assure that rural consumers in traditionally high cost areas maintain basic local telephone service at affordable rates.

We have determined this regulation is consistent with the statutory authority of the Pennsylvania Public Utility Commission (66 Pa.C.S. §§ 501, 1308, 3001(1) and (2) and

3009(b)(3)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 01-969. Filed for public inspection June 1, 2001, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5.1(h) and (i) of the Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-482	State Board of Funeral Directors Application Fees (31 Pa.B. 1468)	5/17/01	4/16/03
# 16A-656	State Board of Physical Therapy Sexual Misconduct (31 Pa.B. 1470)	5/17/01	4/16/03

**State Board of Funeral Directors  
Regulation No. 16A-482**

**Application Fees**

**May 17, 2001**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)), which have not been met. The State Board of Funeral Directors (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 16, 2003, the regulation will be deemed withdrawn.

**1. Section 13.12. Fees. Reasonableness; Clarity.**

There are two inconsistencies between the titles of the fees in this regulation and the supporting materials. These inconsistencies were also identified in the comments of the House Professional Licensure Committee.

First, the Board's description of the fees includes a fee for "Preceptor Registration or Change." However, the fee for "preceptor" is missing from the regulation. The regulation should identify the fee amount that applies to preceptor registration or change.

Second, the regulation includes a fee for "Address change without inspection." The fee report form indicates that this fee is also charged for other services including a change of director or name on an existing funeral establishment license. The fee title should indicate what other services the fee will apply to.

**State Board of Physical Therapy  
Regulation No. 16A-656**

**Sexual Misconduct**

**May 17, 2001**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Physical Therapy (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 16, 2003, the regulation will be deemed withdrawn.

**1. Section 40.301. Definitions.—Need; Clarity.**

*Patient*

The definition of "patient" includes the term "immediate family member." This term is not defined. Existing regulations for other licensure boards contain definitions for similar terms. For example, § 36.201 of the regulations for Certified Pennsylvania Evaluators defines the term "immediate family" as "A parent, spouse, child, brother, sister, grandparent or grandchild and, when living in the family household (or under a common roof), all other individuals related by blood or marriage." A similar definition of "immediate family member," in this regulation, would improve clarity.

*Sexual impropriety*

The last sentence of subparagraph (iv) states "Discussion of a patient's sexual practices and preferences shall be fully documented in the patient's chart." This sentence contains a substantive requirement. Substantive requirements should not be included in definitions; rather, they should be contained in the body of the regulation.

Furthermore, the sentence is unnecessary because the documentation requirement is contained in § 40.302(c), relating to procedural matters. Therefore, the last sentence of subparagraph (iv) should be deleted.

**2. Section 40.302. Procedural matters.—Clarity; feasibility.**

Subsection (b) states, "The Board may consider sexual relationships between the physical therapist or the physical therapist assistant or the certified athletic trainer and the patient occurring prior to the professional relationship." Is the intent of this provision to provide that a sexual relationship occurring prior to the professional relationship could be raised as a defense to sexual misconduct? Would this defense only apply in cases where the client consents to the sexual conduct after the professional relationship has begun? If so, wouldn't subsection (b) directly conflict with subsection (a), which provides that consent is not a defense? The Board should clarify its intent in subsection (b).

**3. Section 40.304. Disciplinary action.—Clarity.**

The first sentence of this section states "A physical therapist, physical therapist assistant or certified athletic trainer who engages in sexual impropriety or violation. . . ." For consistency, the word "sexual" should be

inserted before the word "violation" to be consistent with the defined term "sexual violation."

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-970. Filed for public inspection June 1, 2001, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Alcohol Education, North Progress Avenue, Harrisburg, PA.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 to 1,800 net useable square feet of new or existing retail commercial space. Location must have immediate access to North Progress Avenue between I-81 to the South and Linglestown Road to the North. Site will have free onsite parking.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Charles D. Mooney, (717) 657-4228

Allegheny County, Wine & Spirits Shoppe #8163, Monroeville.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 800 to 1,000 net useable square feet of new or existing office space with free parking. Location should be readily accessible from the Parkway East near the Monroeville or Penn Hills Exits.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph Molhoek, (412) 565-5130

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0240, 111 Herman Avenue, Wilmerding, PA 15148-1226.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Wilmerding/Turtle Creek area. Facilities with off-street parking and good loading are preferred.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0275, 826 Hazelwood Avenue, Pittsburgh, PA 15217-2933.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space near the intersection of Hazelwood Avenue and Brown's Hill Road in the City of Pittsburgh.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Beaver County, Wine & Spirits Shoppe #0414, Beaver Valley Mall, 730 Beaver Valley Mall Blvd., Monaca, PA 15061-2315.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space serving the area of Beaver Valley Mall in Center Township. Site must have rear loading and free parking.

*Proposals due:* July 6, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Bedford County, Wine & Spirits Shoppe #0502, 600 Main Street, Saxton, PA 16678-1024.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 net useable square feet of new or existing retail commercial space serving Saxton. Site must have rear tractor-trailer delivery access.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2509, Eastway Plaza, 4045 Buffalo Road, Erie, PA 16510-2091.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in a shopping center environment along Buffalo Road in Harborcreek Township.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2513, East Erie Plaza Shopping Ctr., 828 East Sixth Street, Erie, PA 16507-1808.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in a shopping center environment on East 6th Street near the intersection with Bayfront Parkway in Erie. Site must have free, off-street parking and rear tractor-trailer delivery facilities.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2603, 241 North Pittsburgh Street, Connellsville, PA 15425-3209.

*Lease Expiration Date:* June 30, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,300 net useable square feet of new or existing retail commercial space serving the Connellsville area. Site must have free, off-street parking and rear tractor-trailer delivery access.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Forest County, Wine & Spirits Shoppe #2702, 644 Elm Street, Tionesta, PA 16353-0055.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving Tionesta's Central Business District. Site must have free parking and rear loading facilities.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Somerset County, Wine & Spirits Shoppe #5601, 686 Market Square, Meyersdale, PA 15552-1180.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Meyersdale area. Facilities with off-street parking and good loading are preferred.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

Venango County, Wine & Spirits Shoppe #6103, Cranberry Mall, RD #1, Cranberry, PA 16319-9738.

*Lease Expiration Date:* June 30, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space near the intersection of Routes 322 and 257 in Cranberry Township. Site must have free parking and good loading facilities.

*Proposals due:* June 22, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Warren County, Wine & Spirits Shoppe #6202, 212 South Main Street, Sheffield, PA 16347-0372.

*Lease Expiration Date:* May 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 net useable square feet of new or existing retail commercial space serving the Sheffield area. Facilities with off-street parking and good loading are preferred.

*Proposals due:* June 22, 2001 at 12:00 Noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

JOHN E. JONES, III  
*Chairperson*

[Pa.B. Doc. No. 01-971. Filed for public inspection June 1, 2001, 9:00 a.m.]

## MILK MARKETING BOARD

### Sunshine Meeting Dates for 2001—2002

In accordance with the Sunshine Act of 1986 (P. L. 388, No. 84), the Milk Marketing Board has established the following meeting dates for Fiscal Year 2001—2002:

<i>Date</i>	<i>Time</i>	<i>Place</i>
July 5, 2001	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
August 1, 2001	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
September 5, 2001	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
October 3, 2001	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408

<i>Date</i>	<i>Time</i>	<i>Place</i>
November 7, 2001	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
December 5, 2001	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
January 9, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
February 6, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
March 6, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
April 3, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
May 1, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
June 5, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408

Persons with a disability who require an alternate format may call (717) 787-4194.

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 01-972. Filed for public inspection June 1, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-310630F0002. Verizon Pennsylvania Inc. and Focal Communications Corporation of Pennsylvania.** Joint petition of for approval of adoption of a replacement interconnection agreement, and amendment no. 1, under section 252(e) and (i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Focal Communications Corporation of Pennsylvania filed on May 15, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Focal Communications Corporation of Pennsylvania joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-973. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Telecommunications

**A-311060. Verizon Pennsylvania Inc. and Optimum Global Communications Inc.** Joint petition for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Optimum Global Communications, Inc., filed on May 14, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Optimum Global Communications joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-974. Filed for public inspection June 1, 2001, 9:00 a.m.]

### Water Service Without Hearing

**A-211845. Mark Terrance Water Company, c/o Lynn Water Company.** Application of Mark Terrance Water Company, c/o Lynn Water Company, for approval of the right to offer, render, furnish or supply water service to the public in a portion of Lynn Township, Lehigh County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 18, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Mark Terrance Water Company, c/o Lynn Water Company.

*Through:* Joseph E. Iudicello, Vice President, 6500 Chapmans Road, Allentown, PA 18106.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-975. Filed for public inspection June 1, 2001, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 20, 2001	Russell W. Thomas	1 p.m.
	(Disability Retirement after Termination from State Service)	

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1, (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 01-976. Filed for public inspection June 1, 2001, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

- The payment date specified in the contract.
- 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
- The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

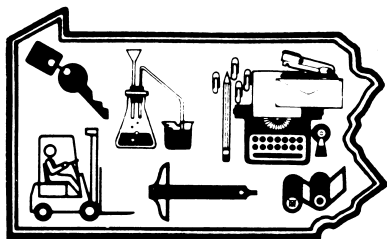
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer



### Commodities

**E6703** Fire Rake complete with 60" ash handle, Council Model LW12 (60) or approved equal. Shovel, Forest Fire, True Temper BFG or approved equal. Drip Torch, wildfire, 1 1/4 gallon.

**Department:** Conservation and Natural Resources  
**Location:** Halifax, PA  
**Duration:** One-time purchase.  
**Contact:** Pamela Stouffer, (717) 783-0760

**1526110** Dental Chair—Engle Sequoia Chair, AS2 Delivery System.

**Department:** Corrections  
**Location:** Graterford, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**5850-01** Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-01** Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the 3-consecutive calendar months ending with the last business day of the months of March, June, September and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-03** Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1024111** Jersey Knit Material. To be domestic 50/50 poly/cotton blend.

**Department:** Corrections  
**Location:** Dallas, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**148-01** Lock cylinders and cores as manufactured by Corbin Russwin Architectural Hardware. No substitution, must fit existing system. Please request bid packet # 148-01 for detailed specifications.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** 8—10 weeks ARO  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**461001** Purchase of software to provide the route generation function for the Automated Permit Routing/Analysis System. The objective of the route generation function is to find the optimal route for a oversize/overweight vehicle from a source point to a destination point, without traveling over any roads or bridges that cannot handle the load. The solution must consist of AMPL and a solver to find the least expensive route between two points in a network. Maintenance and support services will be included as part of the purchase. Requests for bid packets can be faxed to Shannon M. Devine, (717) 705-5523.

**Department:** Transportation  
**Location:** PennDOT Motor Carrier Division, 6th Floor, 3 North Keystone Building, 400 North Street, Harrisburg, PA 17120  
**Duration:** One time purchase to include maintenance and support services  
**Contact:** Shannon M. Devine, (717) 772-0881

**10976001** SCALES—INSPECTION AND MAINTENANCE.

**Department:** Public Welfare  
**Location:** POLK CENTER, P. O. Box 94, Polk, PA 16342  
**Duration:** July 1, 2001 through June 30, 2004  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229

**8199030** 15,000 lbs Heavy Duty Wheel Contact Mobile Lifting System.

**Department:** Transportation  
**Location:** Rochester, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

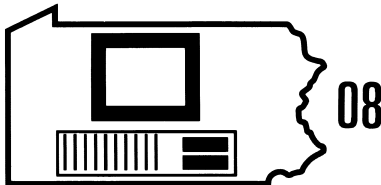
**5810-03** Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the 3 consecutive calendar months ending with the last business day of the months of March, June, September and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

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## SERVICES

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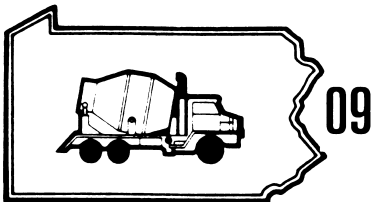
### Computer Related Services

**RFP#05-01** To announce that the RFP for the MAMIS Reengineering Project for the Office of Medical Assistance Programs (OMAP), Department of Public Welfare, will become available by early to mid-June 2001. This is a replacement of the current Medicaid Management Information System (MMIS) known as MAMIS. When released, the RFP can be accessed at the OMAP Web Site [www.dpw.state.pa.us/OMAP/rfp/OMAPPrp.asp](http://www.dpw.state.pa.us/OMAP/rfp/OMAPPrp.asp). It is preferable that copies be accessed through this method; however, hard copies will be available after release and can be requested through facsimile at (717) 787-3560. The cover letter to this document will contain information regarding the mandatory preproposal conference and the bid opening.

**Department:** Public Welfare  
**Location:** Office of Medical Assistance Programs, Bureau of Data and Claims Management, Room 32A, Willow Oak Building, (located on the grounds of Harrisburg State Hospital), Harrisburg, PA  
**Duration:** Anticipated November 1, 2001 through June 30, 2007 with two optional extensions (1 year each).  
**Contact:** Kathy King-McCarthy, (717) 705-3878

**05-D-01** Maintenance and inspection services for power distribution/conditioners/power monitoring systems for the Computer Operations Section of Labor and Industry. There will be a MANDATORY WALK THROUGH June 14, 2001 at 9 a.m. For a bid package call Cheri Thomas at (717) 787-2877 or fax your request to Cheri Thomas at (717) 787-0688.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Bureau of Management Information Services, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** Contract will consist of one 15 month contract with three 1 year renewal options.  
**Contact:** Cherianita Thomas/BF, (717) 787-2877



### Construction & Construction Maintenance

**FDC-117-861.2** All HVAC work associated with renovations/additions to park office and comfort stations and construction of a new bathroom and lifeguard station. NOTE: Requests for Bid Documents may be made ON or AFTER June 4, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township  
**Duration:** 360 days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-117-861.3** All Plumbing work associated with renovations/additions to park office and comfort stations and construction of a new bathroom and lifeguard station (includes insulation, piping, specialties, fixtures and equipment). NOTE: Requests for Bid Documents may be made ON or AFTER June 4, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township  
**Duration:** 360 days  
**Contact:** Construction Management Section, (717) 787-5055

**DGS 405-52** PROJECT TITLE: Renovation of Zimbar-Liljenstein Gymnasium. BRIEF DESCRIPTION: Work consists of general renovations and additions to an existing approximately 34,000 SF building, including site work, demolition, hazmat abatement, general construction, HVAC, plumbing, electrical and related work. ESTIMATED RANGE: \$1,000,000 TO \$5,000,000. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$200 per set payable to: Wallace & Watson Associates PC (W2A). Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$20 per set or provide your express mail account number to the office listed below. Mail requests to: Wallace & Watson - Associates PC (W2A), 609 Hamilton Street, Suite 200, Allentown, PA 18101-2189. Tel: (610) 437-4450. Bid Date: Wednesday, June 27, 2001 at 1 p.m. A prebid conference has been scheduled for Thursday, May 31, 2001 at 1:30 p.m. at the Student Senate, University Center, East Stroudsburg University, East Stroudsburg, PA. Contact: Glenn Lichtenwalner, Tel: (610) 437-4450. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** East Stroudsburg University, East Stroudsburg, Monroe County, PA  
**Duration:** 365 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** CONTRACT & BIDDING UNIT, (717) 787-6556

**DGS 700-41SW1** PROJECT TITLE: Off-Site Sitework # 1. BRIEF DESCRIPTION: The work for this project will include all site grading, stoning, asphalt paving, fencing and landscaping for a 26 acre parking area including bus shelters and attendant shelters. Site electric will include site lighting and power to attendant shelters. ESTIMATED RANGE: \$1,000,000 to \$5,000,000. Off-Site Sitework # 1 and Site Electrical Construction. PLANS DEPOSIT: \$50.00 per set payable to: Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110, Tel: (717) 238-5737. Bid Date: Wednesday, June 20, 2001 at 2 p.m.

**Department:** General Services  
**Location:** Elmerton Avenue and Sycamore Drive, Susquehanna Township, Dauphin County, PA  
**Duration:** 125 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** CONTRACT & BIDDING UNIT, (717) 787-6556

**DGS A 506-79** PROJECT TITLE: Repair and Expansion of Cherrywood Building—Delivery Dock. BRIEF DESCRIPTION: Repair existing delivery dock and demolish the existing dock/truck plate, associated dock bumpers and other equipment. Extend dock for new dock leveler, adjacent storage and dumpster pad. Roof over dock and storage areas, along with roof over the other entrance and canopies over two other entrance areas at Cherrywood Building and Annex. ESTIMATED RANGE: \$100,000 to \$500,000. General and Electrical Construction. PLANS DEPOSIT: \$25 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, June 13, 2001 at 2 p.m.

**Department:** General Services  
**Location:** Harrisburg State Hospital, Harrisburg, Dauphin County, PA  
**Duration:** 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** CONTRACT & BIDDING UNIT, (717) 787-6556



**DGS 1103-48PS1** PROJECT TITLE: Retractable Platform Seating. BRIEF DESCRIPTION: All work necessary to complete the furnishing and installation of retractable platform arena seating. ESTIMATED RANGE: \$1,000,000 to \$5,000,000. Retractable Platform Seating Construction. PLANS DEPOSIT: \$200 per set made payable to: Pitt-Center Partners. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$50 per set or provide your express mail account number to the office listed below. Mail requests to: Pitt-Center Partners, 3803 University Drive, Pittsburgh, PA 15213, Tel: (412) 621-4222, Attention: Valerie Pearson. Bid Date: Wednesday, June 13, 2001 at 11 a.m. A Pre-bid Conference has been scheduled for Thursday, May 31, 2001 at 1 p.m. at the Pitt Center Partners Field Office, University of Pittsburgh, Pittsburgh, PA. Any and all Contractors who have secured Contract documents are invited and urged to attend this prebid Conference.

**Department:** General Services  
**Location:** University of Pittsburgh Campus, Pittsburgh, Allegheny County, PA  
**Duration:** 119 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** CONTRACT & BIDDING UNIT, (717) 787-6556

**FDC-117-861.4** All Electrical work associated with renovations/additions to park office and comfort stations and construction of a new bathroom and lifeguard station (service entrance, conduit, wire and cable, utility relocation, panelboards, circuit breakers, motor controls, lighting fixtures, and emergency lighting systems). NOTE: Requests for Bid Documents may be made ON or AFTER June 4, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township  
**Duration:** 360 days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-302-1198.1** Construct an elevated sand mound septic system at Blue Knob State Park in Bedford County. Work includes sand mound, 2 septic systems (2—2,000 gallon tanks, 1—1,000 gallon dosing tank and all pumps and controls), approx. 475 L.F. of 4 inch SDR 35 pipe, and a small amount of bituminous paving. NOTE: Requests for Bid Documents may be made ON or AFTER June 6, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Union Township  
**Duration:** 90 Days  
**Contact:** Construction Management Section, (717) 787-5055

**DGS 377-1ME3 REVISED REBID** PROJECT TITLE: Plumbing. BRIEF DESCRIPTION: This Bid Package shall include all work associated with domestic water piping, sanitary (DWV) piping, storm drain piping, plumbing fixtures and equipment, miscellaneous condensate drain lines, natural gas systems and compressed air system within each building and outside of each building up to approximately 5' beyond the building line, which will be continued by the BP4 Site Utilities Contractor. This Contractor will also be responsible for final plumbing connections to equipment furnished under other Divisions of Work. This includes, but is not limited to, the plumbing fixtures provided by the BP1 Precast Cell Contractor and the kitchen equipment provided by BP22. ESTIMATED RANGE: \$5,000,000 to \$10,000,000. Plumbing Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222. Tel: (412) 394-6888. Bid Date: THURSDAY, June 21, 2001 at 11 a.m.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 465 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 700-41SC1** PROJECT TITLE: Engineered Building Package. BRIEF DESCRIPTION: The work for this project will include the fabrication, delivery and erection of the structural steel for a 174,000 square foot Exposition Center to include metal roof decking and metal wall panels. ESTIMATED RANGE: \$5,000,000 to \$10,000,000. Engineered Building Construction. PLANS DEPOSIT: \$50 per set payable to: Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110, Tel: (717) 238-5737. Bid Date: Wednesday, June 20, 2001 at 2 p.m.

**Department:** General Services  
**Location:** PA Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 210 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** CONTRACT & BIDDING UNIT, (717) 787-6556

**6797-65C Rebid** PROJECT TITLE: Toilet Partitions and Accessories. BRIEF DESCRIPTION: The Sports & Exhibition Authority ("Owner") will receive sealed bids for the trade package as identified below for additions and renovations to the David L. Lawrence Convention Center (the "Project"). The Architect for the Project is Rafael Vinoly Architects, P.C., the Construction Manager is Turner Construction Company, P.J. Dick Incorporated and ATS, Inc., a joint venture. APPROXIMATE VALUE: \$100,000 to \$500,000. Bid packages can be examined and Rebids will be received by Owner at the field office of the Construction Manager located at 951 Penn Avenue, Pittsburgh, PA 15222. BID DATE: Tuesday, June 5, 2001 at 2 p.m. Inquiries regarding the bidding should be made to the Construction Manager at its field office at 951 Penn Ave., Pittsburgh, PA 15222, Attention: Ralph Shipe, Tel: (412) 227-2010, FAX: (412) 227-2015. Bid Packages may be obtained through Accu-Copy, (412) 281-0799. Determination of Responsibility. Bids will be awarded to bidders determined to be "responsible" by the Owner based upon criteria applicable to the particular bid package. Bidders must complete and submit a Determination of Responsibility with the bid.

**Department:** General Services  
**Location:** 951 Penn Avenue (Basement Level), Pittsburgh, Allegheny County, PA  
**Contact:** Ralph Shipe, (412) 227-2010

**DGS 377-1ME4 REVISED REBID** PROJECT TITLE: Fire Protection. BRIEF DESCRIPTION: This Bid Package shall include all work associated with all fire protection (water sprinkler) systems within each building and outside of each building up to approximately 5' beyond the building line, which will be continued by the BP4 Site Utilities Contractor. This Contractor will be responsible for coordination with the BP10 Electrical Contractor for all sprinkler/fire alarm interface requirements. ESTIMATED RANGE: \$1,000,000 to \$2,000,000. Fire Protection Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222. Tel: 412/394/6888. Bid Date: THURSDAY, June 21, 2001 at 11 a.m.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 465 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 377-1ME1 REVISED REBID** PROJECT TITLE: HVAC, Piping/Controls. BRIEF DESCRIPTION: This Bid Package shall include all water-side mechanical work, generally including HVAC systems (including condensate drains from equipment to the drain waste vent system installed by the Plumbing Contractor), steam, chillers and high temperature hot water generation and distribution systems and all low voltage controls for all mechanical systems. Also included is the installation of underground chilled water and high temperature hot water piping distribution systems, fuel oil storage tanks, fuel oil piping and fuel oil pumping units and related excavations, backfilling, manholes and concrete work. This work is both in and adjacent to each building (with the exception of the three Staff Residences) and throughout the site. ESTIMATED RANGE: \$5,000,000 to \$10,000,000. HVAC, Piping and Controls Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222. Tel: (412) 394/6888. Bid Date: THURSDAY, June 28, 2001 at 11 a.m.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 455 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FBP-10-0044** Replace Bridge No. 10-0044, Robbins Road over Shintown Run, in Forest District No. 10, northwest of Renovo. Work includes a cast-in-place concrete box culvert, (approximately 96 cubic meters of concrete), architectural surface treatment, excavation, backfill, E&S measures, dewatering, rock lining, 2A aggregate, traffic signs and landscaping. NOTE: Requests for Bid Documents may be made ON or AFTER June 6, 2001.

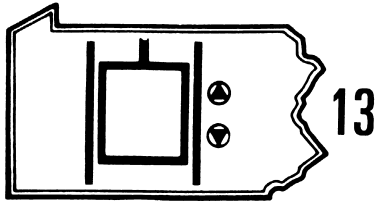
**Department:** Conservation and Natural Resources  
**Location:** Noyes Township  
**Duration:** Complete all work by July 31, 2002  
**Contact:** Construction Management Section, (717) 787-5055

**DGS 377-1ME6** PROJECT TITLE: Building Electrical/Electronic Security. BRIEF DESCRIPTION: This Bid Package shall include all work associated with the electrical power from the secondary side of the 15 KV electrical transformers furnished and installed by others, providing/connecting electrical power to all electrical powered equipment and/or installed by others within or mounted upon all buildings in the complex with the exception of the Central Utility Plant, three Staff Residences and the Pretreatment Plant and Water Tower. It includes the fire alarm system and all line and low voltage wiring conduit and equipment work related to the facility's various electronic security control, monitoring, surveillance and communications systems throughout the entire site and within each building including the Central Plant. This contractor shall be responsible for all electrical/electronic security conduits to perform the work except for the main underground ductbanks provided by others. ESTIMATED RANGE: Over \$10,000,000. Building Electrical/Electronic Security Construction. PLANS DEPOSIT: \$200 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222. Tel: (412) 394/6888. Bid Date: TUESDAY, June 26, 2001 at 11 a.m. The Electronics Security Qualification Form is included in the bid package and must be completed and submitted with the bid proposal. Failure to complete the entire qualification form and submit it with the bid proposal will constitute grounds for rejection of the bid as non-responsive.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 460 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-117-861.1** All General Construction work associated with additions and renovations to various buildings (park office and comfort stations) and construction of a new bathroom and lifeguard station. Includes concrete, masonry, carpentry, roofing, drainage, landscaping, bituminous paving, interior and exterior finishing. NOTE: Requests for Bid Documents may be made ON or AFTER June 4, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township  
**Duration:** 360 days  
**Contact:** Construction Management Section, (717) 787-5055

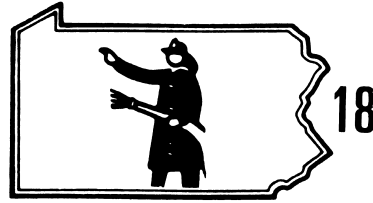


13

**Elevator Maintenance**

**sp11911000100** The contractor shall provide full maintenance and elevator service with straight time call backs for one Westinghouse passenger elevator and three Haughton freight cable elevators.

**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 3 year: Effective July 1, 2001 through June 30, 2004  
**Contact:** Jack Hall, (717) 361-4340

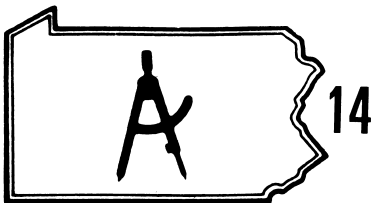


18

**Firefighting Services**

**SP1375017009** On Call repairs and semi-annual inspection of halon systems and fire systems. For a copy of the bid fax request to (717) 861-2932.

**Department:** Military Affairs  
**Location:** Bldgs. 19-108; 19-109; 19-116; 19-117; 19-126; Ft. Indiantown Gap, Annville, PA  
**Duration:** 1 Oct 01—30 Sep 04  
**Contact:** Vicky Lengel, (717) 861-8579



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**Engineering Services**

**OSM PA(DES-01)** Notice is given that the Department of Environmental Protection will issue a Request for Proposal (RFP) to retain up to ten firms to provide professional design and other technical services as required, for the development of plans for the reclamation of abandoned mine lands, abatement of acid mine drainage (AMD) water pollution, water supply replacement projects and the evaluation of existing and active AMD treatment systems. The projects will be primarily located in the bituminous coalfields of western Pennsylvania and the anthracite coalfields of northeastern Pennsylvania. Letters of Interest requesting the RFP must be received by Joseph H. Schueck, Acting Chief, Division of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 2 p.m., Local Time, June 25, 2001, to be considered. Faxed requests will be accepted at (717) 783-0470. If you have questions, call John J. Stefanko at (717) 783-5896, 7:30—3:30, M—F.

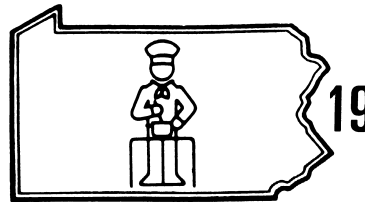
**Department:** Environmental Protection  
**Location:** Statewide, but primarily in the bituminous and anthracite coal regions  
**Duration:** Two years from Notice to Proceed; may be renewed for up to three additional consecutive annual terms.  
**Contact:** John J. Stefanko, (717) 783-5896

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)

**FDC-500-701-DIV** Retain the services of an underwater diving consultant for the maintenance, repair and inspection of underwater hydraulic structures for dams in State Parks throughout Pennsylvania. Letters of Interest must be submitted by 4 p.m., June 29, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Throughout Pennsylvania  
**Duration:** 2 years with 3—one year extensions possible  
**Contact:** Edward Raptosh, (717) 783-3329



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**Food**

**01-003** Soda: cola, lemon-lime, cherry cola, orange, diet cola (sugar free)—bag in box (approx. 5 gallons) for use in vendor provided 4 or 5 drink post mix dispenser with single electric fast fill valves & easy removable min. reg. type 1/4 HP compressor. Approximated # of bag in box needed per year is 400 for each flavor of soda. Vendor is responsible for supply & ownership of equipment needed for bag in box units for the duration of contract period. This is to include furnish/install/repair/removal of equipment for the purpose of preparing & serving carbonated drinks. Locking devices are needed for all equipment. Vendor shall be responsible for all maintenance of the drink posts operations at no additional costs. CO<sub>2</sub> tanks are to be 20 lb. size cylinders.

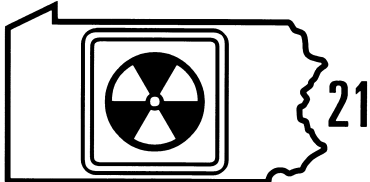
**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 3 years: Effective dates July 1, 2001 through June 30, 2004  
**Contact:** Jack Hall, (717) 361-4340

**SMI-FS-028** Bread and Roll Bases—including but not limited to half-n-half rye bread maker and conditioner, base: Bak-krisp instant bread and roll base; half-n-half wheat bread base and # 20 dinner roll base. Items to be bid on an as-needed basis determined by the Institution. Interested bidders should contact the Purchasing Department, in writing, to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2001 through June 30, 2002  
**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**01-002** White milk 2%/5 gallon containers for dispenser unit for an annual total of approx. 520 cntnrs, chocolate milk 1%/5 gallon containers for dispenser unit for an annual total of approx. 280 cntnrs, cottage cheese small curd/5 lb. containers for an annual total of approx. 2,080 lbs, margarine/30 lb. case—1 lb. individually wrapped for an annual total of approx. 2,600 lbs, cream cheese/30 lb. case—10-3 lb. blocks per case for an annual total of approx. 468 lbs, sour cream/5 lb. containers for an annual total of approx. 520 lbs, ice cream (4 oz. cups—24 cups per pack): vanilla, chocolate, & strawberry—an annual total of approx. 500 packs each flavor, fudge bars (24 pack)—an annual total of approx. 250 packs, orange cream bars (24 pack)—an annual total of approx. 250 packs.

**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 1 year contract: effective dates—July 1, 2001 through June 30, 2002  
**Contact:** Jack Hall, (717) 361-4340



### Hazardous Material Services

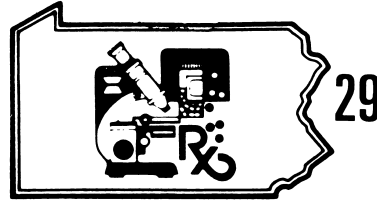
**351200005** Removal of underground storage tank systems (USTs). Two 1,000-gal. tanks and one 10,000-gal. tank. Scope of Work includes removal and disposal of the tank systems, and all associated materials and waste products (water and gasoline).

**Department:** Environmental Protection

**Location:** Harold's Garage, 405 Old Route 115, Lehman Township

**Duration:** Proposed start date: July 1, 2001. Termination date: 120 days after proposed start date (11/30/01)

**Contact:** Paul Panek, Project Officer, (570) 826-5440



### Medical Services

**10973411** Podiatrist licensed to practice medicine in the Commonwealth of Pennsylvania who is board certified.

**Department:** Public Welfare

**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111

**Duration:** 08/01/01—06/30/05

**Contact:** Linda J. Zoskey, (724) 459-4547

**10973410** Dentist specializing in endodontics who is licensed by the State of Pennsylvania.

**Department:** Public Welfare

**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111

**Duration:** 08/01/01—06/30/05

**Contact:** Linda J. Zoskey, (724) 459-4547



### Laboratory Services

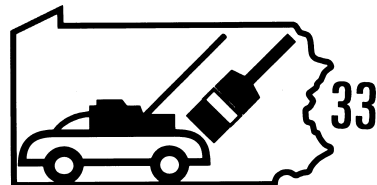
**6500-119** Contractor shall provide dental laboratory services to the inmate population at the State Correctional Institution at Retreat, Hunlock Creek, PA. Bid specifications on file with Purchasing Office.

**Department:** Corrections

**Location:** State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18655

**Duration:** July 1, 2001 to June 30, 2003

**Contact:** Barbara Swiatek, (570) 735-8754



### Property Maintenance

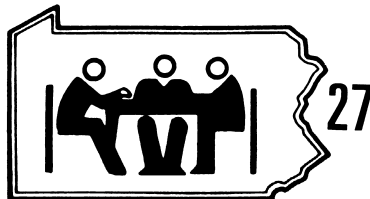
**10972022** Refinish hardwood, gymnasium floor in the Bengs Building.

**Department:** Public Welfare

**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017

**Duration:** 07-30-01 through 06-30-02

**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215



### Lodging/Meeting Facilities

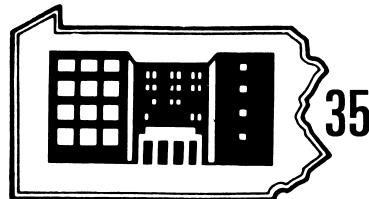
**050S05-A** Provide a conference room to fit approximately 225 people theater style, from 8:30 a.m. to 4:30 p.m. on days one and two and 8:30 a.m. to 2 p.m. on day three. We will also require (6) SEPARATE additional conference rooms for 35-40 persons seating U-shape or conference style from days one and two from 8:30 a.m. to 4:30 p.m. and day three 8:30 a.m. to 2 p.m. An area separate from the conference rooms listed above will be required for meals. A copy of the floor plan with each room and its capacity will be required to be submitted with the bid to demonstrate how our requirements will be met. The meeting can be held on either of the days listed below. Morning and afternoon refreshments as well as a full breakfast buffet and full lunch buffet for 225 persons are to be provided. Room accommodations will be required for approximately 175 overnight guests for 3 consecutive days. Parking will be required for approximately 200 vehicles.

**Department:** Transportation

**Location:** Within in a radius 15 miles of PENNDOT's District 5-0 headquarters located at 1713 Lehigh Street, Allentown, PA 18103

**Duration:** Three days over a 3 week period. January 29, 2002 to January 31, 2002 or February 5, 2002 to February 7, 2002 or February 12, 2002 to February 14, 2002

**Contact:** Jennifer M. Reszek, (610) 791-6030



### Real Estate Services

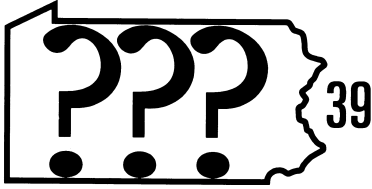
**050R01** Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell a certain parcel of land owned by the Department. This parcel is an irregular shaped parcel and contains an area of approximately 21,555 square feet. The parcel is located in Lehigh County, in the City of Bethlehem, South of S. R. 22 and north of Dogwood Lane, in a residential neighborhood. It has been determined that the land is no longer required for the present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the property within 30 calendar days.

**Department:** Transportation

**Location:** Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103, Attn: R/W Unit

**Duration:** Reply must be received within 30 Calendar Days from publication

**Contact:** Kenneth S. Kutchinsky, (610) 798-4271



### Miscellaneous

**TSCT00-020** Football equipment and clothing new and reconditioned for the school year 2001-2001.

**Department:** Education  
**Location:** Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** May 15, 2001 to May 31, 2001  
**Contact:** Earla Ament, (717) 396-7163

**2010010027** Provide a study guide and entry-level examination for the position of Pennsylvania State Police cadet. Other related services such as scoring and notifying candidates of test results, analyzing test results, and providing testimony to challenges shall also be part of the resulting contract.

**Department:** State Police  
**Location:** Bureau of Personnel, Personnel Development Division, 1800 Elmerton Avenue, Harrisburg, PA  
**Duration:** September 1, 2001 through June 30, 2002  
**Contact:** Dan Nettling, Bureau of Personnel, (717) 787-6383

**350R14** The Department of Transportation is issuing a Request for Proposals (RFP) to solicit contractors interested in assisting PENNDOT in improving its driver knowledge test and incorporating this information into the Driver's Manual to ensure that young drivers have all the necessary information to drive safely on our roadways. The successful contractor will conduct comprehensive literature reviews; conduct a thorough review of PENNDOT's current knowledge test; conduct focus group reviews of the findings; formulate test questions; validate and measure the reliability of test questions; field test new questions for the knowledge test and new portions of the Driver's Manual; conduct the final review and approval of knowledge test questions and the Driver's Manual; and develop a plan for Statewide deployment of the new test questions and Driver's Manual throughout the Commonwealth. Interested contractors may request a copy of the RFP by FAXING their name, company name, address, telephone number, and FAX number to Kathy Joy at (717) 783-7971. Please reference RFP #350R14 on your request.

**Department:** Transportation  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** 24 months  
**Contact:** Darlene Greenawald, (717) 705-6476

**SP-10879007** Pharmacist; full time, 37.5 hours per week. Fax request for bid package to (570) 372-5675.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** 5 years  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5670

**00976015** RESURFACE ROADWAYS.

**Department:** Public Welfare  
**Location:** POLK CENTER, P. O. Box 94, Polk, PA 16342  
**Duration:** 120 Days after receipt of order.  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229

**RFP 20010510** Provide the Pennsylvania Liquor Control Board, Bureau of Alcohol Education with consultant services. Consultant will assist with identifying funding opportunities, writing proposals to enhance existing grant projects, coordinating public policy research efforts, assisting with strategic planning projects, assisting with community needs assessment and research projects, assisting with surveying and evaluating the efforts of various funding partners and related agencies.

**Department:** Liquor Control Board  
**Location:** Throughout the Commonwealth  
**Duration:** 4 years  
**Contact:** Nelson McCormick, (717) 787-9851

**RFP # 2001-02** The State System of Higher Education, Office of the Chancellor, is soliciting proposals from vendors to provide printing and storage of stationery products. Interested vendors may obtain a copy of the Request for Proposal (RFP #2001-02) by contacting the Procurement Office at lvenneri@sshechan.edu or go to: <http://www.sshechan.edu/Procurement/bids.htm>. Responses are due by June 15, 2001; 3 p.m.

**Department:** State System of Higher Education  
**Location:** Harrisburg, PA  
**Duration:** 3 Years  
**Contact:** Linda Venneri, (717) 720-4135

[Pa.B. Doc. No. 01-977. Filed for public inspection June 1, 2001, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9905-06 sup# 1	05/16/01	Avery Den-nison	15,276.00
9905-06 sup # 1	05/16/01	Minnesota Mining/dba 3M	56,957.85
1352110-01	05/21/01	HRI Inc	83,434.00
1388110-01	05/21/01	Apex Pin-nacle	81,500.00
1403230-01	05/21/01	Lesco Inc	10,823.30
1403230-02	05/21/01	Sharp Broth-ers Co	11,195.00
1403230-03	05/21/01	Agway/dba Seedway	725.50
1424150-01	05/21/01	Moore North America	24,950.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1445110-01	05/21/01	A Leventhal & Sons	8,773.85
1445110-02	05/21/01	Beach's Den-tal Equip-ment Ser-vice	10,420.00
1470200-01	05/21/01	All Pro Prod-ucts	30,798.70
1495070-01	05/21/01	Innovative Incentives	11,820.00
1509110-01	05/21/01	Majestic Steel Service	33,400.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-978. Filed for public inspection June 1, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 260a, 261a, 266a, 270a, 287 AND 298]

#### Waste Oil

The Environmental Quality Board (Board) by this order amends Chapters 260a, 261a, 266a, 270a (relating to hazardous waste management), and 287 (relating to residual waste management—general provisions) and adopts Chapter 298 (relating to management of waste oil). The amendments and new chapter consolidate the requirements for recycling waste oil into one location. In addition, the waste oil regulations largely incorporate Federal requirements for management of the same waste type.

This order was adopted by the Board at its meeting of March 20, 2001.

#### A. Effective Date

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

#### B. Contact Persons

For further information contact Scott Walter, Division of Municipal and Residual Waste Management, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th floor, 400 Market Street, P. O. Box 8471, Harrisburg, PA 17105-8491, (717) 787-7564, or Scott Perry, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

The final-form rulemaking is being made under the authority of the following:

The Solid Waste Management Act (SWMA) (35 P.S. §§ 6018.101—6018.1003), which in section 105(a) of the SWMA (35 P.S. § 6018.105(a)) grants the Board the power and duty to adopt the rules and regulations of the Department to carry out the provisions of the SWMA.

The Clean Streams Law (CSL) (35 P.S. §§ 691.1—691.1001), which in section 5(b) of the CSL (35 P.S. § 691.5(b)) grants the Department the authority to formulate, adopt, promulgate and repeal the rules and regulations as are necessary to implement the provisions of the CSL, and which in section 402 of the CSL (35 P.S. § 691.402) grants the Department the authority to adopt rules and regulations requiring permits or establishing conditions under which an activity shall be conducted for any activity that creates a danger of pollution of the waters of this Commonwealth or that regulation of the activity is necessary to avoid pollution.

The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. §§ 4000.101—

4000.1904), which in section 302 of Act 101 (53 P.S. § 4000.302) gives the Board the power and duty to adopt the regulations of the Department to accomplish the purposes and carry out the provisions of this act.

The Pennsylvania Used Oil Recycling Act (PUORA) (58 P.S. §§ 471—480), which in section 480(e) of the PUORA (58 P.S. § 480(e)) grants the Department the authority to issue any rules or regulations under this act.

Sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (AC) (71 P.S. §§ 510-5, 510-17 and 510-20), which in section 1905-A of the AC authorizes the Department to require applicants for permits and permit revisions to provide written notice to municipalities, in section 1917-A of the AC authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the Department and in section 1920-A of the AC grants the Board the power and the duty to formulate, adopt and promulgate rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

#### D. Background of the Amendments

Regulations pertaining to the waste oil recycling program were found in various sections throughout the hazardous and residual waste programs. This rulemaking is an effort to consolidate the regulations into one location, a new chapter in Article IX (relating to residual waste management). The final-form waste oil regulations will apply to the collection, storage, transportation, processing, rerefining and burning for energy recovery of waste oil.

These amendments also align the Department's hazardous waste management program more closely to the Federal hazardous waste management program and the Federal used oil management standards under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C.A. §§ 6901—6986). On September 10, 1992, the Environmental Protection Agency (EPA) published 40 CFR Part 279 (relating to recycled used oil management standards). These regulations apply to the recycling of nonhazardous used oil and used oil that is hazardous due to a characteristic. The EPA expects all states with authorized RCRA programs to amend their programs to include these used oil recycling management standards. The Commonwealth's current authorized program does not include the EPA's recycled used oil management standards and the Department will apply for authorization of this portion of the RCRA program upon completion of these final-form waste oil recycling regulations.

In developing these final-form regulations, the Department met several times with an ad hoc group of waste oil recycling companies. This waste oil stakeholders group provided invaluable input on many waste oil issues addressed by these regulations. While the amendments do not contain all the changes suggested by this group, there was consensus that the proposal significantly improves the existing regulations.

Notice of the proposed rulemaking was published at 29 Pa.B. 1975 (April 10, 1999). The Department held three public information meetings across the State and the Board held one public hearing on May 25, 1999, at the Department's Southcentral Regional Office on the proposed rulemaking. In addition, the Board provided a

60-day public comment period on the proposed rulemaking. During the public comment period for this rulemaking, the Department received written comments from 15 individuals and groups. Two commentators presented testimony at the public hearing.

The final-form rulemaking reflects recommendations as a result of experience in implementing the regulations and recommendations received during the public comment period. The Department met with the Solid Waste Advisory Committee (SWAC) to review and discuss comments received during the public comment period on this rulemaking on September 9, 1999, and January 13, 2000. On March 9, 2000, SWAC reviewed and approved the draft final-form waste oil regulations for consideration by the Board. On November 2, 2000, SWAC reviewed and approved additional changes to the draft final-form waste oil regulations. The additional changes were made for clarity and to provide consistency with the recently updated residual waste regulations.

*E. Summary of Comments and Responses on the Proposed Rulemaking and Summary of Changes to the Proposed Rulemaking*

Following the public comment period, the Board and the Department considered all of the comments received in formulating the final-form regulations. The Department has prepared a comment and response document that addresses each comment on the proposed rulemaking.

The following is a summary of the major comments received and changes that have been made to the proposed rulemaking. The summary is listed in the same order as the final-form regulations.

Several commentators pointed out that the citations to the hazardous waste regulations in the proposed rulemaking were no longer valid due to changes in those regulations. The Department was aware that the citations would require revisions after the amendments to the hazardous waste regulations were promulgated, but based the proposed rulemaking on the regulations that were effective at the time of proposal. The Board has updated citations to the hazardous waste regulations in the final-form rulemaking.

**ARTICLE VII. HAZARDOUS WASTE MANAGEMENT**

*Chapter 261a. Identification and Listing of Hazardous Waste*

*Section 261a.2. Definition of "solid waste."*

40 CFR 261.2(c)(2)(ii) (relating to definition of "solid waste"), as incorporated by reference in § 261a.1 (relating to incorporated by reference, purpose and scope), excludes commercial chemical products listed in 40 CFR 261.33 (relating to discarded commercial chemical products, off specification species, container residues, and spill residues thereof) from being solid waste when burned for energy recovery, provided they are themselves fuel. The EPA has broadened this regulation, by policy, to include characteristically hazardous commercial fuel products. The EPA has interpreted the commercial products to include tank bottoms, fuel-water mixtures and fuel-contaminated soil from spills, which require processing before they can be used as fuel. While these materials are no longer considered solid wastes under Subtitle C of RCRA, they would be considered solid waste under the SWMA.

These commercial fuel products are commonly managed by waste oil transporters, transfer facilities and processors. Many of these materials, such as gasoline and

aviation fuels, have different handling requirements than waste oil due to their higher volatility and flammability. It is necessary for those managing these materials to use properly designed transportation vehicles and facilities and proper handling precautions for worker safety and to protect the public health and the environment. Blending these commercial fuel products with waste oil can be beneficial, since they tend to reduce the viscosity of the waste oil and produce a more widely usable fuel.

The Board has decided to modify the incorporation by reference of 40 CFR 261.2(c)(2)(ii) in new § 261a.2 to clarify that commercial chemical products, which include characteristically hazardous commercial fuel products, are not regulated as hazardous wastes, but are regulated under Chapters 287—299. The safeguards needed to provide worker safety and to protect public health and the environment can be built into the permitting process for waste oil facilities and other residual waste facilities. In addition, if these materials are to be used as fuel without processing prior to use, they may be considered coproducts under § 287.1 (relating to definitions) and not be waste.

*Chapter 270a. Hazardous Waste Permit Program*

*Section 270a.60. Permits-by-rule.*

Due to changes in the types of characteristically hazardous waste that can be mixed with waste oil and regulated under Chapter 298 (see § 298.10(b)(2) (relating to applicability), the Board decided to modify the permit-by-rule language to add new subsection (b)(2)(v) to allow generators to mix waste that is hazardous due to a toxicity characteristic for benzene, arsenic, cadmium, chromium or lead with waste oil.

**ARTICLE IX. RESIDUAL WASTE MANAGEMENT**

*Chapter 287. Residual Waste Management—General Provisions*

*Section 287.1. Definitions.*

The term "waste oil" has been moved from § 298.1 to § 287.1 on final-form rulemaking. A recent final-form rulemaking in the residual waste program includes the use of this term in Chapter 287 in the definition of "coproduct." The addition of this term in § 287.1 will promote consistency in the application of this term throughout Article IX. The term "used oil" has been deleted on final-form rulemaking because it is no longer used in Article IX.

*Section 287.2. Scope.*

On final-form rulemaking, proposed subsection (l) has been deleted from this section and relocated to new § 298.2 (relating to scope) to add clarification to the scope of Chapter 298.

*Section 287.51. Scope.*

On final-form rulemaking, the term "used oil" has been deleted from this section to be consistent with the decision to eliminate all references to that term in Article IX and, therefore, avoid confusion in terminology. In addition, the Board added language in subsection (c)(3) that maintains the exemption that currently applies to persons or municipalities that generate used oil.

*Chapter 298. Management of Waste Oil*

*Section 298.1. Definitions.*

The Board received several comments on this section.



*Definitions used in other regulations*

A commentator pointed out that terms defined differently in regulations cited by the proposed rulemaking could lead to confusion. In addition, the cross referenced definitions may have different effective dates that would not necessarily apply to this rulemaking. Since Chapter 298 falls within Article IX, all definitions used in § 287.1 apply to Chapter 298. On proposed rulemaking, terms were added to § 298.1 for use in Chapter 298. On final-form rulemaking, the Board added language to clarify that terms not defined by § 287.1 would be defined by § 260a.1 and § 260a.10 (relating to definitions). These changes address concerns raised about using the same terms that are defined differently across regulatory programs.

*"Aboveground storage tanks"*

To avoid confusion, the word "storage" has been added to the term "aboveground tank." This change makes the term consistent with terminology used in the storage tanks program.

*"Existing tank"*

On final-form rulemaking, the term "existing tank" has been deleted. The term is not used in the final-form regulations.

*"New tank"*

On final-form rulemaking, the term "new tank" has been deleted. The term is not used in the final-form regulations.

*"Tank"*

On proposed and final-form rulemaking, the Board decided to exclude wooden tanks from the definition of "tanks" because wooden tanks are more prone to leakage than tanks made from nonearthen materials.

*"Underground storage tank"*

On final-form rulemaking this term was added for clarification.

*"Waste oil"*

Commentators indicated that the negative connotation of the term "waste" in "waste oil" could impact recycling of waste oil. Suggestions ranged from changing the statutory definition of "used oil" to creating a new term, such as "managed used oil" or "recycled used oil." The Commonwealth has used the term "waste oil" for well over a decade and believes it is well understood that waste oil can be recycled. The Department is committed to encouraging recycling of waste oil and has worked with organizations, such as the American Petroleum Institute, to encourage the recycling of waste oil and used oil filters in this Commonwealth. Fact sheets and other public educational efforts are being planned to encourage the recycling of waste oil and to further inform the public about this rulemaking. The Board believes a statutory change is not necessary to encourage recycling of waste oil and that creation of a new term to replace the established term, "waste oil," may lead to confusion. The Board decided to retain the term "waste oil"; however, the term has been moved to § 287.1.

The term "waste oil" is almost identical to the Federal term "used oil." Waste oil must be refined from crude oil or synthetic oil. Therefore, animal and vegetable oils cannot be waste oil. Except for automotive oils, oils must be contaminated through use rather than through handling or storage to be waste oil. In this Commonwealth, the term "waste oil" includes automotive oil that has been

contaminated during use, storage or handling, based on the definition of "used oil" in the Used Oil Recycling Act of 1982. Tank bottoms from storage of virgin petroleum fuel oil and virgin fuel oil recovered from spills are not waste oil since they were not contaminated through use. Since fuel oils are consumed when used, most virgin fuel oil cannot become waste oil.

The term "oil" is not defined in the Federal used oil regulations and is not being defined in these final-form waste oil regulations. However, since a material must first be oil before it can become waste oil, the Department would like to clarify what kinds of materials it does and does not consider oil for the purposes of Chapter 298. Oils are products used as lubricants, fuels, heat transfer fluids, buoyants, hydraulic fluids and other analogous uses. Solvents and chemicals used as raw materials in manufacturing are not oils for purposes of this chapter. Petroleum distillates, such as mineral spirits, when used as solvents do not become waste oil. Industry refers to various chemicals used as raw materials as "oils." An example is "Brinks Oil." Brinks Oil, a plasticizer used in polymer manufacturing, is comprised of phthalates and, chemically, is significantly different than waste oil.

Waste not classified as waste oil may still be managed by waste oil processors/re-refiners and transfer facilities provided these wastes are covered under the facilities' permits. This allows the Department to evaluate screening, storage, processing and handling of the other wastes to ensure the operations are protective.

*"Waste oil transfer facility"*

Several commentators raised concern that the proposed definition of a "waste oil transfer facility" was extremely broad and encompassed a much wider range of facilities than does the corresponding definition of a "used oil transfer facility" under the Federal used oil regulations. This concern was mainly due to lack of a minimum holding time, 24 hours, in the definition, which could conceivably encompass a wide variety of facilities that the Department never intended to cover, such as truck stops, restaurants, motels and fueling facilities. Under the Federal used oil regulations, waste oil that is stored for transfer under 24 hours is not regulated as a transfer facility. The definitions of "transfer facility" in the residual waste regulations, the municipal waste regulations and the hazardous waste regulations do not contain the "24 hours" limit. In addition, the SWMA does not have a minimum limit on the time that the waste is to be held at a transfer facility before it is regulated. The Department has never covered truck stops, restaurants, motels and fueling facilities as transfer facilities under those regulations and has no intention to do so under these waste oil regulations. In addition, by placing the 24-hour limit in the definition, flexibility would be taken away from the Department to allow waste oil to be held longer than 24 hours, which may be appropriate in some instances. The Board has decided not to change the definition of a "waste oil transfer facility" in the final-form regulations.

*"Waste oil transporter"*

While this Commonwealth's waste management regulations clearly distinguish waste transporters from owner/operators of waste transfer facilities, Federal used oil regulations blend the two together. This produced confusion in the proposed regulations as to when various requirements apply to transporters only, to transfer facilities only, or to both. The Board has modified the definition of "waste oil transporter" to clarify the distinction that has incorporated the use of separate terms—

waste oil transporter and waste oil transfer facility—throughout the final-form regulations. The separate terms of “transporter” and “transfer facility” are indicated as appropriate throughout the final-form regulations.

*Section 298.2. Scope*

A new section has been added on final-form rulemaking to clarify that Chapter 298 applies to waste oil that is being recycled. The scope of this chapter was previously located on proposed rulemaking at § 287.2. On final-form rulemaking, the language was relocated to this section for clarity.

*Section 298.10. Applicability*

The Board received several comments on this section.

*Mixtures of listed hazardous waste and waste oil*

Comments both favored prohibition of mixing listed hazardous waste from any sized generator and supported mixing by conditionally exempt small quantity generators (CESQGs) under this chapter. One commentator indicated that waste oil facilities would have a difficult time trying to prove that a hazardous load of waste oil came from a CESQG. The Board agrees with this commentator and believes the information gathering and recordkeeping necessary to demonstrate that hazardousness of a large quantity of waste oil is due to CESQGs would be quite burdensome. Subsection (b)(1)(i) of the final-form regulations continues to maintain that mixing of listed hazardous waste with waste oil is regulated under the hazardous waste regulations.

*Mixtures of characteristic hazardous waste and waste oil*

Several commentators criticized limiting characteristic hazardous waste that can be mixed with waste oil to ignitable-only hazardous waste. While some commentators merely stated the Commonwealth should not be more stringent than the Federal used oil program, others pointed out that few, if any, characteristically hazardous wastes will be due to ignitability alone. This restriction would be especially difficult on small shops that generate limited quantities of these hazardous wastes.

The mixing of hazardous waste and waste oil is the most difficult issue to resolve in this regulatory package. On one hand, the Department is committed to the concept of source reduction. That is, it is better to not generate hazardous waste than to have to dispose or recycle it. Allowing carte blanche mixing of characteristic hazardous waste with waste oil supports the outmoded concept of “the solution to pollution is dilution,” not source reduction. On the other hand, the commentator is correct that petroleum-based solvents, gasoline and kerosene will usually exhibit a toxicity characteristic for benzene and often for metals.

Generators who mix characteristically hazardous waste with their waste oil will sometimes have neither the knowledge of their hazardous waste nor the inclination to bear the cost of testing to determine that the mixture will no longer exhibit characteristics of hazardous waste. A past fatal explosion involving a waste oil transporter checking his tank would not have occurred if the load contained only waste oil or if the mixture was no longer characteristically hazardous.

Certain hazardous characteristics are expected to sometimes be present in waste oil. These characteristics include ignitability (due to slightly low flash points) and toxicity characteristic from benzene and the metals in Table 1 of § 298.11 (relating to waste oil specifications). Transporters and facilities managing waste oil should be

well aware that these characteristics could be present and should be prepared to deal with them safely. However, transporters and facilities managing waste oil which contains unexpected characteristics, such as reactivity, corrosivity, or a toxicity characteristic from pesticides, and the like, may not be equipped to manage them in a manner that protects the health of their workers, the public or the environment. In addition, these unexpected characteristics could interfere with some of the processes used to recycle the waste oil. The Federal used oil regulations allow the mixing of waste oil with hazardous waste that is characteristically hazardous due to any characteristic, including corrosivity and reactivity. The Department currently requires very minimal screening by operators of waste oil transfer and processing facilities. If all characteristically hazardous wastes could be mixed with waste oil, this minimal screening is insufficient to cover the gambit of characteristics necessary to warn operators of the contents of the waste oil.

The final-form regulations alleviate the commentators’ concerns for mixing petroleum-based solvents, gasoline and kerosene with waste oil without producing a significant increase in harm to waste oil workers, the public health and the environment, or requiring excessive screening by waste oil management facilities by including an expanded, but limited mixture rule in the final-form rule. The Board has added new language in subsection (b)(2)(ii) to allow waste that exhibits a toxicity characteristic for benzene and the metals in Table 1 of § 298.11 to be mixed with waste oil by the generator. Large and small quantity generators will need to ensure, through testing or knowledge, that the resultant mixture is no longer characteristically hazardous. CESQGs will not have to make sure that the resultant mixture of waste oil and hazardous waste is no longer characteristically hazardous under the hazardous waste regulations.

One commentator noticed an error to a cross reference in proposed § 298.10(b)(2). The corrected cross reference has been added to the end of § 298.10(b)(2)(iii).

*Materials containing or otherwise contaminated with waste oil*

Two commentators thought that the Federal wastewater standard of presence of visible oil should be adopted instead of the proposed requirement that wastewater contain at least 1% waste oil or marketable quantities of oil. Their concerns were as follows: 1) the requirement differs from the Federal standard; 2) the use of the term “marketable quantities” is undefined and vague; 3) the 1% and “marketable quantities” standards are inconsistent with the “de minimis quantities” standard in subsection (f); 4) requirements discourage recycling by prohibiting management of the wastewater by waste oil processors; and 5) it is difficult to obtain representative samples for determining the oil content.

The decision to require recoverable oil is based on what is believed to be the best way to regulate wastewater containing trace quantities of oil. The approach taken in the final-form regulations differs from the approach taken in the Federal program. The Federal approach was to “cast a large net” to bring wastewater with virtually any amount of visible oil into the used oil regulations since, otherwise, it may escape regulation and not be managed in a protective manner. The Commonwealth, with its residual waste program, did not need to cast as large a net in the waste oil regulations as the EPA, since wastewaters falling out of the waste oil regulations would not fall out of regulation entirely and would still be managed in a protective manner.

In an effort to encourage legitimate recycling of waste oil, the final-form regulations provide reduced regulatory requirements not afforded to wastes destined for disposal or even to other wastes being recycled. These requirements include managing waste oil which exhibits characteristics of hazardous waste as a residual waste, allowing mixtures of waste oil and characteristically ignitable hazardous waste to be managed as waste oil, allowing some waste oil transfer and processing facilities to operate under a general permit for processing prior to beneficial use, and creating a permit-by-rule for waste oil collection centers. These exceptions should not be extended to wastewaters containing so little waste oil that oil cannot be recovered and recycled or reused. Many generators of oily wastewaters perform onsite oil/water separation and remove most of the waste oil prior to shipment to an off-site facility. The EPA uses the "sheen test" for wastewater; that is, if the oil can be seen on the surface and it is not from a source of de minimis quantities (40 CFR 279.10(f)), then it is regulated as used oil. It is known, through basic experimentation, that the oil necessary to produce such a sheen can be as little as one molecule thick. Such a small amount of oil could not be recovered from wastewater using the technologies employed by waste oil processors today. The final-form regulations allow facilities to take wastewater containing less than 1% oil as waste oil if they can demonstrate that they can recover marketable quantities of oil from the wastewater. The Department believes that technologies commonly employed by waste oil processors can reasonably be expected to recover oil from wastewater containing 1% oil. This standard is currently used in waste oil facility permits and has not been problematic to date. Wastewater containing lower quantities of oil than can be recovered would be classified as either residual waste or hazardous waste, depending on its characteristics. Facilities with individual transfer facility or processing permits, including facilities that primarily manage waste oil, may accept nonhazardous wastewaters provided it is authorized under their permits. Since no beneficial use is possible for the wastewaters containing insufficient oil to recover, facilities operating under general permits are not able to accept these wastewaters.

The Department purposely chose not to define "marketable quantities." "Marketable quantities" is an economic term and is dependent on the cost of operating the technology used, quantity of wastewater and waste oil processed, fee charged for accepting the oily wastewater, market value of the recovered oil, and the like. Since most of these variables are dependent on specific conditions at each facility, it would be difficult to use a set of assumptions to derive a generic definition and apply it in all cases. The owner/operator of each waste oil facility is in the best position to determine what is marketable for its particular facility. The term "marketable quantities" remains undefined in the final-form regulations to retain the maximum flexibility possible.

As with other heterogeneous wastes, obtaining representative samples and accurate analyses on oily wastewater can sometimes be difficult. The Department and the regulated community have been dealing with similar sampling and analytical situations in other areas and believe this can be handled in a reasonable manner.

The Board has decided to retain the standard that for wastewater to be managed under Chapter 298, it must contain either 1% or more of waste oil or marketable quantities of waste oil. Since this standard is inconsistent

with the de minimis quantities standard in proposed subsection (f), that standard has been deleted on final-form rulemaking.

On final-form rulemaking, the Board modified subsection (c)(2) to clarify that material contaminated with waste oil that is burned for energy recovery at an industrial furnace or boiler is regulated under Chapter 298. If the material is burned for energy recovery at a resource recovery facility, then it is regulated under the municipal waste regulations, Chapter 287 and Chapter 297 (relating to incinerators and other processing facilities) of the residual waste regulations or the hazardous waste regulations. This change has been made to prevent resource recovery facilities that are energy recovery facilities from being regulated under this chapter.

#### *Materials derived from waste oil*

Under the proposed rulemaking, materials derived from waste oil remain wastes unless the Department determines that they are no longer wastes as a condition in a permit. Commentators were concerned that oil removed from transformers, filtered and returned to use in transformers would be considered waste. They were also concerned that a determination that materials derived from waste oil are not waste would not be available to generators processing waste oil under permit-by-rule. The Department would not ordinarily consider the transformer oil to be waste since the filtration is commonly performed as a means to protect pumps and the transformer oil is not spent (that is, it is still useful as transformer oil without additional processing). The Board modified subsection (e)(1) in the final-form regulations to delete the language that referred to materials derived from waste oil as waste and also to allow the materials derived from waste oil under permit-by-rule to be eligible for a determination that they are no longer a waste.

#### *Section 298.11. Waste oil specifications.*

The specification level for total halogens in the proposed rulemaking, 1,000 parts per million (ppm), generated many comments. Several commentators believe that the Commonwealth should either adopt the Federal standard of 4,000 ppm or a dual system, as suggested in the preamble to the proposed regulations, where the specification would be 4,000 ppm for industrial burners and 1,000 ppm for residential burners. On the other hand, a commentator recommended that the 1,000 ppm total halogen specification is appropriate and would eliminate the confusion between the standard for on-specification fuel oil and the standard for total halogens relating to the rebuttable presumption.

The Board proposed the 1,000 ppm limit to protect residential furnaces from corrosion from hydrochloric acid produced during combustion of chlorine containing waste oil. Several manufacturers of home heating furnaces were contacted. The manufacturers could not provide information to show that elevated levels of halogens in oil would not lead to problems when burned in their furnaces. The Board does not believe that limits for waste oil burned in industrial furnaces and boilers, where higher halogen-containing oil can be burned without threatening human health and the environment, should be based on residential furnaces. Therefore, the waste specification for total halogens in Table 1 of this section of the final-form regulations has been amended to allow waste oil up to 4,000 ppm to be considered on-specification when used in industrial burners and is retaining 1,000 ppm as the on-specification standard when waste oil is used in commercial or residential burners.

Two comments were received on the requirement that waste oil burned for energy contain a minimum heat content of 8,000 Btu per pound. One commentator questioned the need for the minimum heat content requirement, since there is none in the Federal regulations. The second requested clarification that this requirement applies to the oil as burned, not individual oils that are blended together prior to burning. As stated in the Preamble to the proposed regulations, 8,000 Btu per pound is equivalent to wood or a low-grade coal, which are commonly utilized as fuels. Since oil itself contains between 16,000 and 18,000 Btu per pound, waste oil would have to contain in excess of 50% of a non-combustible material, such as water or clay, to fail to meet 8,000 Btu per pound. "Fuels" containing an excess of 50% of a noncombustible material could hardly be considered legitimate fuels. The second commentator requested clarification that this requirement applies to the oil as burned, not individual oils that are blended together prior to burning. The Department intends all the waste oil specifications, including the 8,000 Btu per pound specification, to apply to waste oil as marketed or burned. For example, the oil fraction obtained from processing an oily wastewater that has a heat content less than 8,000 Btu per pound would undoubtedly have a heat content greater than 8,000 Btu per pound and could be marketed as on-specification waste oil (provided it was on-specification for the remainder of the constituents/properties). The Board is retaining the 8,000 Btu per pound requirement in the final-form regulation, but has clarified the rule to indicate it applies to the waste oil as burned.

In the proposed rulemaking, waste oil that does not exceed any specification level in § 298.11 is not subject to Chapter 298 when burned for energy recovery. While the Board has not made changes to this provision in the final-form regulations, the Board believes clarification is needed on when waste oil meeting the specifications is no longer regulated under Chapter 298. As previously stated, the waste oil specifications are intended to apply to waste oil as marketed or burned—that is, when ready to be used as fuel. If the waste oil will be processed, blended or requires other treatment prior to its use as a fuel that is not required of virgin fuel oil, it continues to be subject to Chapter 298. Filtration performed solely to protect pumps used in transfer of the oil is not considered processing for purposes of this provision.

#### *Section 298.12. Prohibitions.*

Subsection (a) states that waste oil may not be managed in surface impoundments or piles unless the units are subject to Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities) of the hazardous waste regulations. Similar language appears in §§ 298.22, 298.45, 298.54 and 298.64 (relating to waste oil storage; waste oil storage at transfer facility; waste oil management; and waste oil storage). One commentator asked whether the parenthetical portion of the statement indicates that permits will be required for surface impoundments and storage units that manage waste oil, or would the permit-by-rule requirements for generators described in § 298.20(b)(3) (relating to applicability) apply. The commentator also asked for clarification that only Subchapters I and J (pertaining to containers and tank systems) and Subchapters K and L (pertaining to surface impoundments; and waste piles) apply. The language used in the regulations closely follows the Federal regulations at 40 CFR 279 (relating to standards for the management

of used oil). The parenthetical portion of this statement was included in the proposed regulation to reference the information contained in Chapter 264a and 265a. These sections should be interpreted like the Federal counterpart at 40 CFR 279.12(a) (relating to prohibitions), which requires full compliance with Subparts K and L in 40 CFR Parts 264 and 265. Storage of waste oil in surface impoundments would be considered treatment and requires a permit authorized under the hazardous waste management regulations. A permit-by-rule under this chapter does not replace the need to comply with Chapters 264a and 265a. As a practical matter, the Department is unaware of any waste oil impoundments in this Commonwealth and believes placement of waste oil in a surface impoundment would decrease recyclability of the oil. The EPA has numerous documented cases of environmental damage from the storage of waste oil in these units (see Environmental Damage from Used Oil Mismanagement, Final Draft Report, available in the docket to 57 FR 41566, December 10, 1992). The references in these regulations should be read to apply to the appropriate subparts and subchapters only. The Board is retaining the wording of the proposed regulations.

#### *Section 298.20. Applicability.*

Several commentators criticized the permit-by-rule (PBR) provisions of the proposed rulemaking. Most of the comments pertained to the stringency of these provisions compared to what is allowable under current PBR provisions in § 287.102 (relating to permit-by-rule). For example, under the captive processing provisions in § 287.102(b), residual waste can be processed by the generator at the same site where some or all of the waste is generated. The proposed regulations contained conflicting language in subsection (b)(3) and (b)(3)(i)(C) on whether a generator may process waste from the generator's other manufacturing locations at the site covered by the permit-by-rule. The final-form regulations retain the requirement in clause (b)(3)(i)(C) and delete the requirement in subsection (b)(3), tracking more closely the language in § 287.102(b) for captive processing facilities. The same change has been made in clause (b)(3)(ii)(A).

On final-form rulemaking, the Board has added new language in subsection (b)(3), identical to language in § 287.102, that incorporates the requirement for an operator to submit written notice to the Department of operation under the permit-by-rule. In subsection (b)(3)(ii), the reference in clause (C) to Federal standards for preparation of preparedness, prevention and contingency (PPC) plans has been deleted and replaced, in clause (D), with language from § 287.102 relating to PPC plans. Additionally, the final-form regulations include new language, in subsection (b)(8), that allows the Department to make a determination that material is no longer a waste when used in accordance with § 287.7 (relating to determination that a material is no longer waste). The addition of this language clarifies that this opportunity is available to generators of waste oil operating under a permit-by-rule in Chapter 298.

The PBRs in this section are more stringent than the Federal regulations. The EPA's used oil regulations are limited to requiring that waste oil be generated onsite and not shipped offsite to be burned for energy recovery. The Federal regulations do not address the risks from mishandling the waste oil that are posed when the processing facility is conducted by the waste oil generator. The final-form regulations address more directly the onsite management of waste oil by generators.

Several commentators expressed concern that the generator recordkeeping requirements in the proposed regulations were overly burdensome. They viewed the proposed regulations as requiring very detailed records on waste oil, such as recording each type of oil used and process it was used in and testing results. In addition, the commentators questioned the need to retain these records for 5 years when other records need only be retained for 3 years. At the request of the ad hoc waste oil recycling companies that provided input to the Department, these minimal generator recordkeeping requirements were developed to assist waste management personnel in identifying the types of waste they collect and process or dispose. The requirements represent basic recordkeeping associated with ordinary business practices and should not be overly burdensome. The requirements are especially simple for generators whose waste oil does not contain elevated halogens and who do not mix the waste oil with hazardous waste.

Examples of how the recordkeeping requirements will apply are as follows. First, for a company maintaining a fleet of automobiles, the entire record may consist of motor oil from changing the oil in cars. A second example is a typical generating station, where many different kinds and grades of lubricants are used (different weights and additives) for particular pieces of equipment. During major overhauls, each of these oils are not separately measured, cataloged and tested. Like-kind lubricants are collected together and sent to appropriate reprocessing or disposal. In the generator's records, the lubricants would probably be called lubricating oils used to lubricate equipment. If some of the oils are chlorinated, it may be necessary to have two categories for the lubricating oils, chlorinated and nonchlorinated. It would not be necessary to identify each particular piece of equipment in which each grade of lubricating oil is used.

There is no requirement for the generator to actually test the waste oil; however, if the waste oil has been tested, the generator should record the results. If a waste oil transporter runs a total halogen test on a generator's waste oil, and gives the results to the generator, the generator should make those results part of the generator's records. This requirement should not increase costs for tests and materials and should only use as much time as it takes to quickly record a note in a file.

The requirement is a bit more complex for generators who mix characteristic hazardous waste with their waste oil. The records should show that the resultant mixture is no longer characteristically hazardous.

The Board has retained the generator recordkeeping requirements in the final-form regulation. However, the Board decided to reduce the record retention requirement from 5 to 3 years. In addition, a new recordkeeping requirement has been added to correspond with the new language added in § 298.10(b)(2) that allows generators to mix some characteristically hazardous waste with waste oil. Subsection (c)(5) requires a generator to record analyses of hazardous waste characteristics for any mixtures of hazardous waste with waste oil.

Additional changes, relating to cross references, have been made to subsection (b). In subsection (b)(3), a cross reference to Chapter 297, that contains the application and operating requirements for incinerators and other processing facilities, was inadvertently omitted from the proposed rulemaking. In subsection (b)(3)(i)(A), (iii)(A) and (iv)(A), references to "and this article" have been deleted to indicate that waste that is not waste oil must be managed in accordance with the appropriate municipi-

pal, residual or hazardous waste regulations. In subsection (b)(3)(ii), language added on final-form rulemaking allows an operator separating waste oil from wastewater generated onsite to operate under permit-by-rule if the wastewater is made acceptable for either discharge or shipment offsite.

*Section 298.21. Hazardous waste mixing.*

On final-form rulemaking, the Board added new subsection (c) to remind and clarify for generators their continuing responsibility to perform hazardous waste determinations for waste generated prior to any mixing with waste oil and on any resultant mixtures. In addition, the Board added new subsection (d) to enhance the transfer of information from a generator to a transporter so that the transporter knows whether the waste the transporter is collecting is hazardous or not.

*Section 298.22. Waste oil storage.*

In subsection (b)(2), a minor correction regarding the condition of units has been made to conform to the Federal regulations.

Since the Federal regulations require aboveground storage units and pipes to be labeled "used oil," commentators have objected to the proposed labeling regulations that require the words "waste oil." Since the term "used oil" has a statutory meaning in this Commonwealth that is different than the Federal meaning, labeling waste oil tanks and pipes "used oil" would not be correct and would be confusing. The Board does recognize that some companies may have already been using "used oil" labels and has, therefore, provided a transition scheme of 2 years, in subsection (c), to comply with the new labeling requirements. Until that time, either label may be used.

On final-form rulemaking, the Board adopted new language, in subsections (d) and (e), that applies to storage tanks and containers used to store waste oil. Commentators suggested that storage requirements from Chapter 299 (relating to storage and transportation of residual waste) be incorporated for waste oil. The Board recently amended Chapter 299 of the residual waste regulations to include standards for storage of residual waste in tanks and has decided to incorporate those same standards in this section and §§ 298.45 and 298.54. Although the tank standards are more detailed than the Federal requirements, they are largely performance-based and represent more recent experience gained through the storage tanks program. The new language pertaining to containers is also language that was recently adopted by the Board in the amended provisions to Chapter 299.

Several commentators thought the proposed rulemaking, along with changes made to the hazardous waste regulations after the proposed regulations were published, would require every waste oil generator to develop a written contingency plan, designate emergency coordinators, and file emergency plans with all local police, fire departments, hospitals, and State and local emergency response teams. Based on these assumptions, the commentators indicated that such requirements would be financially burdensome, especially to small generators, and suggested that waste oil generators only be required to comply with the applicable Spill Prevention, Control and Countermeasure (SPCC) provisions of 40 CFR Part 112 (relating to oil pollution prevention). On final-form rulemaking, subsection (g) has been amended to include a cross reference to 40 CFR Part 112 (relating to oil pollution prevention). This addition is consistent with the parallel Federal requirements.

The Federal requirements under 40 CFR Part 112 would only require a generator to develop an SPCC plan if a spill has already occurred. On proposed, the regulations cross reference SPCC measure requirements found in the hazardous waste regulations. To relieve some of the burden associated with following these measures, the Board has amended subsection (g) to delete the cross reference to the hazardous waste program and add a requirement to prepare a PPC plan that is consistent with the residual waste program.

*Section 298.23. Onsite burning in space heaters.*

Of the three commentators who commented on burning oil in space heaters, two supported the regulation as proposed. The third objected for the following reasons: 1) small furnaces have unacceptable emissions when burning waste oil; 2) there will be no testing by the burners to assure mixture of waste oil with hazardous waste has not occurred; and 3) a seasonal demand will be created for those who currently recycle and process waste oil. The commentator that objected further explained that those who would be allowed to burn waste oil received directly from a generator will not be interested in purchasing waste oil other than in the colder months, and a seasonal operation would not be profitable for the waste oil companies.

The proposed rulemaking do not expand the burning of waste oil in space heaters. Since this section in the proposed regulations is essentially the same as its Federal counterpart (40 CFR 279.23 (relating to on-site burning in space heaters)) the Department is confident that the proposed requirements for space heaters are acceptable under Federal requirements. We do not believe banning legitimate burning of waste oil in space heaters will prevent owners/operators of space heaters from receiving waste oil mixed with hazardous wastes. Along with this promulgation of final-form waste oil regulations, the Department is developing fact sheets and other informational materials to aid in complying with the requirements. What can and cannot be burned in space heaters is part of this educational effort. Under the Commonwealth's current regulations, businesses burning waste oil in space heaters may already accept on-specification waste oil directly from generators or burn their own waste oil and waste oil received from do-it-yourselfer (DIYer). The proposed regulations do not change the provisions involving burning waste oil in space heaters or transportation from a generator directly to a burner. Since businesses burning waste oil are operating in this Commonwealth today, these provisions are not likely to cause waste oil providers to only operate profitably on a seasonal basis. The Board has decided not to modify this section in the final-form regulations.

*Section 298.24. Offsite shipments.*

One commentator pointed out that paragraph (1)(iv), not found in the corresponding Federal rule, requires each generator to provide the collection center a written certification that the generator has not mixed its waste oil with hazardous waste, except as provided in proposed § 298.10(b)(2)(ii). The commentator endorsed the concept that the generator should be responsible for not mixing waste oils with hazardous wastes. The commentator indicated, however, that many small generators, such as DIYers, may not have sufficient knowledge of Department's hazardous waste rules.

Over the past few years, the Department has experienced some difficulty in keeping used oil collection sites in the used oil collection program. While there have been

several reasons for this, many businesses are reluctant to collect waste oil from small generators out of fear of accepting contaminated oil. The certification requirement is an attempt to provide a level of "comfort" to collection facilities that would be absent without it. As for household DIYers, since their wastes are exempt from regulation as hazardous under 40 CFR 261.4(b)(1) (relating to exclusions), as incorporated by reference in § 261a.1, they can easily certify that they have not mixed their waste oil with hazardous waste. Even generators who are small businesses are required to determine if their wastes are hazardous (40 CFR 262.11 (relating to criteria for listing hazardous waste), as incorporated by reference under § 262a.10), so they should have enough knowledge of their wastes to be able to comply with the certification. Of course, the easiest way to ensure that the certification is accurate and that they have not mixed their waste oil with hazardous waste is to train their employees not to dump anything in their waste oil. The Board has not made changes to this requirement on final-form rule-making. To assist generators and facilities receiving waste from generators, the Department is developing a fact sheet explaining how to prepare a certification.

One commentator suggested that transporters under tolling arrangements should be required to have the EPA ID numbers. Since, under these tolling arrangement provisions, the vehicle used to transport waste oil from the generator to the processor/refiner and the processed oil back to the generator must be owned and operated by the processor/refiner, and waste oil processors/refiners must obtain the EPA ID numbers, requiring the transporter to obtain an EPA ID number would be redundant. The Board has not made any changes to this requirement in the final-form rule.

*Sections 298.25. Source reduction strategy.*

Several comments applicable to the source reduction strategy requirements were received. While one commentator questioned the need for source reduction strategies for waste oil that is recycled, most were concerned with inconsistencies in dates and requirements of this section compared with those found for other residual waste in § 287.53 (relating to source reduction strategy) source reduction strategy). Commentators believed that separate source reduction strategies would be required for waste oil and other residual waste and that source reduction strategies for waste oil from automobile servicing would have to be developed. The Federal regulations for used oil do not require the preparation of source reduction strategies for used oil.

On final-form regulations, the Board has deleted the proposed language containing the requirements for a source reduction strategy and cross referenced the source reduction strategy requirements from Chapter 287 to remove the inconsistencies and to make it clear that waste oil should be included in the same source reduction strategy developed for the generator's other residual waste. This cross reference also clarifies that source reduction strategies are not required for waste oil from automotive servicing. In developing source reduction strategies, generators might consider certain processes that can extend the useful life of oil, such as switching to a longer-lasting oil, like a synthetic, or by using additives or filtration, thereby saving the generators money and creating less waste.

*Section 298.26. Biennial report.*

Several comments applicable to the biennial report requirements were received. While one commentator

questioned the need for biennial reporting for waste oil that is recycled, most were concerned with inconsistencies in dates and requirements of this section compared with those found for other residual waste in § 287.52 (relating to biennial report). Commentators believed that biennial reports would be required for waste oil from automotive servicing. The Federal regulations for used oil do not require the preparation of biennial reports for used oil.

The basic information contained in the biennial reports aids the Department in administering waste programs by identifying how much waste is being generated in this Commonwealth and how it is being processed, treated, disposed or recycled. The requirement for the biennial report is based on waste generated rather than its destination. It also does not apply to waste oil generators who generate oil from automotive servicing. The majority of waste oil generators who will have to include their waste oil in biennial reports are residual waste generators who are already required to file biennial reports.

On final-form rulemaking, the Board has deleted the proposed language containing the requirements for a biennial report and has cross referenced the biennial report requirements from Chapter 287 to remove the inconsistencies and to make it clear that waste oil should be included in the same biennial report developed for the generator's other residual waste. This cross reference also clarifies that the biennial report is not required for waste oil from automotive servicing.

*Section 298.30. Waste oil collection centers.*

Three comments were received concerning waste oil collection centers. One commentator suggested an exemption be added for State and community DIYer drop-off sites. The commentator was concerned that waste oil from DIYers placed in a tank at waste oil collection centers with waste oil generated at the center could make the entire tank of waste oil hazardous. Federal law concerning hazardous waste does not exclude from regulation waste from a tank at a collection center that contains waste oil from DIYers mixed with waste oil generated at the center, since the waste oil generated at the center might be mixed with hazardous waste. However, the Department may use its enforcement discretion to allow waste oil containing high total halogens from a collection center to be managed as nonhazardous when the collection center demonstrates that the halogens were not generated at the collection center.

The other two comments concerned the level of details in the proposed regulations. One indicated that the level of detail in the proposed regulation with regard to requiring sheltered storage of waste oil tanks is too great. The other indicated that the level of detail with regard to specifying how waste oil collection centers are to ensure that they are collecting only waste oil that has not been impermissibly mixed with hazardous wastes should be greater. The Federal requirements for used oil include minimal requirements for collection centers—limiting the types of waste oil that can be accepted and the types of activities that can occur at a collection center. While the primary goal of all of the Commonwealth's environmental regulations is to protect human health and the environment, the waste oil regulations are also concerned with the recyclability of waste oil. The Board specified that the tanks at aggregation points be sheltered to protect the waste oil from the elements and from other contaminants that could be thrown into an open top of the tank. The Board also recognizes there are many ways for waste oil collection centers to ensure that they are collecting only waste oil that has not been impermissibly mixed with

hazardous wastes. Rather than prescribing a single method for all, the Board decided to allow each collection center to develop and implement what will work best for their particular facility. The Board has decided not to make changes to the requirements for waste oil collection centers upon final-form regulation.

On final-form rulemaking, the Board added language to subsection (b)(8) to require the development of procedures, by the collection center, to prevent the receipt of wastes and materials that are unacceptable for collection.

*Section 298.31. Waste oil aggregation points owned by the generator.*

On final-form rulemaking, subsection (b)(5) has been added to be consistent with the other permit-by-rule provisions in Chapters 287 and 298. The new language requires an owner or operator to submit written notice to inform the Department of the person's intention to operate under the permit-by-rule.

Throughout this subchapter, the term "transfer facility" has been added to clarify those requirements that are specific to either a transporter or transfer facility. These changes are also necessary to correspond to the changes in the definition of "waste oil transporter."

*Section 298.40. Applicability.*

One commentator recommended that this section be clarified by adding language stating that the transportation requirements do not apply to generators who do not engage in the offsite transportation of waste oil. The regulations are clear, in subsection (a), that generators who are not transporters, or who only transport onsite, do not have to comply with the transportation requirements. Generators who transport no more than 55 gallons of waste oil to a waste oil collection site as specified in § 298.24(a) or aggregation point as specified in § 298.24(b), or those transporting from only DIYers to a regulated facility are also not subject to the transportation requirements. The Board has decided to retain the proposed language in the final-form regulations.

Under the proposed rulemaking in subsection (b), "a transporter who imports waste oil into or exports waste oil out of this Commonwealth is subject to this subchapter from the time the waste oil enters until the time it exits this Commonwealth." A commentator suggested revising the proposed regulation to distinguish between requirements that are applicable to transfer stations being operated within this Commonwealth and transportation activities in which shipments of waste oil are merely passing through this Commonwealth. The Board maintains that the regulation, adapted from the Federal requirements, is appropriate and correct. The language "import" implies that waste oil will be brought into this Commonwealth for waste management and the word "export" implies that waste oil that is being managed in this Commonwealth will be transported outside of this Commonwealth.

*Section 298.41. Restrictions on transporters who are not also processors or refiners*

The Federal rules establish a specific provision governing waste oil from electrical transformers and turbines, filtered, and returned to its original use. One commentator pointed out that, where the Federal rules allow utilities to collect and filter electrical transformer and turbine oils, and return that oil to its original use, without the need for an individual permit, the proposed regulations require an individual permit in every case.

The Board has modified subsection (c) of the final-form regulations to be compatible with the Federal rule.

*Section 298.42. Notification.*

A commentator requested clarification of what identification number is required for a waste oil transporter under this section. The Board has modified subsection (a) in the final-form regulations to indicate that a waste oil transporter or a transfer facility must have an EPA identification number.

*Section 298.43. Waste oil transportation.*

The proposed rulemaking specifies that waste oil transporters may only deliver waste oil to another waste oil transporter, a waste oil processing/refining facility, an off-specification waste oil burner facility or an on-specification waste oil burner facility. A commentator pointed out that noticeably absent from this list is the waste oil transfer facility. As discussed previously, while the Commonwealth's waste management regulations clearly distinguish waste transporters from owner/operators of waste transfer facilities, Federal used oil regulations blend the two together. This produced confusion in the proposed regulations as to when various sections apply to transporters only, to transfer facilities only, or to both. In subsection (a)(5) of the final-form regulations, the Board has clarified that waste oil transporters may deliver waste oil to transfer facilities.

*Section 298.44. Rebuttable presumption for waste oil and flash point screening.*

One commentator strongly objected to provisions in the proposed regulations that would allow waste oil transporters to apply knowledge of the halogen content of the waste oil in light of the materials or processes used to determine the total halogen content of a shipment of waste oil. The commentator indicated that the screening procedures set forth in existing waste oil permits are standards that all waste oil transporters also should be required to follow and are entirely consistent with the Department's goal of minimizing the mixing of hazardous wastes and waste oil.

The Department does not believe requiring every waste oil transporter to run total halogen determinations is necessary in every case. Existing permits for transfer facilities and processing/rerefining facilities include total halogen testing. If problems with transporters are discovered in the future due to reliance on knowledge rather than testing, the Board may reevaluate and amend the requirements in a future rulemaking. The Board decided to continue to allow knowledge of the halogen content to be applied in lieu of testing for transporters in the final-form regulations.

While halogen screening is a useful tool in detecting adulteration of waste oil by chlorinated solvents, this tool allows other types of hazardous waste to go undetected. Of particular concern are wastes that have the potential to initiate a fire during transportation, storage or processing. The Board has required flash point determinations as screening to protect facilities in existing waste oil permits from this danger. One commentator suggested the flash point requirement be expanded to include waste oil transporters or deleted as a requirement of existing permits. Since field methods to perform flash point analysis do not currently exist, the Board does not believe requiring every waste oil transporter to run flash point determinations is practical at this time. The Board has decided, however, that such screening at waste oil facilities is warranted to keep a "level playing field" for requirements at all Commonwealth facilities. Therefore,

subsection (d) has been added on final-form rulemaking to require transfer facilities to test for flash point or perform an alternative method to screen waste oil for adulteration.

On final-form rulemaking, the heading to this section has been modified to reflect the addition of subsection (d). The Board added language to subsection (a) that requires a waste oil transporter to make a determination about halogens at the generator's location, prior to loading on the transportation vehicle. This requirement has been added to clarify that the halogen determinations must take place before mixing several generators' wastes together. Additional language has been added that requires a transfer facility to make the determination prior to the unloading of a transportation vehicle at the transfer facility to prevent the receipt of hazardous waste at the facility.

*Section 298.45. Waste oil storage at transfer facility.*

The proposed rulemaking included permit-by-rule provisions for satellite transfer facilities. These satellite facilities would expand the service area for the permitted facility by allowing "milk runs" to be made to generators of small amounts of waste oil, where the small quantities picked up from the generators would be brought to the satellite facilities and stored until the quantity is sufficient to warrant shipment to the permitted facility. Under the proposed rulemaking, the satellite facility must be covered under the bond of their main facility, hence the need for their main facility to be located within this Commonwealth and permitted by the Department.

Several comments were received on this permit-by-rule for satellite transfer facilities. Some strongly supported the permit-by-rule. Others thought it should be expanded to include out-of-state main facilities. One commentator thought all waste oil transfer facilities should be covered by permit-by-rule and not required to obtain a permit. Finally, one commentator believed the distinction between in-State and out-of-State main facilities conflicts with the safeguards afforded under the Commerce Clause of the United States Constitution and suggested the permit-by-rule be eliminated.

Due to potential environmental harm from these facilities, as well as economic hardship for their operators during times of depressed markets for waste oil, there is a very real potential for the Commonwealth to be involved in cleanups and clean-outs of these facilities. The Department believes bonding to cover these facilities is very important and that a higher degree of detailed management of waste via permits, rather than permit-by-rule, is essential. Since the Department does not issue permits to out-of-state facilities, permit-by-rule would not be an option for facilities that are satellite to waste oil transfer and processing facilities located outside this Commonwealth. To provide a "level playing field," the Board has decided to delete the permit-by-rule provisions in subsection (b)(4) on final-form rulemaking.

On final-form rulemaking several small changes were made for purposes of clarification. A citation to Chapter 293 has been added to subsection (b)(1) and (3). This citation was inadvertently omitted on proposed rulemaking. Language has been added in subsection (b)(2) and (3) to clarify the requirements. The language deleted in subsection (b)(2)(ii)(B) has been deleted for stylistic purposes.

In subsection (d)(2), a minor correction regarding the condition of units has been made to conform to the Federal regulations.



On final-form rulemaking, the Board adopted new language, in subsections (f) and (g), that apply to storage tanks and containers used to store waste oil. Commentators suggested that storage requirements from Chapter 299 be incorporated for waste oil. The Board recently amended Chapter 299 of the residual waste regulations to include standards for storage of residual waste in tanks and has decided to incorporate those same standards in this section. Although the tank standards are more detailed than the Federal requirements, they are largely performance-based and represent more recent experience gained through the storage tanks program. The new language pertaining to containers is also language that was recently adopted by the Board in the amended provisions to Chapter 299.

Since the Federal regulations require aboveground storage units and pipes to be labeled "used oil," commentators have objected to the proposed labeling regulations that require the words "waste oil." Since the term "used oil" has a statutory meaning in this Commonwealth that is different than the Federal meaning, labeling waste oil tanks and pipes "used oil" would not be correct and would be confusing. The Board does recognize that some companies may have already been using "used oil" labels and has, therefore, provided a transition scheme of 2 years, in subsection (h), to comply with the new labeling requirements. Until that time, either label may be used.

The proposed rulemaking require a waste oil transporter to comply with the PPC plan and emergency procedures in the hazardous waste regulations and also with the underground storage tank and spill prevention program in Chapter 245 (relating to administration of the storage tank and spill prevention program). One commentator thought it was unclear why transporters should be subject to these requirements. The commentator also questioned why waste oil that does not exhibit any characteristics of hazardous waste should be subject to hazardous waste planning requirements in Chapter 264a, rather than the residual waste requirements.

As discussed previously, while the Commonwealth's waste management regulations clearly distinguish waste transporters from owner/operators of waste transfer facilities, Federal used oil regulations blend the two together. This produced confusion in the proposed rulemaking as to when various sections apply to transporters only, to transfer facilities only, or to both. The Board has modified this section in the final-form regulation to apply to waste oil transfer facilities rather than waste oil transporters. Subsection (j) of the final-form regulations tie the PPC plan and emergency procedures to the residual waste requirements instead of those contained in the hazardous waste regulations.

#### *Section 298.46. Tracking.*

Clarification of proposed tracking provisions with respect to the applicability of these provisions to generators who are self-transporting materials to aggregation points was requested. The commentator suggested that the Federal rule upon which this section is based is focused on situations where a generator consigns a shipment to a transporter, who takes the shipment to a processor. With the exception that the proposed regulations require intermediate rail transporters to sign the record of acceptance, the requirements in § 298.46 are identical to those found in 40 CFR 279.46 (relating to tracking). The Board decided no change is necessary.

On final-form rulemaking, subsection (b) has been added requiring labeling of transportation vehicles to identify more readily the contents of the vehicle.

Throughout this subchapter, the term "transfer facility" has been added to clarify those requirements that are specific to either a transporter or transfer facility. These changes are also necessary to correspond to the changes in the definition of "waste oil transporter."

#### *Section 298.50. Applicability.*

In subsection (c), the Board added a cross reference to Chapter 297 which contains the application and operating requirements. This cross reference was inadvertently omitted on proposed rulemaking. In addition, language has been added in subsection (c)(3) to clarify how existing general permits will be phased out.

#### *Section 298.51. Notification.*

In subsection (a), a reference to the EPA has been added to clarify the type of identification number required to be obtained by a waste oil processor or rerefiner.

#### *Section 298.53. Rebuttable presumption for waste oil and flash point screening.*

The heading to this section has been modified to reflect the addition of subsection (d). Language has been added in subsection (a) on final-form rulemaking that requires a processing/rerefining facility to make the determination prior to the unloading of a transportation vehicle at the processing/rerefining facility to prevent the receipt of hazardous waste at the facility.

In subsection (b), the words "total halogen" have been added for clarification.

Subsection (d) has been added on final-form rulemaking to require processing/rerefining facilities to test for flash point or perform an alternative method to screen waste oil for adulteration. This subsection has been added to be consistent with § 298.44.

#### *Section 298.54. Waste oil management.*

The proposed rulemaking incorporates closure and postclosure care requirements applicable to hazardous waste landfills where not all contaminated soil associated with the closure of aboveground waste oil storage tanks can be practicably removed. These requirements in the proposed rulemaking apply even in circumstances where the waste oil that was stored would not qualify as either a listed or characteristic hazardous waste. One commentator believes these requirements expand the scope of hazardous waste closure and postclosure obligations to aboveground storage tanks that are used to hold waste oil. The language is taken directly from the Federal used oil regulations at 40 CFR 279.54(h)(ii) (relating to used oil management). By incorporating the Federal requirements, the Board is promoting consistency between the state and Federal programs and has not changed it in the final-form regulations.

In subsection (b)(2), a minor correction regarding a performance standard for leaking has been made to conform to the Federal regulations.

On final-form rulemaking, the Board adopted new language in subsections (d) and (e) that applies to storage tanks and containers used to store waste oil. Commentators suggested that storage requirements from Chapter 299 be incorporated for waste oil. The Board recently amended Chapter 299 of the residual waste regulations to include standards for storage of residual waste in tanks and has decided to incorporate those same standards in this section. Although the tank standards are more detailed than the Federal requirements, they are largely performance-based and represent more recent experience gained through the storage tanks program. The new

language pertaining to containers is also language that was recently adopted by the Board in the amended provisions to Chapter 299.

Since the Federal regulations require aboveground storage units and pipes to be labeled "used oil," commentators have objected to the proposed labeling regulations that require the words "waste oil." Since the term "used oil" has a statutory meaning in this Commonwealth that is different than the Federal meaning, labeling waste oil tanks and pipes "used oil" would not be correct and would be confusing. The Board does recognize that some companies may have already been using "used oil" labels and has, therefore, provided a transition scheme of 2 years, in subsection (f), to comply with the new labeling requirements. Until that time, either label may be used.

On final-form rulemaking, subsection (i) has been amended to include a cross reference to 40 CFR Part 112. This addition is consistent with the parallel Federal requirements.

*Section 298.62. Notification.*

In subsection (a), a reference to the EPA has been added to clarify the type of identification number required to be obtained by a waste oil burner.

*Section 298.64. Waste oil storage.*

In subsection (b)(2), a minor correction has been made to conform to the Federal regulations.

On final-form rulemaking, the Board adopted new language in subsections (d) and (e), that apply to storage tanks and containers used to store waste oil. Commentators suggested that storage requirements from Chapter 299 be incorporated for waste oil. The Board recently amended Chapter 299 of the residual waste regulations to include standards for storage of residual waste in tanks and has decided to incorporate those same standards in this section. Although the tank standards are more detailed than the Federal requirements, they are largely performance-based and represent more recent experience gained through the storage tanks program. The new language pertaining to containers is also language that was recently adopted by the Board in the amended provisions to Chapter 299.

Since the Federal regulations require aboveground storage units and pipes to be labeled "used oil," commentators have objected to the proposed labeling regulations that require the words "waste oil." Since the term "used oil" has a statutory meaning in this Commonwealth that is different than the Federal meaning, labeling waste oil tanks and pipes "used oil" would not be correct and would be confusing. The Board does recognize that some companies may have already been using "used oil" labels and has, therefore, provided a transition scheme of 2 years, in subsection (f), to comply with the new labeling requirements. Until that time, either label may be used.

In subsection (h), the Board deleted references to the Federal regulations relating to PPC plans and added a reference to the PPC plan requirements that apply to residual waste facilities to be consistent with Article IX. In addition, a cross reference to the Federal requirements for spill prevention, control and countermeasures was added on final-form rulemaking to be consistent with the Federal requirements.

*Section 298.73. Notification.*

In subsection (a), a reference to the EPA has been added to clarify the type of identification number required to be obtained by a waste oil fuel marketer.

*F. Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

*Benefits*

The final-form regulations to the waste oil recycling regulations clarify existing regulations; eliminate requirements that are no longer necessary or are redundant; encourage performance-based requirements and encourage recycling. To promote recycling, the final-form regulations expand existing permit-by-rule provisions for waste oil collection facilities. These facilities will now be able to accept any type of waste oil, not just used oil from internal combustion engines or vehicles.

*Compliance Costs*

Generators may be most affected by the amendments. Generators of small quantities of waste oil may realize savings for storage and transportation if they transport their oil to waste oil collection facilities. Under the current regulations, generators of small quantities of waste oil would either have to use a residual waste transporter or, if transporting the waste oil themselves, comply with the residual waste transportation requirements. The final-form regulations will allow generators to self-transport up to 55 gallons of waste oil to a collection facility without having to comply with the residual waste transportation requirements.

Minor increased costs to industry will result from additional recordkeeping and labeling requirements. This information is needed to enable transporters, transfer facilities, processors/rerefiners, burners and the Department to determine whether the waste oil has been improperly mixed with a hazardous waste if the generator's waste oil contains more than 1,000 ppm total halogens. Some waste oil transfer facilities may need to upgrade their tanks and containment systems.

CESQGs of hazardous waste who also generate waste oil will experience an increase in costs. These individuals will no longer be able to dispose of their listed hazardous waste and some types of characteristically hazardous waste by mixing it with their waste oil and having the mixture burned for energy recovery. Larger generators of hazardous waste also will no longer be allowed to dispose of their listed hazardous waste and some types of characteristically hazardous waste by mixing it with their waste oil. The increase in cost will occur as a result of the need to dispose of the waste in an environmentally responsible manner.

It is projected that there will be no increase costs or savings to local governments associated with these amendments.

*Compliance Assistance Plan*

The Department will assist the regulated community by developing fact sheets where they would be helpful based on suggestions from industry groups. The Department's field staff will provide compliance assistance during routine facility permitting and inspections.

*Paperwork Requirements*

Generally, no new recordkeeping and reporting requirements have been imposed by the final-form regulations that are not already required under existing regulations. Generators of waste oil are required to maintain records documenting the characteristics of the oil used, how it became waste oil, whether it was mixed with a hazardous waste and all information used to demonstrate that any waste oil containing more than 1,000 ppm total halogens

was not mixed with a hazardous waste. Record retention time, however, has been reduced from 5 to 3 years.

The generators, transporters, burners and waste oil processing/rerefining facility operators are required to keep records of the information used to determine whether waste oil containing more than 1,000 ppm total halogens was not mixed with hazardous waste. Generators, marketers, processors/rerefiners or any person who first determines that waste oil is on-specification waste oil must keep records showing why the waste oil met the specifications. Waste oil processors/rerefiners are required to maintain operating records and to have a written protocol for flash point screening, for determining if the total halogens in waste oil exceeds 1,000 ppm and, if applicable, for determining whether waste oil to be burned for energy recovery is on-specification. Waste oil processors/rerefiners are also required to maintain a much more detailed prevention, preparedness and contingency plan than required of other hazardous waste treatment facility operators. Transporters, waste oil processors/rerefiners, burners and marketers must maintain records tracking shipments of waste oil. These analytical and recordkeeping requirements are mandated by the EPA's used oil regulations.

G. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

The residual waste regulations require generators, including generators of waste oil from non-automotive processes, to develop source reduction strategies since 1992. The requirement to prepare source reduction strategies continues to apply to generators in this rulemaking. The existing requirements have resulted in the development of a highly successful source reduction program.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 22, 1999, the Department submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 1975, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on April 12, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 19, 2001, and approved the final-form regulations.

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 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 29 Pa.B. 1975.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

K. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 260a, 261a, 266a, 270a, and 287 are amended by amending §§ 260a.3, 261a.5, 261a.6, 266a.100, 270a.60, 287.1, 287.51 and 287.102; by adding §§ 261a.2, 298.1, 298.2, 298.10—298.12, 298.20—298.26, 298.30, 298.31, 298.40—298.48, 298.50—298.59, 298.60—298.67 and 298.70—298.75; and by deleting §§ 266a.40—266a.44 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID E. HESS,  
*Chairperson*

*(Editor's Note: For the text of the Independent Regulatory Review Commission document relating to this order, see 31 Pa.B. (June 2, 2001).)*

**Fiscal Note:** (1) General Fund; (2) Implementing Year 1999-00 is \$10,000; (3) 1st Succeeding Year 2000-01 is \$Minimal; 2nd Succeeding year 2001-02 is \$Minimal; 3rd Succeeding Year 2002-03 is \$Minimal; 4th Succeeding Year 2003-04 is \$Minimal; 5th Succeeding Year is 2004-05 is \$Minimal; (4) Fiscal Year 1998-99 \$33,123,000; Fiscal Year 1997-98 \$31,139,00; Fiscal Year 1996-97 \$29,469,000; (7) Environmental Program Management; (8) recommends adoption.

## Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VII. HAZARDOUS WASTE MANAGEMENT**

**CHAPTER 260a. HAZARDOUS WASTE MANAGEMENT SYSTEM.**

**GENERAL**

**Subchapter A. GENERAL**

**§ 260a.3. Terminology and citations related to Federal regulations.**

(a) For purposes of interfacing with 40 CFR Parts 260—279, the following terms apply, unless otherwise noted:

(1) The terms “Administrator,” “Regional Administrator,” “Assistant Administrator,” “Assistant Administrator for Solid Waste and Emergency Response” and “State Director” are substituted with “Department.”

(2) When referring to an operating permit or to the Federal hazardous waste program, “Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901—6986),” “RCRA,” “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C” is substituted with the act.

(3) “Environmental Protection Agency” or “EPA” and all names or associated acronyms are substituted with “Department” except when referring to the terms “EPA Form,” “EPA Identification Number,” “EPA Acknowledgment of Consent,” “EPA Hazardous Waste Number,” “EPA publication,” “EPA publication number,” “EPA Test Methods” and “EPA Guidance” including any mailing addresses associated with these terms.

(4) “Used oil” is substituted with “waste oil.”

(5) “State,” “authorized state,” “approved state” or “approved program” is substituted with “the Commonwealth.”

(6) Whenever the regulations require compliance with procedures found in 40 CFR Part 270 (relating to EPA administered permit programs: the hazardous waste permit program), compliance is accomplished by the procedures found in Chapter 270a (relating to hazardous waste permit program).

(7) The Commonwealth equivalent of 40 CFR Part 273 (relating to universal waste management) is found in Chapter 266b (relating to universal waste management).

(8) The Commonwealth equivalent of 40 CFR Part 279 (relating to standards for the management of used oil) is found in Chapter 298 (relating to management of waste oil).

(b) Federal regulations that are cited in this article or that are cross referenced in the Federal regulations incorporated by reference include any Pennsylvania modifications made to those Federal regulations.

(c) References to 40 CFR Part 124 (relating to procedures for decision making) found in Federal regulations incorporated by reference are substituted with Pennsylvania procedures found in Chapter 270a.

(d) References to the “Department of Transportation” or “DOT” mean the United States Department of Transportation.

(e) The effective date for the *Code of Federal Regulations* incorporated by reference in this article is May 1, 1999. The incorporation by reference includes any subsequent modifications and additions to the CFR incorporated in this article.

**CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**Subchapter A. GENERAL**

**§ 261a.2. Definition of “solid waste.”**

Materials that are excluded from the definition of “solid waste” in 40 CFR 261.2(c)—(e) (relating to the definition of “solid waste”) shall be managed in accordance with Chapters 287—299 (relating to residual waste management).

**§ 261a.5. Special requirements for hazardous waste generated by conditionally exempt small quantity generators.**

(a) The reference to 40 CFR Part 279 in 40 CFR 261.5(c)(4) and (j) (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators) is replaced with Chapter 298 (relating to management of waste oil).

(b) In addition to the requirements incorporated by reference, a conditionally exempt quantity generator may not dispose of hazardous waste in a municipal or residual waste landfill in this Commonwealth.

(c) A conditionally exempt small quantity generator complying with this subchapter and 40 CFR 261.5 is deemed to have a license for the transportation of those conditionally exempt small quantity generator wastes generated by the generator’s own operation.

**§ 261a.6. Requirements for recyclable materials.**

(a) The reference to “Part 279 of this chapter” in 40 CFR 261.6(a)(4) (relating to requirements for recyclable materials) is replaced with Chapter 298 (relating to management of waste oil).

(b) 40 CFR 261.6(c) is not incorporated by reference.

(c) Instead of 40 CFR 261.6(c), owners and operators of facilities that store or treat recyclable materials are regulated under all applicable and incorporated provisions of 40 CFR Parts 264 and 265, Subparts A—L, AA, BB, CC and DD; 40 CFR Part 264 Subpart X; 40 CFR Parts 266 and 270, except as provided in 40 CFR 261.6(a).

(1) In addition, owners and operators of facilities regulated under this section are subject to the applicable provisions of:

(i) Chapter 264a and Chapter 265a, Subchapters A, B, D, E, G—J and P.

(ii) Chapter 264a, Subchapters X and DD.

(iii) Chapters 266a and 270a.

(2) Recycling processes that are not treatment are exempt from regulation except as provided in 40 CFR 261.6(d).

(3) The sizing, shaping or sorting of recyclable materials will not be considered treatment for purposes of this section.

(d) The requirements of §§ 270a.3, 264a.82, 264a.83, 265a.82 and 265a.83 do not apply to facilities or those portions of facilities that store or treat recyclable materials.

(e) References to § 279.11 in 40 CFR 261.6 are replaced with § 298.11 (relating to waste oil specifications).

**CHAPTER 266a. MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

**Subchapter E. (Reserved)**

**§§ 266a.40—266a.44. (Reserved).**

**Subchapter H. HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES**

**§ 266a.100. Applicability.**

The reference to "Part 279 of this chapter" in 40 CFR 266.100(b)(1) (relating to applicability) is replaced with Chapter 298 (relating to management of waste oil).

**CHAPTER 270a. HAZARDOUS WASTE PERMIT PROGRAM**

**Subchapter F. SPECIAL FORMS OF PERMITS**

**§ 270a.60. Permits-by-rule.**

(a) Relative to the requirements incorporated by reference, the following are substituted for the introductory paragraph in 40 CFR 270.60 (relating to permits by rule): In addition to other provisions of this chapter, the activities listed in this section are deemed to have a hazardous waste management permit if the conditions listed are met. The Department may require an owner or operator with a permit-by-rule under this section to apply for, and obtain, an individual permit when the facility is not in compliance with the applicable requirements or is engaged in an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(b) In addition to the requirements incorporated by reference, the following requirements apply:

(1) The owner or operator of an elementary neutralization unit or a wastewater treatment unit is deemed to have a permit-by-rule, if the owner or operator complies with the following requirements:

(i) The facility treats hazardous waste generated onsite.

(ii) The facility has an NPDES permit, if required, and complies with the conditions of that permit.

(iii) Section 264a.11 (relating to identification number and transporter license) and 40 CFR 264.11 (relating to identification number).

(iv) Chapter 264a, Subchapter D and 40 CFR Subparts C and D (relating to contingency plan and emergency procedures; permit conditions; and changes to permit).

(v) 40 CFR Part 265, Subpart Q (relating to chemical, physical and biological treatment), except for 40 CFR 265.400 (relating to applicability).

(vi) For the purposes of this subsection, the owner or operator of an elementary neutralization unit or wastewater treatment unit permit-by-rule facility may treat wastes generated at other facilities operated or owned by the same generator, if the generator provides prior written notice to the Department and the wastes are shipped under a manifest in compliance with § 262a.20 and 40 CFR 262.20 (relating to general requirements; and general requirements).

(vii) The Department may, under special circumstances, approve on a case-by-case basis the receipt and treatment of wastes generated offsite by a different generator for treatment at a facility regulated under this subsection without the treatment of the wastes resulting in the loss of permit-by-rule status under this subsection.

(2) A generator that treats its own hazardous waste in containers, tanks or containment buildings is deemed to have a permit-by-rule, if the owner or operator complies with the following requirements:

(i) The facility is a captive facility and the only waste treated is generated onsite.

(ii) The notification requirements of 40 CFR 264.11 (relating to notification of hazardous waste activities) and the applicable requirements of 40 CFR Part 264, Subparts A—D, I, J and DD and Chapter 264a, Subchapters A, B, D, I, J and DD.

(iii) The applicable requirements of 40 CFR 262.34 (relating to accumulation).

(iv) Except for the characteristic of ignitability, the hazardous waste is not being rendered nonhazardous by means of dilution.

(v) A generator may mix waste oil with a waste which is hazardous solely because it exhibits the toxicity characteristic for benzene, arsenic, cadmium, chromium, lead or ignitability, provided that the resultant mixture does not exhibit any characteristic of hazardous waste under 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste) incorporated by reference in § 260a.1 (relating to incorporation by reference, purpose, scope and applicability) and that the mixture is managed in accordance with Chapter 298, Subchapter C (relating to waste oil generators).

(3) The owner or operator of a battery manufacturing facility reclaiming spent, lead-acid batteries is deemed to have a permit-by-rule for treatment prior to the reclamation of the spent, lead-acid batteries, if the owner or operator complies with the following requirements:

(i) The notification requirements of 40 CFR 264.11.

(ii) The applicable requirements of 40 CFR Part 264, Subparts A—E, I—L and DD and Chapter 264a, Subchapters A, B, D, E, I—L and DD.

(4) The owner or operator of a facility that reclaims hazardous waste onsite, at the site where it is generated is deemed to have a permit-by-rule for treatment prior to the reclamation, if the owner or operator complies with the following requirements:

(i) The notification requirements of 40 CFR 264.11.

(ii) The applicable requirements of Chapter 262a and Chapter 264a, Subchapters A, B, D, E, I, J and DD and 40 CFR Part 262 and 264, Subparts A—E and I, J and DD.

(iii) For the purposes of this subsection, onsite reclamation includes reclamation of materials generated at other facilities operated or owned by the same generator, if the generator provides prior written notice to the Department and the wastes are shipped under a manifest in compliance with § 262a.20 (relating to general requirements) and 40 CFR Part 262.20 (relating to manifest).

(iv) The Department may, under special circumstances, approve on a case-by-case basis the receipt and reclamation of wastes generated offsite by a different generator for reclamation at a facility regulated under this subsection without the reclamation of the wastes resulting in the loss of onsite reclamation status under this subsection.

(6) The owner or operator of a facility that treats recyclable materials to make the materials suitable for reclamation of economically significant amounts of the precious metals identified in 40 CFR Part 266, Subpart F

(relating to recyclable materials utilized for precious metal recovery) is deemed to have a permit-by-rule if the owner or operator complies with the following:

- (i) The notification requirements of 40 CFR 264.11 (relating to identification number).
- (ii) The applicable requirements of Chapter 264a, Subchapters A, B, D, E, I, J and DD and 40 CFR Part 264, Subparts A—D, I, J and DD.
- (c) In addition to the requirements incorporated by reference:

(1) With respect to any permit-by-rule facility under subsection (b)(3)—(6), the Department may, upon written application from a person subject to these paragraphs, grant a variance from one or more specific provision of those paragraphs in accordance with this subsection.

(2) In granting a variance, the Department may impose specific conditions reasonably necessary to assure that the subject activity results in a level of protection of the environment and public health equivalent to that which would have resulted from compliance with the suspended provisions. Any variance granted under this section will be at least as stringent as the requirements of section 3010 of the RCRA (42 U.S.C.A. § 6930) and regulations adopted thereunder.

**CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS**

**Subchapter A. GENERAL**

**§ 287.1. Definitions.**

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Unconfined aquifer*—An aquifer in which the uppermost surface is at atmospheric pressure.

*Used or reused*—A material that meets one of the following conditions:

(i) The material is employed as an ingredient, including use as an intermediate, in an industrial process to make a product. A material will not satisfy this condition if distinct components of the material are recovered as separate end products, as when metals are recovered from metal-containing secondary materials.

(ii) That material is employed in a particular function or application as an effective substitute for a commercial product.

\* \* \* \* \*

*Waste oil*—One of the following:

(i) Oil refined from crude oil or synthetically produced, used and, as a result of the use, contaminated by physical or chemical impurities.

(ii) A liquid, petroleum-based or synthetic oil, refined from petroleum stocks or synthetically produced which is used in an internal combustion engine as an engine lubricant, or as a product used for lubricating motor vehicle transmissions, gears or axles which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

\* \* \* \* \*

**Subchapter B. DUTIES OF GENERATORS**

**§ 287.51. Scope.**

(a) A person or municipality that generates more than an average of 2,200 pounds of residual waste per generating location per month based on generation in the previous year shall comply with the biennial report and source reduction strategy requirements under §§ 287.52 and 287.53 (relating to biennial report; and source reduction strategy).

(b) A person or municipality that generates more than 2,200 pounds of residual waste per generating location in any single month in the previous year shall comply with § 287.54 (relating to chemical analysis of waste). The Department may waive or modify this requirement for individual types of waste that are generated in quantities of less than 2,200 pounds per month per generating location.

(c) Sections 287.52—287.54 (relating to biennial report; source reduction strategy; and chemical analysis of waste) do not apply to the following:

(1) Persons or municipalities that generate residual waste as a result of collecting the waste, including the collection of parts, machinery, vehicles and appliances from the repair or replacement of the parts, machinery, vehicles and appliances.

(2) Persons or municipalities that create waste from a spill, release, fire, accident or other unplanned event.

(3) Persons or municipalities that generate oil that has been used in an internal combustion engine as an engine lubricant, or as a product for lubricating motor vehicle transmissions, gears or axles which, through use, storage or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

**§ 287.102. Permit-by-rule.**

\* \* \* \* \*

(d) *Incinerator*. A residual waste incinerator located at the generation site shall be deemed to have a residual waste permit under this article if, in addition to the requirements of subsection (a), it processes waste that is generated solely by the operator, processing occurs at the same production facility where some or all of the waste is generated and it meets one of the following:

(1) The facility is not required to obtain a permit under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the regulations promulgated thereunder.

(2) The facility has a capacity of less than 500 pounds per hour and is permitted under the Air Pollution Control Act.

(3) The operator submits a written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.

(e) *Beneficial use*. The beneficial use of residual waste which the Department has approved, in writing, prior to July 4, 1992, shall be deemed to have a residual waste processing or disposal permit if the person or municipality uses the residual waste in accordance with the terms and conditions of the written approval and the Department has not revoked the approval. The expiration date for permits issued pursuant to this subsection is July 4, 2002, unless a specific permit term is written as a condition of the prior written approval.

(f) *Mechanical processing facility.* A facility for the processing of residual waste only by mechanical or manual sizing or separation for prompt reuse shall be deemed to have a residual waste processing permit-by-rule if it meets the requirements of subsection (a) and submits a written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the waste and the facility. A noncaptive processing facility that separates waste oil and water does not qualify for a permit-by-rule. A facility for the processing of waste tires may be deemed to have a residual waste permit by rule under this paragraph if the following are met in addition to the requirements in this subsection and in subsection (a):

(1) The mechanical or manual sizing or separation is conducted solely for the purpose of remediating an existing tire pile.

(2) The mechanical or manual sizing or separation is part of a remediation plan that has been approved by the Department.

(3) No additional tires are brought to the site.

(4) The processed tires are promptly removed for offsite reuse or disposal.

(g) *Container processing facility.* A facility that processes, by cleaning or rinsing, empty containers for refill and reuse shall be deemed to have a residual waste processing permit if the containers are reused for their originally intended purpose, the facility meets the requirements of subsection (a), any rinsate or containers not reused are managed in accordance with the applicable waste management regulations and the operator of the facility submits written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the waste and the facility.

(h) *Empty drum reconditioning.* A facility that processes, by cleaning or rinsing, empty drums for reconditioning and reuse shall be deemed to have a residual waste processing permit-by-rule if it meets the requirements of subsection (a) and submits a written notice to the Department that includes the name, address and the phone number of the facility, the individual responsible for operating the facility and a description of the waste and the facility.

(i) *Temporary storage of residual waste at a hazardous waste transfer facility.* A facility that receives and temporarily stores residual waste at a hazardous waste transfer facility and that facilitates the transportation or transfer of that waste to a processing or disposal facility shall be deemed to have a residual waste processing permit under this article if, in addition to the requirements in subsection (a), the following are met:

(1) The residual waste is stored in accordance with the hazardous waste transfer facility requirements in 40 CFR 263.12 (relating to transfer facility requirements) as incorporated by reference in § 263a.10 (relating to incorporation by reference and scope) and modified in § 263a.12 (relating to transfer facility requirements). The management of residual waste shall be included in the PPC plan submitted under § 263a.12.

(2) Residual waste may not be stored unless there is secondary containment around the containers.

(3) The residual waste remains in its original container and is not mixed with other waste.

(4) The containers that store residual waste are clearly labeled with the words "residual waste."

(5) Residual waste is stored separately from hazardous waste.

(6) Nonputrescible residual waste is stored in accordance with the time periods specified in § 263a.12(1). Putrescible residual waste may not be stored for more than 24 hours.

(7) The bond required under § 263a.32 (relating to bonding) includes coverage for the processing of residual waste.

(8) The operator submits a written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.

**ARTICLE IX. RESIDUAL WASTE MANAGEMENT**

**CHAPTER 298. MANAGEMENT OF WASTE OIL**

**Subch.**

- A. GENERAL
- B. APPLICABILITY
- C. WASTE OIL GENERATORS
- D. WASTE OIL COLLECTION CENTERS AND AGGREGATION POINTS
- E. WASTE OIL TRANSPORTER AND TRANSFER FACILITIES
- F. WASTE OIL PROCESSING/REFINING FACILITIES
- G. WASTE OIL BURNERS WHO BURN OFF-SPECIFICATION WASTE OIL FOR ENERGY RECOVERY
- H. WASTE OIL FUEL MARKETERS

**Subchapter A. GENERAL**

**Sec.**

- 298.1. Definitions.
- 298.2. Scope.

**§ 298.1. Definitions.**

Terms defined in §§ 260a.1 and 260a.10 (relating to incorporation by reference, purpose, scope and applicability; and definitions) that are not defined in § 287.1 (relating to definitions) have the same meanings when used in this chapter. The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Aboveground storage tank*—A tank used to store or process waste oil that is not an underground storage tank.

*Container*—A portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

*Household "do-it-yourselfer" waste oil*—Oil that is derived from households, such as waste oil generated by individuals who generate waste oil through the maintenance of their personal vehicles.

*Household "do-it-yourselfer" waste oil generator*—An individual who generates household "do-it-yourselfer" waste oil.

*Petroleum refining facility*—An establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes—for example, facilities classified as SIC 2911.

*Rerefining distillation bottoms*—The heavy fraction produced by vacuum distillation of filtered and dehydrated waste oil. The composition of still bottoms varies with column operation and feedstock.

*Tank*—A stationary device, designed to contain an accumulation of waste oil which is constructed primarily of nonearthen or nonwooden materials—for example, concrete, steel, plastic—which provides structural support.

*Underground storage tank*—An underground storage tank as defined in § 245.1 (relating to definitions).

*Waste oil aggregation point*—A site or facility that accepts, aggregates or stores waste oil collected only from other waste oil generation sites owned or operated by the owner or operator of the aggregation point, from which waste oil is transported to the aggregation point in shipments of no more than 55 gallons. Waste oil aggregation points may also accept waste oil from household do-it-yourselfers.

*Waste oil burner*—A facility where waste oil not meeting the specification requirements in § 298.11 (relating to waste oil specifications) is burned for energy recovery in devices identified in § 298.61(a) (relating to restrictions on burning).

*Waste oil collection center*—A site or facility that is registered, licensed, permitted and accepts, aggregates and stores waste oil collected from waste oil generators regulated under Subchapter C (relating to waste oil generators) who bring waste oil to the collection center in shipments of no more than 55 gallons under § 298.24 (relating to offsite shipments). Waste oil collection centers may also accept waste oil from household do-it-yourselfers.

*Waste oil fuel marketer*—A person who conducts one of the following activities:

- (i) Directs a shipment of off-specification waste oil from the person's facility to a waste oil burner.
- (ii) First claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11.

*Waste oil generator*—A person, by site, whose act or process produces waste oil or whose act first causes waste oil to become subject to this chapter.

*Waste oil processing*—Chemical or physical operations designed to produce from waste oil, or to make waste oil more amenable for production of, fuel oils, lubricants or other waste oil-derived products. Waste oil processing includes: blending waste oil with virgin petroleum products, blending waste oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and rerefining.

*Waste oil processor/rerefiner*—A facility that processes waste oil.

*Waste oil transfer facility*—A transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of waste oil are received or held, or both, during the normal course of transportation.

*Waste oil transporter*—A person who transports waste oil and a person who collects waste oil from more than one generator and transports the collected oil. Transportation may include consolidation or aggregation of loads of waste oil on the vehicle or in transportation containers. Transporters may conduct incidental waste oil separation that occurs in the normal course of waste oil transportation—for example, settling and water separation.

### § 298.2. Scope.

(a) This chapter specifies general procedures and rules for persons or municipalities who generate, manage or handle waste oil that is being recycled.

(b) Waste oil that is being recycled shall be managed in accordance with this chapter.

### Subchapter B. APPLICABILITY

Sec.	
298.10.	Applicability.
298.11.	Waste oil specifications.
298.12.	Prohibitions.

#### § 298.10. Applicability.

(a) *Waste oil*. It is presumed that waste oil is to be recycled unless a waste oil handler disposes of waste oil, or sends waste oil for disposal. Except as provided in § 298.11 (relating to waste oil specifications), this chapter applies to waste oil and to materials identified in this section as being subject to regulation as waste oil whether or not the waste oil or material exhibits any characteristics of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope).

(b) *Mixtures of waste oil and hazardous waste*.

(1) *Listed hazardous waste*.

(i) *Mixtures of waste oil*. Mixtures of waste oil and hazardous waste that are listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope), are subject to regulation as hazardous waste under Chapters 260a–266a and Chapter 270a rather than as waste oil under this chapter.

(ii) *Rebuttable presumption for waste oil*. Waste oil containing more than 1,000 parts per million total halogens is presumed to be a hazardous waste. A person may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, a person may use an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and, therefore, under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1, are excluded from regulation as hazardous waste.

(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in another manner or disposed.

(B) The rebuttable presumption does not apply to waste oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption applies to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(2) *Characteristic hazardous waste*. A mixture of waste oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in 40



CFR Part 261, Subpart C (relating to characteristics of hazardous waste), incorporated by reference in § 261a.1, and mixtures of waste oil and hazardous waste that is listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1, solely because it exhibits one or more of the characteristics of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste), incorporated by reference in § 261a.1, are subject to:

(i) Regulation as hazardous waste under Chapters 260a—270a, rather than as waste oil under this chapter, except as provided in subparagraphs (ii) and (iii).

(ii) Regulation as waste oil under this chapter if the mixture is of waste oil and a waste which is hazardous waste, mixed in accordance with § 270a.60(b)(2) (relating to permit-by-rule) or in accordance with a permitted hazardous waste treatment facility, and if the waste is hazardous solely because it exhibits the toxicity characteristic for benzene, arsenic, cadmium, chromium or lead or ignitability, provided that the resultant mixture does not exhibit any characteristic of hazardous waste identified under 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste) except as specified in subparagraph (iii).

(iii) Regulation as waste oil under this chapter if the mixture is of waste oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability—for example, ignitable-only mineral spirits—if the resultant mixture does not exhibit the characteristic of ignitability under 40 CFR 261.21 (relating to characteristic of ignitability), incorporated by reference at § 261a.1. The hazardous waste, as well as the mixing of waste oil with a waste that is hazardous solely because it exhibits the characteristic of ignitability, shall be managed in accordance with this chapter.

(c) *Materials containing or otherwise contaminated with waste oil.*

(1) Except as provided in paragraph (2), materials containing or otherwise contaminated with waste oil from which the waste oil has been properly drained or removed to the extent possible so that no visible signs of free-flowing oil remain in or on the material:

(i) Are not waste oil and thus not subject to this chapter.

(ii) Are subject to regulation under Articles VII and VIII (relating to hazardous waste management; and municipal waste management) or this article.

(2) Materials containing or otherwise contaminated with waste oil that are burned for energy recovery are subject to regulation as waste oil under this chapter when burned at an industrial furnace or boiler.

(3) Waste oil drained or removed from materials containing or otherwise contaminated with waste oil is subject to regulation as waste oil under this chapter.

(4) Except as provided in paragraph (2) and subsection (f), wastewater contaminated with waste oil is managed under this chapter if it is demonstrated that one of the following applies:

(i) At least 1% of the wastewater is waste oil.

(ii) The wastewater contains marketable quantities of waste oil.

(d) *Mixtures of waste oil with products.*

(1) Except as provided in paragraph (2), mixtures of waste oil and fuels or other fuel products are subject to regulation as waste oil under this chapter.

(2) A mixture of waste oil and diesel fuel mixed onsite by the generator of the waste oil for use in the generator's own vehicles is not subject to this chapter once the waste oil and diesel fuel have been mixed. Prior to mixing, the waste oil is subject to Subchapter C (relating to waste generators).

(e) *Materials derived from waste oil.*

(1) A material reclaimed from waste oil that is used beneficially and is not burned for energy recovery or used in a manner constituting disposal—for example, rerefined lubricants—may not be subject to this title if the Department determines that the material is no longer a waste in accordance with § 287.7 (relating to determination that a material is no longer a waste).

(2) A material produced from waste oil that is burned for energy recovery—for example, waste oil fuels—is subject to regulation as waste oil under this chapter.

(3) Except as provided in paragraph (4), a material derived from waste oil that is disposed or used in a manner constituting disposal is:

(i) Not waste oil and thus is not subject to this chapter.

(ii) A waste subject to regulation under Article VII or this article.

(4) Waste oil rerefining distillation bottoms that are used by the rerefiner as feedstock to manufacture asphalt products are not subject to this chapter.

(f) *Waste oil introduced into crude oil pipelines or a petroleum refining facility.*

(1) Waste oil mixed with crude oil or natural gas liquids—for example, in a production separator or crude oil stock tank—for insertion into a crude oil pipeline is exempt from this chapter. Waste oil is subject to this chapter prior to the mixing of waste oil with crude oil or natural gas liquids.

(2) A mixture of waste oil and crude oil or natural gas liquids containing less than 1% waste oil that is being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking is exempt under this chapter.

(3) Waste oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from this chapter if the waste oil constitutes less than 1% of the crude oil feed to a petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the waste oil is subject to this chapter.

(4) Except as provided in paragraph (5), waste oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from this chapter only if the waste oil meets the specification of § 298.11 (relating to waste oil specifications). Prior to insertion into the petroleum refining facility process, the waste oil is subject to this chapter.

(5) Waste oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from this chapter. This exemption does not extend to waste oil which is intentionally

introduced into a hydrocarbon recovery system—for example, by pouring collected waste oil into the waste water treatment system.

(6) Tank bottoms from stock tanks containing exempt mixtures of waste oil and crude oil or natural gas liquids are exempt from this chapter.

(g) *Waste oil on vessels.* Waste oil produced on vessels from normal shipboard operations is not subject to this chapter until it is transported ashore.

(h) *Waste oil containing PCBs.* In addition to the requirements of this chapter, a marketer and burner of waste oil who markets waste oil containing a quantifiable level of PCBs is subject to 40 CFR 761.20(e) (relating to prohibitions and exceptions).

#### § 298.11. Waste oil specifications.

(a) Waste oil, and any fuel produced from waste oil by waste oil processing, blending or other treatment, to be burned for energy recovery either under this chapter or as specification fuel oil shall have at least 8,000 Btus per pound.

(b) Waste oil burned for energy recovery and fuel produced from waste oil by waste oil processing, blending or other treatment is subject to this chapter unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once waste oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with §§ 298.72—298.74 (relating to on-specification waste oil fuel; notification; and tracking), the waste oil is no longer subject to this chapter. This waste oil is also known as on-specification fuel oil.

**Table 1—Waste Oil Not Exceeding Any Specification Level Is Not Subject To This Chapter When Burned For Energy Recovery.<sup>1</sup>**

Constituent/Property	Allowable Levels
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100°F minimum
Total halogens	1,000 ppm maximum for residential and commercial uses and 4,000 maximum for industrial uses.

<sup>1</sup> The specifications do not apply to mixtures of waste oil and hazardous waste that continue to be regulated as hazardous waste (see § 298.10(b) (relating to applicability)).

#### § 298.12. Prohibitions.

(a) *Surface impoundment prohibition.* Waste oil may not be managed in surface impoundments or waste piles unless the units are subject to Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Use as a dust suppressant.* The use of waste oil as a dust suppressant is prohibited.

(c) *Burning in particular units.* Off-specification waste oil fuel may be burned for energy recovery in only the following devices:

(1) An industrial furnace identified in 40 CFR 260.10 (relating to definitions), incorporated by reference in § 260a.1 (relating to incorporation by reference, purpose, scope and applicability).

(2) A boiler, as defined in 40 CFR 260.10, incorporated by reference in § 260a.1, that is identified as one of the following:

(i) An industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

(ii) A utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(iii) A waste oil-fired space heaters if the burner meets the provisions of § 298.23 (relating to onsite burning in space heaters).

(3) A hazardous waste incinerator subject to 40 CFR Part 264, Subpart O (relating to incinerators), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), or Chapter 265a.

#### Subchapter C. WASTE OIL GENERATORS

Sec.	
298.20.	Applicability.
298.21.	Hazardous waste mixing.
298.22.	Waste oil storage.
298.23.	Onsite burning in space heaters.
298.24.	Offsite shipments.
298.25.	Source reduction strategy.
298.26.	Biennial report.

#### § 298.20. Applicability.

(a) *General.* Except as provided in paragraphs (1)—(4), this subchapter applies to a waste oil generator. A waste oil generator is a person, by site, whose act or process produces waste oil or whose act first causes waste oil to become subject to regulation.

(1) *Household “do-it-yourselfer” waste oil generators.* A household “do-it yourselfer” waste oil generator is not subject to this chapter.

(2) *Vessels.* A vessel at sea or at port is not subject to this subchapter. For purposes of this subchapter, waste oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person removing or accepting waste oil from the vessel are cogenerators of the waste oil and are both responsible for managing the waste in compliance with this subchapter once the waste oil is transported ashore. The cogenerators may decide among them which party will fulfill the requirements of this subchapter.

(3) *Diesel fuel.* A mixture of waste oil and diesel fuel mixed by the generator of the waste oil for use in the generator’s own vehicles is not subject to this chapter once the waste oil and diesel fuel have been mixed. Prior to mixing, the waste oil fuel is subject to this subchapter.

(4) *Farmers.* A farmer who generates an average of 25 gallons per month or less of waste oil from vehicles or machinery used on the farm in a calendar year is not subject to this chapter.

(b) *Other applicable provisions.* A waste oil generator who conducts the following activities is subject to the requirements of other applicable provisions of this chapter and other chapters as indicated in paragraphs (1)—(8):

(1) A waste oil generator who transports waste oil, except under the self-transport provisions of § 298.24(1) and (2) (relating to offsite shipments), shall also comply with Subchapter E (relating to waste oil transporter and transfer facilities).

(2) Except as provided in paragraphs (3) and (4), a waste oil generator who processes or rerefines waste oil shall also comply with Subchapter F (relating to waste oil processing/refining facilities).

(3) A waste oil generator who performs the following activities is deemed to have a solid waste management permit-by-rule for the captive processing of waste oil provided that the waste oil is not being sent offsite to a burner of on-specification or off-specification waste oil fuel and provided that the generator submits a written notice to the Department that includes the name, address and telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility. The Department may require a generator, who is conducting one of the activities in subparagraphs (i)—(iv) under a permit-by-rule, to apply for, and obtain, a permit in accordance with Chapters 287 and 297 (relating to residual waste management—general provisions; incinerators and other processing facilities), or take other appropriate action, when the generator is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(i) Filtering, cleaning or otherwise reconditioning waste oil before it is reused by the generator. The generator shall also meet the following requirements:

(A) Remaining waste is managed under the act.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(ii) Separating waste oil from wastewater generated onsite to make the wastewater acceptable for discharge or shipment offsite. For this activity to be authorized by a permit-by-rule, the generator shall also meet the following requirements:

(A) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(B) The facility has an NPDES permit, if required, and complies with the conditions of that permit.

(C) The facility meets the requirements of 40 CFR 264.11, 264.14, 264.15, 264.73, 264.75 and 264.77 all of which are incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference).

(D) The generator shall maintain, in a readily accessible place at the facility, a copy of a preparedness prevention and contingency (PPC) plan that is consistent with the Department's most recent guidelines for development and implementation of PPC plans.

(iii) Draining or otherwise removing waste oil from materials containing or otherwise contaminated with waste oil to remove excessive oil to the extent possible under § 298.10(c) (relating to applicability). For this activity to be authorized by a permit-by-rule, the generator shall also meet the following requirements:

(A) Waste remaining from the filter process is managed under the act.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(iv) Filtering, separating or otherwise reconditioning waste oil before burning it in a space heater under § 298.23 (relating to onsite burning in space heaters). For this activity to be authorized by a permit-by-rule, the generator shall also meet the following requirements:

(A) Waste remaining from the filter process is managed under the act.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(4) A waste oil generator is not a processor when it is using oil mist collectors to remove small droplets of waste oil from in-plant air to make plant air suitable for continued recirculation. For this exemption to be applicable, the waste oil so generated is not being sent offsite to a burner of on- or off-specification waste oil fuel.

(5) A waste oil generator who burns off-specification waste oil for energy recovery, except under the onsite space heater provisions of § 298.23, shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

(6) A waste oil generator who directs shipments of off-specification waste oil from its facility to a waste oil burner, or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel marketers).

(7) A waste oil generator shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(8) A material managed in accordance with this section and that is not burned for energy recovery or used in a manner constituting disposal may not be subject to regulation under this title if the Department determines that the material is no longer a waste in accordance with § 287.7 (relating to determination that a material is no longer a waste).

(c) *Recordkeeping.* The generator is required to maintain, for 3 years, the following records:

(1) The type of oil used.

(2) A description of the process that generates the waste oil.

(3) A record of the tests used to determine if the waste oil contains more than 1,000 parts per million total halogens.

(4) A record of the information used to rebut the presumption in § 298.10(b)(1)(ii) (relating to applicability) if the waste oil contains more than 1,000 parts per million total halogens.

(5) The type and quantity of any hazardous waste generated and the analyses of hazardous waste characteristics for any mixtures of hazardous waste with waste oil.

**§ 298.21. Hazardous waste mixing.**

(a) A mixture of waste oil and hazardous waste shall be managed in accordance with § 298.10(b) (relating to applicability).

(b) The rebuttable presumption for waste oil of § 298.10(b)(1)(ii) applies to waste oil managed by generators. Under the rebuttable presumption for waste oil of § 298.10(b)(1)(ii), waste oil containing greater than 1,000 parts per million total halogens is presumed to be a hazardous waste and shall be managed as hazardous waste and not as waste oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils/fluids and certain waste oils removed from refrigeration units, as provided for in § 298.10(b)(1)(ii)(A) and (B).

(c) A generator shall perform a hazardous waste determination on any hazardous waste generated prior to mixing with waste oil and on the resultant mixture.

(d) If a generator rebuts the presumption in accordance with § 298.10(b)(1)(ii), the generator shall provide all information used to rebut the presumption to the transporter.

**§ 298.22. Waste oil storage.**

(a) *Storage units.* A waste oil generator may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Condition of units.* A container or aboveground storage tank used to store waste oil at generator facilities shall meet the following requirements:

(1) *Be in good condition.* For example, containers and aboveground storage tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(c) *Labels.*

(1) Except as provided in paragraphs (2) and (3), a container or aboveground storage tank used to store waste oil at generator facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(3) Containers used in transportation may be labeled or marked with the words "used oil," instead of "waste oil," or the words required by a receiving state if the containers and vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/refiner in this Commonwealth in a container used in transportation, paragraph (1) or (2) shall be met.

(4) Fill pipes used to transfer waste oil into underground storage tanks at generator facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001. Fill pipes which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(d) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) and (c) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(e) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(f) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after June 2, 2001, a generator shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and manage properly the released waste oil and other materials.

(4) Repair or replace any leaking waste oil storage containers or tanks prior to returning them to service, if necessary.

(g) *Additional requirements.* In addition to the requirements of this subchapter, a waste oil generator shall maintain, in a readily accessible place at the facility, a copy of a preparedness, prevention and contingency (PPC) plan that is consistent with the Department's most recent guidelines for development and implementation of PPC plans. Waste oil generators are subject to the applicable spill prevention, control and countermeasures (40 CFR Part 112 (relating to oil pollution prevention)) in addition to the requirements of this subchapter. Waste oil generators are also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground storage tanks whether or not the waste oil exhibits any characteristics of hazardous waste.

**§ 298.23. Onsite burning in space heaters.**

A generator is deemed to have a solid waste management permit-by-rule to burn waste oil in waste oil-fired space heaters if the following apply:

(1) The heater burns only waste oil that the owner or operator generates or waste oil received from household do-it-yourselfer waste oil generators.

(2) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour.

(3) The combustion gases from the heater are vented to the ambient air.

**§ 298.24. Offsite shipments.**

Except as provided in paragraphs (1)—(3), a generator shall ensure that waste oil is transported only by transporters who have obtained identification numbers. The generator shall provide the transporter with a certification that, except as provided for in § 298.10(b)(2)(ii) (relating to applicability), its waste oil has not been mixed with a hazardous waste.

(1) *Self-transportation of small amounts to approved collection centers.* Generators may transport, without an

identification number, waste oil that is generated at the generator's site and waste oil collected from household do-it-yourselfers to a waste oil collection center if the following apply:

(i) The generator transports the waste oil in a vehicle owned by the generator or owned by an employee of the generator.

(ii) The generator transports no more than 55 gallons of waste oil at any time.

(iii) The generator transports the waste oil to a waste oil collection center that is one of the following:

(A) Operated in accordance with the requirements of Subchapter D (relating to waste oil collection centers and aggregation points) if the facility is located within this Commonwealth.

(B) Registered, licensed, permitted or recognized by a state/county/municipal government to manage waste oil if the facility is located outside this Commonwealth.

(iv) The generator shall provide the waste oil collection center with a certification that except as provided for in § 298.10(b)(2)(ii), the generator has not mixed its waste oil with hazardous waste.

(2) *Self-transportation of small amounts to aggregation points owned by the generator.* A generator may transport, without an identification number, waste oil that is generated at the generator's site to an aggregation point if the following apply:

(i) The generator transports the waste oil in a vehicle owned by the generator or owned by an employee of the generator.

(ii) The generator transports no more than 55 gallons of waste oil at any time.

(iii) The generator transports the waste oil to an aggregation point that is owned or operated, or both, by the same generator.

(3) *Tolling arrangements.* A waste oil generator may arrange for waste oil to be transported by a transporter without an identification number if the waste oil is reclaimed under a contractual agreement under which reclaimed oil is returned by the waste oil processor/rerefiner to the generator for use as a lubricant, cutting oil or coolant. The contract, known as a tolling arrangement, shall indicate the following:

(i) The type of waste oil and the frequency of shipments.

(ii) The vehicle used to transport the waste oil to the waste oil processing/rerefining facility and to deliver recycled waste oil back to the generator is owned and operated by the waste oil processor/rerefiner.

(iii) Reclaimed oil will be returned to the generator.

**§ 298.25. Source reduction strategy.**

A waste oil generator subject to this subchapter shall prepare a source reduction strategy in accordance with §§ 287.51, 287.53 and 287.54 (relating to scope; source reduction strategy; and chemical analysis of waste).

**§ 298.26. Biennial report.**

By March 1 of each odd numbered year a waste oil generator subject to this subchapter shall file a biennial report with the Department in accordance with §§ 287.51, 287.52 and 287.55 (relating to scope; biennial report; and retained recordkeeping).

**Subchapter D. WASTE OIL COLLECTION CENTERS AND AGGREGATION POINTS**

Sec.

298.30. Waste oil collection centers.

298.31. Waste oil aggregation points owned by the generator.

**§ 298.30. Waste oil collection centers.**

(a) *Applicability.* This section applies to owners or operators of waste oil collection centers. A waste oil collection center is any site or facility that accepts/aggregates and stores waste oil collected from waste oil generators regulated under Subchapter C (relating to waste oil generators) who bring waste oil to the collection center in shipments of no more than 55 gallons under § 298.24(a) (relating to offsite shipments). Waste oil collection centers may also accept waste oil and oil filters from household do-it-yourselfers.

(b) *Permit-by-rule for waste oil collection centers.* For the operation of a waste oil collection center to be deemed to have a permit-by-rule, the owner or operator of a waste oil collection center shall do the following:

(1) Be a state inspection facility, oil retailer, retail service station, a facility owned or operated by a municipality, municipal authority, or state agency, or a facility owned or operated by a nonprofit organization.

(2) Not blend oil for offsite reuse.

(3) Comply with the generator standards in Subchapter C.

(4) Maintain on the premises waste oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of waste oil.

(5) Have collection facilities for the safe and proper disposal of waste oil containers within a very close proximity to the collection tanks.

(6) Not accept water, antifreeze, other residual or hazardous wastes or other contaminants.

(7) Design, construct and operate the facility in a manner to ensure that any hazardous waste generated at the facility is not mixed with the waste oil being collected at the facility.

(8) Have a procedure for ensuring that items in paragraph (6) are not collected at the facility and that if waste oil collected at the facility contains more than 1,000 parts per million total halogens it is due to the household do-it-yourselfer waste oil collected by the facility.

**§ 298.31. Waste oil aggregation points owned by the generator.**

(a) *Applicability.* This section applies to owners or operators of all waste oil aggregation points. A waste oil aggregation point is any site or facility that accepts, aggregates or stores waste oil collected only from other waste oil generation points owned or operated by the owner or operator of the aggregation point, from which waste oil is transported to the aggregation point in shipments of no more than 55 gallons under § 298.24(b) (relating to offsite shipments). Waste oil aggregation points may also accept waste oil from household do-it-yourselfers.

(b) *Permit-by-rule for waste oil aggregation points.* The owner or operator of an aggregation point may operate the aggregation point under a permit-by-rule. The Department may require the owner or operator of an aggregation point operated under a permit-by-rule to

apply for and obtain a permit or take other appropriate action, when the generator is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth. For the operation of a waste oil aggregation point to be authorized by a permit-by-rule, the owner or operator shall:

- (1) Comply with the generator standards in Subchapter C (relating to waste oil generators).
- (2) Maintain on the premises waste oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of waste oil.
- (3) Have within a very close proximity to the collection tanks, collection facilities for the safe and proper disposal of waste oil containers.
- (4) Not accept water, antifreeze, other residual or hazardous wastes or other contaminants.
- (5) Submit a written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.

#### **Subchapter E. WASTE OIL TRANSPORTER AND TRANSFER FACILITIES**

Sec.

- |         |   |
|---------|---|
| 298.40. | Applicability.  |
| 298.41. | Restrictions on transporters and transfer facilities who are not also processors or refiners. |
| 298.42. | Notification.   |
| 298.43. | Waste oil transportation.   |
| 298.44. | Rebuttable presumption for waste oil and flash point screening.                               |
| 298.45. | Waste oil storage at transfer facility.   |
| 298.46. | Tracking.   |
| 298.47. | Management of wastes.   |
| 298.48. | Signs on vehicles.  |

#### **§ 298.40. Applicability.**

(a) *General.* Except as provided in paragraphs (1)—(4), this subchapter applies to all waste oil transporters and transfer facilities.

- (1) This subchapter does not apply to onsite transportation.
- (2) This subchapter does not apply to a generator who transports shipments of waste oil totaling 55 gallons or less from the generator to a waste oil collection center as specified in § 298.24(a) (relating to offsite shipments).
- (3) This subchapter does not apply to a generator who transports shipments of waste oil totaling 55 gallons or less from the generator to a waste oil aggregation point owned or operated by the same generator as specified in § 298.24(b).
- (4) This subchapter does not apply to transportation of waste oil from household do-it-yourselfers to a regulated waste oil generator, collection center, aggregation point, transfer facility, processor/rerefiner or burner subject to this chapter. Except as provided in paragraphs (1)—(3), this subchapter does apply to transportation of collected household do-it-yourselfer waste oil from regulated waste oil generators, collection centers, aggregation points or other facilities where household do-it-yourselfer waste oil is collected.

(b) *Imports and exports.* A transporter who imports waste oil into or exports waste oil out of this Common-

wealth is subject to this subchapter from the time the waste oil enters until the time it exits this Commonwealth.

(c) *Trucks used to transport hazardous waste.* Unless trucks previously used to transport hazardous waste are emptied as described in 40 CFR 261.7 (relating to residues of hazardous waste in empty containers) incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope), and modified in § 261a.7 (relating to residues of hazardous waste in empty containers) prior to transporting waste oil, the waste oil is considered to have been mixed with the hazardous waste and shall be managed as hazardous waste unless, under § 298.10(b)(2) (relating to applicability), the hazardous waste/waste oil mixture is determined not to exhibit the characteristic of ignitability.

(d) *Other applicable provisions.* A waste oil transporter or transfer facility that conducts the following activities is also subject to other applicable provisions of this chapter as indicated in paragraphs (1)—(5):

- (1) A transporter or transfer facility that generates waste oil shall also comply with Subchapter C (relating to waste oil generators).
- (2) A transporter or transfer facility that processes or rerefines waste oil, except as provided in § 298.41 (relating to restrictions on transporters and transfer facilities who are not also processors or rerefiners), shall also comply with Subchapter F (relating to waste oil processing/refining facilities).
- (3) A transporter or transfer facility that burns off-specification waste oil for energy recovery shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).
- (4) A transporter or transfer facility that directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel marketers).
- (5) A transporter or transfer facility shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

#### **§ 298.41. Restrictions on transporters and transfer facilities who are not also processors or rerefiners.**

(a) A waste oil transporter may, at a transfer facility authorized under § 298.45 (relating to waste oil storage at transfer facilities), consolidate or aggregate loads of waste oil for purposes of transportation. Except as provided in subsections (b) and (c), waste oil transporters may not process waste oil unless they also comply with the requirements for processors/rerefiners in Subchapter F (relating to waste oil processing/rerefining facilities).

(b) A transporter or transfer facility may conduct incidental waste oil processing operations that occur in the normal course of waste oil transportation—for example, settling and water separation that occurs in a transport vehicle or in a single consolidation tank—but that are not designed to produce (or make more amenable for production of) waste oil derived products unless they also comply with the processor/rerefiner requirements in Subchapter F.

(c) A transporter or transfer facility managing waste oil that is removed from oil bearing electrical transformers

and turbines and filtered by the transporter in the course of loading or unloading waste oil or at a transfer facility authorized under § 298.45 (relating to waste oil storage at transfer facility) prior to being returned to its original use is not subject to the waste oil processor/rerefiner requirements in Subchapter F.

**§ 298.42. Notification.**

(a) *Identification numbers.* A waste oil transporter or transfer facility shall have an EPA identification number.

(b) *Mechanics of notification.* A waste oil transporter or transfer facility that has not received an identification number may obtain one by notifying the EPA Region III Administrator of its waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12. (To order information for EPA form 8700-12, call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810.)

(2) A letter requesting an identification number. Call RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

- (i) The transporter or transfer facility company name.
- (ii) The owner of the transporter or transfer facility company.
- (iii) The mailing address for the transporter or transfer facility.
- (iv) The name and telephone number for the transporter or transfer facility point of contact.
- (v) The type of transport activity—for example, transport only, transport and transfer facility, transfer facility only.
- (vi) The location of all transfer facilities at which waste oil is stored.
- (vii) The name and telephone number for a contact at each transfer facility.

**§ 298.43. Waste oil transportation.**

(a) *Deliveries.* A waste oil transporter shall deliver all waste oil received to one of the following:

- (1) Another waste oil transporter, if the transporter has obtained an identification number.
- (2) A waste oil processing/rerefining facility who has obtained an identification number.
- (3) An off-specification waste oil burner facility who has obtained an identification number.
- (4) An on-specification waste oil burner facility.
- (5) A waste oil transfer facility that has obtained an identification number.

(b) *Department of Transportation requirements.* A waste oil transporter shall comply with the applicable requirements under the United States Department of Transportation regulations in 49 CFR Parts 171-180. Persons transporting waste oil that meets the definition of a hazardous material in 49 CFR 171.8 (relating to definitions and abbreviations) shall comply with applicable regulations in 49 CFR Parts 171-180.

(c) *Waste oil discharges.*

(1) In the event of a discharge of waste oil during transportation, the transporter shall notify the appropriate Departmental office of emergency response and take appropriate immediate action to protect human health

and the environment—for example, notify local authorities, dike the discharge area— and the like.

(2) If a discharge of waste oil occurs during transportation and the Department determines that immediate removal of the waste oil is necessary to protect human health or the environment, the Department may authorize the removal of the waste oil by transporters who do not have identification numbers.

(3) An air, rail, highway or water transporter who has discharged waste oil shall do the following:

(i) Give notice if required by 49 CFR 171.15 (relating to immediate notice of certain hazardous materials incidents) to the National Response Center (800) 424-8802 or (202) 426-2675).

(ii) Report in writing as required by 49 CFR 171.16 (relating to detailed hazardous materials incident reports) to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(4) A water transporter who has discharged waste oil shall give notice as required by 33 CFR 153.203 (relating to procedure for the notice of discharge).

(5) A transporter shall clean up any waste oil discharge that occurs during transportation or take action as required or approved by the Department so that the waste oil discharge no longer presents a hazard to human health or the environment.

**§ 298.44. Rebuttable presumption for waste oil and flash point screening.**

(a) To ensure that waste oil is not a hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), the waste oil transporter and the transfer facility shall determine whether the total halogen content of waste oil being transported or stored at a transfer facility is above or below 1,000 parts per million. The waste oil transporter shall make the determination at the generator's location, prior to loading on the transportation vehicle. The waste oil transfer facility shall make the determination prior to the unloading of a transportation vehicle at the transfer facility.

(b) The transporter and transfer facility shall make this total halogen determination by:

- (1) Testing the waste oil.
- (2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(c) If the waste oil contains greater than or equal to 1,000 parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). The owner or operator may rebut the presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from SW-846, current edition, to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the

halogenated constituents are from wastes generated by households and therefore under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1 are excluded from regulation as a hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with CFCs removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) The owner or operator of a waste oil transfer facility shall test waste oil for flash point or shall request approval from the Department for an alternative method to screen waste oil for the purposes of detecting adulteration of waste oil and providing a safety measure in determining the potential for a waste oil to initiate a fire during storage and processing.

(e) Records of analyses conducted or information used to comply with subsections (a)–(d) shall be maintained by the transporter and transfer facility for at least 3 years.

#### § 298.45. Waste oil storage at transfer facility.

(a) *Applicability.* This section applies to a waste oil transfer facility. A waste oil transfer facility is a transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of waste oil are received or held during normal course of transportation.

(b) *Permits.*

(1) The owners or operators of a transfer facility shall obtain a permit issued under Chapters 287 and 293 (relating to residual waste management—general provisions; and transfer facilities for residual waste).

(2) A general permit is only available if all of the following are met:

(i) The owner or operator of the waste oil transfer facility is responsible for transporting the waste oil from the generator to the transfer facility or the waste oil is from a household do-it-yourselfer waste oil generator.

(ii) The owner or operator of the waste oil transfer facility only:

(A) Consolidates/aggregates waste oil.

(B) Conducts incidental waste oil processing operations that occur in the normal course of waste oil transportation or in a single consolidation tank.

(3) The owners or operators of a waste oil transfer facility authorized prior to June 2, 2001 by a general permit issued prior to June 2, 2001, may continue to operate the facility under the general permit for the term of the permit. At the end of the permit term, this general permit is not renewable. The owner or operator of the transfer facility may only continue to operate the facility after the term has expired on the general permit if the owner or operator has obtained an individual permit issued under Chapters 287 and 293.

(4) A copy of the protocol for satisfying the requirements of § 298.44 (relating to rebuttable presumption for

waste oil and flashpoint screening) shall be maintained at a facility operating under paragraph (2) or (3).

(c) *Storage units.* The owner or operator of a waste oil transfer facility may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(d) *Condition of units.* A container or aboveground storage tank used to store waste oil at transfer facilities shall meet the following requirements:

(1) *Be in good condition.* For example—containers and aboveground storage tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(e) *Secondary containment for containers.* A container used to store waste oil at transfer facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dikes, berms or retaining walls.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floors, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(f) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(g) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(h) *Labels.*

(1) Except as provided in paragraphs (2) and (3), a container or aboveground tank used to store waste oil at transfer facilities shall be labeled or marked clearly with the words “waste oil” by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words “used oil” on June 2, 2001, shall be labeled or marked with the words “waste oil” by no later than June 2, 2003.

(3) Containers used in transportation may be labeled or marked with the words “used oil,” instead of “waste oil,” or the words required by a receiving state if the containers and vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/re-refiner in this Commonwealth in a container used in transportation, paragraph (1) or (2) shall be met.



(4) Fill pipes used to transfer waste oil into underground storage tanks at transfer facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001. Fill pipes which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(i) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after June 2, 2001, the owner or operator of a transfer facility shall perform the following cleanup steps:

- (1) Stop the release.
- (2) Contain the released waste oil.
- (3) Clean up and manage properly the released waste oil and other materials.
- (4) If necessary, repair or replace any leaking waste oil storage containers or tanks prior to returning them to service.

(j) *Additional requirements.* In addition to the requirements of this subchapter, a waste oil transfer facility is subject to §§ 293.109 and 293.241—293.243. Waste oil transfer facilities are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112 (relating to oil pollution prevention)). In addition to the requirements of this subchapter, a waste oil transfer facility is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground storage tanks whether or not the waste oil exhibits any characteristics of hazardous waste.

**§ 298.46. Tracking.**

(a) *Acceptance.* A waste oil transporter and transfer facility shall keep a record of each waste oil shipment accepted for transport. Records for each shipment shall include the following:

- (1) The name and address of the generator, transporter, transfer facility or processor/rerefiner who provided the waste oil for transport.
- (2) The identification number (if applicable) of the generator, transporter, transfer facility or processor/rerefiner who provided the waste oil for transport.
- (3) The quantity of waste oil accepted.
- (4) The date of acceptance.
- (5) The signature of a representative of the generator, transporter, transfer facility or processor/rerefiner who provided the waste oil for transport, dated upon receipt of the waste oil.

(b) *Deliveries.* A waste oil transporter and transfer facility shall keep a record of each shipment of waste oil that is delivered to another waste oil transporter, or to a waste oil burner, processor/rerefiner, transfer facility or disposal facility. Records of each delivery shall include the following:

- (1) The name and address of the receiving facility or transporter.
- (2) The identification number of the receiving facility or transporter.
- (3) The quantity of waste oil delivered.

- (4) The date of delivery.
- (5) The signature, dated upon receipt of the waste oil, of a representative of the receiving facility or transporter.

(6) An intermediate rail transporter is not required to sign the record of delivery.

(c) *Exports of waste oil.* Waste oil transporters and transfer facilities must maintain the records described in subsection (b)(1)—(4) for each shipment of waste oil exported to a foreign country.

(d) *Record retention.* The records described in subsections (a)—(c) shall be maintained for at least 3 years.

**§ 298.47. Management of wastes.**

A transporter or transfer facility who generates wastes from the storage or transport of waste oil shall manage the wastes as specified in § 298.10(e) (relating to applicability).

**§ 298.48. Signs on vehicles.**

(a) A vehicle that is ordinarily or primarily used for the transportation of waste oil shall bear a sign that meets the following:

- (1) The sign shall include the name and business address of the waste oil transporter that owns the vehicle.
- (2) The sign shall have lettering that is 6 inches in height. The required information shall be clearly visible and easily readable.

(b) Transportation vehicles may be labeled or marked with the words "used oil," instead of "waste oil," or the words required by a receiving state if the vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/rerefiner in this Commonwealth in a transportation vehicle, the following shall be met:

- (1) Except as provided in paragraph (2), the transportation vehicle shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001.
- (2) Transportation vehicles that are marked or labeled "used oil" on December 2, 2001, shall be marked or labeled with the words "waste oil" by no later than June 2, 2003.

**Subchapter F. WASTE OIL PROCESSING/REFINING FACILITIES**

Sec.	
298.50.	Applicability.
298.51.	Notification.
298.52.	General facility standards.
298.53.	Rebuttable presumption for waste oil and flash point screening.
298.54.	Waste oil management.
298.55.	Analysis plan.
298.56.	Tracking.
298.57.	Operating record and reporting.
298.58.	Offsite shipments of waste oil.
298.59.	Management of waste.

**§ 298.50. Applicability.**

(a) *General.* Except as provided in this subsection, this subchapter applies to owners and operators of waste oil processing/rerefining facilities. This subchapter does not apply to:

- (1) A transporter or transfer facility that conducts incidental waste oil processing operations that occur during the normal course of transportation as provided in § 298.41 (relating to restrictions on transporters and transfer facilities who are not also processors or rerefiners).

(2) A burner that conducts incidental waste oil processing operations that occur during the normal course of waste oil management prior to burning as provided in § 298.61(b) (relating to restrictions on burning).

(b) *Other applicable provisions.* A waste oil processor/rerefiner who conducts the following activities is also subject to other applicable provisions of this chapter as indicated in paragraphs (1)—(5).

(1) A processor/rerefiner who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A processors/rerefiner who transports waste oil shall also comply with Subchapter E (relating to waste oil transporter and transfer facilities).

(3) Except as provided in subparagraphs (i) and (ii), a processor/rerefiner who burns off-specification waste oil for energy recovery shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy necessary). A processor/rerefiner burning waste oil for energy recovery under the following conditions is not subject to Subchapter G.

(i) The waste oil is burned in an onsite space heater that meets the requirements of § 298.23 (relating to onsite burning in space heaters).

(ii) The waste oil is burned for purposes of waste oil processing which is considered burning incidentally to waste oil processing.

(4) A processor/rerefiner who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel marketers).

(5) A processor/rerefiner shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(c) *Permits.*

(1) The owner or operator of a waste oil processing facility shall obtain a permit issued under Chapters 287 and 297 (relating to residual waste management—general provisions; and incinerators and other processing facilities).

(2) A general permit is only available for the following types of waste oil processing/rerefining facilities:

(i) A mobile waste oil processor/rerefiner that operates at the site of waste oil generation.

(ii) A waste oil processor/rerefiner that reclaims waste oil under toll arrangements as specified in § 298.24(3) (relating to offsite shipments).

(3) The owner or operator of a facility authorized prior to June 2, 2001, by a waste oil processing/rerefining general permit issued prior to June 2, 2001, may continue to operate its facility under the general permit for the permit term. At the end of the permit term, this general permit is not renewable. The owner or operator of the waste oil processing/rerefining facility after the term has expired on the general permit may only continue to operate the facility if the owner or operator has obtained an individual permit issued under Chapters 287 and 297.

**§ 298.51. Notification.**

(a) *Identification numbers.* A waste oil processor or rerefiner who has not previously obtained an identifica-

tion number shall comply with 40 CFR 264.11 (relating to identification number), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and modified in § 264a.11 (relating to identification number and transporter license) and obtain an EPA identification number.

(b) *Mechanics of notification.* A waste oil processor or rerefiner who has not received an identification number may obtain one by notifying the regional administrator of the waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12 (to obtain EPA form 8700-12, call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810).

(2) A letter requesting an identification number. Call RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

(i) The processor or rerefiner company name.

(ii) The owner of the processor or rerefiner company.

(iii) The mailing address for the processor or rerefiner.

(iv) The name and telephone number for the processor or rerefiner point of contact.

(v) The type of waste oil activity—for example, process only, process and rerefine.

(vi) The location of the processor or rerefiner facility.

**§ 298.52. General facility standards.**

(a) *Preparedness and prevention.* The owner and operator of a waste oil processor or rerefiners facility shall comply with the following requirements:

(1) *Maintenance and operation of facility.* A facility shall be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water which could threaten human health or the environment.

(2) *Required equipment.* A facility shall be equipped with the following, unless none of the hazards posed by waste oil handled at the facility could require a particular kind of equipment specified in subparagraphs (i)—(iv):

(i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.

(ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or State or local emergency response teams.

(iii) A portable fire extinguisher, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas or dry chemicals), spill control equipment and decontamination equipment.

(iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, or automatic sprinklers or water spray systems.

(3) *Testing and maintenance of equipment.* The facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, when required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

(4) *Access to communications or alarm system.*

(i) Whenever waste oil is being poured, mixed, spread or otherwise handled, the personnel involved in the

operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the device is not required in paragraph (2).

(ii) When there is just one employee on the premises while the facility is operating, the employee shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the device is not required in paragraph (2).

(5) *Required aisle space.* The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(6) *Arrangements with local authorities.*

(i) The owner or operator shall attempt to make the following arrangements, as appropriate, for the type of waste oil handled at the facility and the potential need for the services of these organizations:

(A) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of waste oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes.

(B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority.

(C) Agreements with State emergency response teams, emergency response contractors and equipment suppliers.

(ii) Arrangements to familiarize local hospitals with the properties of waste oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

(iii) If State or local authorities decline to enter into these arrangements, the owner or operator shall document the refusal in the operating record.

(b) *Contingency plan and emergency procedures.* Owners and operators of waste oil processing and rerefining facilities shall comply with the following requirements:

(1) *Purpose and implementation of contingency plan.*

(i) Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water.

(ii) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion or release of waste oil which could threaten human health or the environment.

(2) *Content of contingency plan.*

(i) The contingency plan shall describe the actions facility personnel shall take to comply with paragraphs (1) and (6) in response to fires, explosions or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water at the facility.

(ii) If the owner or operator has already complied with 40 CFR Part 264, Subparts C and D (relating to preparedness and prevention; and contingency plan and emergency procedures), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and modified in § 264a.56 (relating to emergency procedures) or has already prepared some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate waste oil management provisions that are sufficient to comply with this chapter.

(iii) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services, under subsection (a)(6).

(iv) The plan shall list names, addresses and the office and home phone numbers of the persons qualified to act as emergency coordinators, as described in paragraph (5), and this list shall be kept up to date. If more than one person is listed, one person shall be named as primary emergency coordinator and the others shall be listed in the order in which they will assume responsibility as alternates.

(v) The plan shall include a list of all emergency equipment at the facility—such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment—if this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(vi) The plan shall include an evacuation plan for facility personnel if there is a possibility that evacuation could be necessary. This plan shall describe signals to be used to begin evacuation, evacuation routes and alternate evacuation routes, in cases where the primary routes could be blocked by releases of waste oil or fires.

(3) *Copies of contingency plan.* A copy of the contingency plan and revisions to the plan shall be:

(i) Maintained at the facility.

(ii) Submitted to all local police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services.

(4) *Amendment of contingency plan.* The contingency plan shall be reviewed and immediately amended, if necessary, whenever:

(i) Applicable regulations are revised.

(ii) The plan fails in an emergency.

(iii) The facility changes in its design, construction, operation, maintenance or other circumstances in a way that materially increases the potential for fires, explosions or releases of waste oil, or changes the response necessary in an emergency.

(iv) The list of emergency coordinators changes.

(v) The list of emergency equipment changes.

(5) *Emergency coordinator.* At all times, there shall be at least one employee either on the facility premises or on call—for example, available to respond to an emergency by reaching the facility within a short period of time—with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, the operations and activities at the

facility, the location and characteristic of waste oil handled, the location of all records within the facility and facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

(6) *Emergency procedures.*

(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the designee when the emergency coordinator is on call, shall immediately do the following:

(A) Activate internal facility alarms or communication systems, if applicable, to notify all facility personnel.

(B) Notify appropriate State or local agencies with designated response roles if their help is needed.

(ii) Whenever there is a release, fire or explosion, the emergency coordinator shall immediately identify the character, exact source, amount and real extent of any released materials. The emergency coordinator may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.

(iii) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment shall consider both direct and indirect effects of the release, fire or explosion—for example, the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions.

(iv) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment, outside the facility, the emergency coordinator shall report the findings as follows:

(A) If the assessment indicated that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify the appropriate Departmental office of emergency response and the appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.

(B) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for the geographical area in the applicable regional contingency plan or the National Response Center (using the 24-hour toll free number (800) 424-8802). The report shall include:

- (1) The name and telephone number of reporter.
- (2) The name and address of the facility.
- (3) The time and type of incident—for example, release or fire.
- (4) The name and quantity of materials involved, to the extent known.
- (5) The extent of injuries, if any.
- (6) The possible hazards to human health, or the environment, outside the facility.
- (v) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or spread to other waste oil or hazardous waste at the facility. These measures shall include, if applicable, stopping processes and operation, collecting and containing released waste oil, and removing or isolating containers.

(vi) If the facility stops operation in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

(vii) Immediately after an emergency, the emergency coordinator shall provide for recycling, storing or disposing of recovered waste oil, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the facility.

(viii) The emergency coordinator shall ensure that, in the affected areas of the facility, the following conditions apply:

(A) No waste or waste oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed.

(B) The emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(C) The owner or operator shall notify the Department and applicable local authorities that the facility is in compliance with clauses (A) and (B) before operations are resumed in the affected areas of the facility.

(ix) The owner or operator shall note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall submit a written report on the incident to the Department. The report shall include the following:

- (A) The name, address and telephone number of the owner or operator.
- (B) The name, address and telephone number of the facility.
- (C) The date, time and type of incident—for example, fire or explosion.
- (D) The name and quantity of materials involved.
- (E) The extent of injuries, if any.
- (F) An assessment of actual or potential hazards to human health or the environment, if applicable.
- (G) An estimated quantity and disposition of recovered material that resulted from the incident.

**§ 298.53. Rebuttable presumption for waste oil and flash point screening.**

(a) To ensure that waste oil managed at a waste oil processing/rerefining facility is not hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), the owner or operator of a waste oil processing/rerefining facility shall determine whether the total halogen content of waste oil managed at the facility is above or below 1,000 parts per million. The waste oil processing/rerefining facility shall make the determination prior to the unloading of a transportation vehicle at the processing/rerefining facility.

(b) The owner or operator shall make this total halogen determination by either:

- (1) Testing the waste oil.
- (2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.
- (c) Waste oil containing more than 1,000 parts per million total halogens, is presumed to be a hazardous

waste because it has been mixed with halogenated hazardous waste listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). Persons may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and therefore under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1 are excluded from regulation as hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with CFCs removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) The owner or operator of a waste oil processing/refining facility shall test waste oil for flash point or shall request approval from the Department for an alternative method to screen waste oil for the purposes of detecting adulteration of waste oil and providing a safety measure in determining the potential for a waste oil to initiate a fire during storage and processing.

#### § 298.54. Waste oil management.

(a) *Management units.* Waste oil processor/rerefiners may not store waste oil in units other than tanks, containers, or units subject to regulation under Chapters 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Condition of units.* A container or aboveground tank used to store or process waste oil at waste oil processing and rerefining facilities shall meet the following conditions:

(1) *Be in good condition.* For example, containers and aboveground storage tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(c) *Secondary containment for containers.* A container used to store or process waste oil at waste oil processing and rerefining facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(d) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(e) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(f) *Labels.*

(1) Except as provided in paragraphs (2) and (3), a container or aboveground tank used to store waste oil at processing and rerefining facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(3) Containers used in transportation may be labeled or marked with the words "used oil," instead of "waste oil," or the words required by a receiving state if the containers and vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/rerefiner in Pennsylvania in a container used in transportation, paragraph (1) or (2) shall be met.

(4) Fill pipes used to transfer waste oil into underground storage tanks at processing or rerefining facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001. Fill pipes which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(g) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after June 2, 2001. An owner or operator shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and properly manage the released waste oil and other materials.

(4) If necessary, repair or replace any leaking waste oil storage containers or tanks prior to returning them to service.

(h) *Closure.*

(1) *Aboveground storage tanks.* The owner and operator who stores or processes waste oil in an aboveground tank shall comply with the following requirements:

(i) At closure of a tank system, the owner or operator shall remove or decontaminate waste oil residues in tanks, contaminated containment system components, contaminated soils and structures and equipment contaminated with waste oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

(ii) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (i)(1)(i), the owner or operator shall close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements that apply to hazardous waste landfills. (See 40 CFR 265.310 (relating to closure and post-closure care), incorporated by reference in § 265a.1 (relating to incorporation by reference, purpose, scope and applicability)).

(2) *Containers.* An owner or operator who store waste oil in containers shall comply with the following requirements:

(i) At closure, containers holding waste oils or residues of waste oil shall be removed from the site.

(ii) The owner or operator shall remove or decontaminate waste oil residues, contaminated containment system components, contaminated soils and structures and equipment contaminated with waste oil, and manage them as hazardous waste, unless the materials are not hazardous waste under Chapter 261a (relating to identification and listing of hazardous waste).

(iii) *Additional requirements.* In addition to the requirements of this subchapter, waste oil processor/rerefiners are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112), 40 CFR Part 264, Subparts C and D (relating to preparedness and prevention; and contingency plan and emergency procedures), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and modified in § 264a.56 (relating to emergency procedures). In addition to the requirements of this subchapter, a waste oil processor/rerefiner is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground storage tanks whether or not the waste oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subchapter.

#### § 298.55. Analysis plan.

The owner or operator of a waste oil processing or rerefining facility shall develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of § 298.53 (relating to rebuttable presumption for waste oil and flashpoint screening) and, if applicable, § 298.72 (relating to on-specification waste oil fuel). The owner or operator shall keep the plan at the facility.

(1) *Rebuttable presumption for waste oil and flash point screening in § 298.53.* At a minimum, the plan shall specify the following:

(i) Whether sample analyses or knowledge of the halogen content of the waste oil will be used to make this determination.

(ii) If sample analyses are used to make this determination:

(A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:

(I) One of the sampling methods in 40 CFR Part 261, Appendix I (relating to representative sampling methods) incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope).

(II) A method shown to be equivalent under 40 CFR 260.20 and 260.21 (relating to general; and petitions for equivalent testing or analytical methods), incorporated by reference in § 260a.1 (relating to incorporated by reference, purpose, scope and applicability).

(B) The frequency of sampling to be performed, and whether the analysis will be performed onsite or offsite.

(C) The methods used to analyze waste oil for the parameters specified in § 298.53.

(iii) The type of information that will be used to determine the halogen content of the waste oil.

(2) *On-specification waste oil fuel in § 298.72.* At a minimum, the plan shall specify the following if § 298.72 applies:

(i) Whether sample analyses or other information will be used to make this determination.

(ii) If sample analyses are used to make this determination:

(A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using one of the following:

(I) One of the sampling methods in 40 CFR Part 261, Appendix I, incorporated by reference in § 261a.1.

(II) A method shown to be equivalent under 40 CFR 260.20 and 260.21 incorporated by reference in § 260a.1.

(B) Whether waste oil will be sampled and analyzed prior to or after any waste oil processing/rerefining.

(C) The frequency of sampling to be performed and whether the analysis will be performed onsite or offsite.

(D) The methods used to analyze waste oil for the parameters specified in § 298.72.

(iii) The type of information that will be used to make the on-specification waste oil fuel determination.

#### § 298.56. Tracking.

(a) *Acceptance.* A waste oil processor/rerefiner shall keep a record of each waste oil shipment accepted for waste oil processing/rerefining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

(1) The name and address of the transporter who delivered the waste oil to the processor/rerefiner.

(2) The name and address of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent for waste oil processing/rerefining.

(3) The identification number of the transporter who delivered the waste oil to the processor/rerefiner.

(4) The identification number (if applicable) of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent for waste oil processing/rerefining.

(5) The quantity of waste oil accepted.

(6) The date of acceptance.

(b) *Delivery.* A waste oil processor/rerefiner shall keep a record of each shipment of waste oil that is shipped to a waste oil burner, processor/rerefiner, transfer facility or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

(1) The name and address of the transporter who delivers the waste oil to the burner, processor/rerefiner, transfer facility or disposal facility.

(2) the name and address of the burner, processor/rerefiner, transfer facility or disposal facility who will receive the waste oil.

(3) The identification number of the transporter who delivers the waste oil to the burner, transfer facility, processor/rerefiner or disposal facility.

(4) The identification number of the burner, processor/rerefiner, transfer facility or disposal facility who will receive the waste oil.

(5) The quantity of waste oil shipped.

(6) The date of shipment.

(c) *Record retention.* The records described in subsections (a) and (b) shall be maintained for at least 3 years.

**§ 298.57. Operating record and reporting.**

(a) *Operating record.*

(1) The owner or operator shall keep a written operating record at the facility.

(2) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(i) Records and results of waste oil analysis performed as described in the analysis plan required under § 298.55 (relating to analysis plan).

(ii) Summary reports and details of all incidents that require implementation of the contingency plan as specified in § 298.52(b) (relating to general facility standards).

(b) *Reporting.* A waste oil processor/rerefiner shall report to the Department in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning waste oil activities during the previous calendar year:

(1) The identification number, name, and address of the processor/rerefiner.

(2) The calendar year covered by the report.

(3) The quantities of waste oil accepted for waste oil processing/rerefining and the manner in which the waste oil is processed/rerefined, including the specific processes employed.

**§ 298.58. Offsite shipments of waste oil.**

A waste oil processor/rerefiner who initiates shipments of waste oil offsite shall ship the waste oil using a waste oil transporter who has obtained an identification number.

**§ 298.59. Management of waste.**

An owner or operator of waste oil processing/rerefining facilities who generates waste from the storage, waste oil processing or rerefining of waste oil shall manage the wastes from its operations as specified in § 298.10(e) (relating to materials derived from waste oil).

**Subchapter G. WASTE OIL BURNERS WHO BURN OFF-SPECIFICATION WASTE OIL FOR ENERGY RECOVERY**

Sec.	
298.60.	Applicability.
298.61.	Restrictions on burning.
298.62.	Notification.
298.63.	Rebuttable presumption for waste oil.
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**§ 298.60. Applicability.**

(a) *General.* This subchapter applies to waste oil burners except as specified in paragraphs (1) and (2). A waste oil burner is a facility where waste oil not meeting the specification requirements in § 298.11 (relating to waste oil specifications) is burned for energy recovery in devices identified in § 298.61(a) (relating to restrictions on burning). A waste oil burner who complies with this subchapter is deemed to have a solid waste permit for the burning of that waste oil. The Department may require a waste oil burner subject to permit-by-rule to apply for, and obtain, an individual or general permit, or take other appropriate action, when the waste oil burner is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth. Facilities burning waste oil for energy recovery under one or more of the following conditions are not subject to this subchapter:

(1) The waste oil is burned by the generator in an onsite space heater under the provisions of § 298.23 (relating to onsite burning in space heaters).

(2) The waste oil is burned by a processor/rerefiner for purposes of processing waste oil which is considered burning incidentally to waste oil processing.

(b) *Other applicable provisions.* A waste oil burner who conducts the following activities is also subject to other applicable provisions of this chapter as follows:

(1) A burner who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A burner who transports waste oil shall also comply with Subchapter E (relating to waste oil transporters and transfer facilities).

(3) Except as provided in § 298.61(b), a burner who processes or rerefines waste oil shall also comply with Subchapter F (relating to waste oil processing/rerefining facilities).

(4) A burner who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 shall also comply with Subchapter H (relating to waste oil fuel marketers).

(5) A burner shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(c) *Specification fuel.* This subchapter does not apply to a person burning waste oil that meets the waste oil fuel specification of § 298.11, if the burner complies with Subchapter H.

**§ 298.61. Restrictions on burning.**

(a) Off-specification waste oil fuel may be burned for energy recovery in only the following devices:

(1) An industrial furnace identified in 40 CFR 260.10 (relating to definitions), incorporated by reference in § 260a.1 (relating to incorporation by reference, purpose, scope and applicability).

(2) A boiler, as defined in 40 CFR 260.10, incorporated by reference in § 260a.1 that is identified as follows:

(i) An industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

(ii) A utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(iii) A waste oil-fired space heater if the burner meets the provisions of § 298.23 (relating to onsite burning in space heaters).

(3) A hazardous waste incinerator subject to 40 CFR Part 264, Subpart O (relating to incinerators), incorporated in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), or 40 CFR Part 265, Subpart O (relating to incinerator), incorporated by reference in § 265a.1 (relating to incorporation by reference, purpose, scope and applicability).

(b) A person burning waste oil in a boiler or industrial furnace specified in paragraph (1) or (2) shall have a plan approval and operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources) from the Bureau of Air Quality, or written approval from the Bureau of Air Quality if the fuel is burned in Allegheny or Philadelphia counties if Allegheny or Philadelphia county is issued first.

(c) Except as provided in subsection (d), a waste oil burner may not process waste oil unless it also complies with the requirements of Subchapter F (relating to waste oil processing/refining facilities).

(d) A waste oil burner may aggregate off-specification waste oil with virgin oil or on-specification waste oil for purposes of burning, but may not aggregate for purposes of producing on-specification waste oil.

#### § 298.62. Notification.

(a) *Identification numbers.* A waste oil burner which has not previously complied with the notification requirements of 40 CFR 264.11 (relating to identification number), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and 40 CFR 265.11 (relating to identification number), incorporated by reference in § 265a.1 (relating to incorporation by reference, purpose, scope and applicability), shall comply with these requirements and obtain an EPA identification number.

(b) *Mechanics of notification.* A waste oil burner who has not received an identification number may obtain one by notifying the regional administrator of their waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12 (to obtain EPA form 8700-12 call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810).

(2) A letter requesting an identification number. A burner may call the RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

- (i) The burner company name.
- (ii) The owner of the burner company.

(iii) The mailing address for the burner.

(iv) The name and telephone number for the burner point of contact.

(v) The type of waste oil activity.

(vi) The location of the burner facility.

#### § 298.63. Rebuttable presumption for waste oil.

(a) To ensure that waste oil managed at a waste oil burner facility is not hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), a waste oil burner shall determine whether the total halogen content of waste oil managed at the facility is above or below 1,000 parts per million.

(b) The waste oil burner shall determine if the waste oil contains above or below 1,000 parts per million total halogens by one of the following:

(1) Testing the waste oil.

(2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(3) If the waste oil has been received from a processor/refiner subject to regulation under Subchapter F (relating to waste oil processing/refining facilities), using information provided by the processor/refiner.

(c) Waste oil containing more than 1,000 parts per million total halogens, is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed under 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). A person may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and, therefore, under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1 are excluded from regulation as hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) *Record retention.* Records of analyses conducted or information used to comply with subsections (a)—(c) shall be maintained by the burner for at least 3 years.



**§ 298.64. Waste oil storage.**

(a) *Storage units.* A waste oil burner may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Condition of units.* Containers and aboveground storage tanks used to store oil at burner facilities shall meet the following conditions:

(1) *Be in good condition.* For example, containers and aboveground storage tanks shall not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(c) *Secondary containment for containers.* A container used to store waste oil at burner facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(d) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(e) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(f) *Labels.*

(1) Except as provided in paragraph (2), a container or aboveground tank used to store waste oil at burner facilities shall be labeled or marked clearly with the words and "waste oil" by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(3) Fill pipes used to transfer waste oil into underground storage tanks at burner facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001. Fill pipes which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(g) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank

facilities and other responsible parties) which has occurred after June 2, 2001, a burner shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and properly manage the released waste oil and other materials.

(4) Repair or replace any leaking waste oil storage containers or tanks prior to returning them to service, if necessary.

(h) In addition to the requirements of this subchapter, a waste oil burner shall maintain, in a readily accessible place at the facility, a copy of a preparedness, prevention and contingency (PPC) plan that is consistent with the Department's most recent guidelines for development and implementation of PPC plans. Waste oil burners are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112 (relating to oil pollution prevention)) in addition to the requirements of this subchapter. A waste oil burner is also subject to the underground storage tank standards for waste oil stored in underground storage tanks in Chapter 245 (relating to administration of the storage tank and spill prevention program) whether or not the waste oil exhibits any characteristics of hazardous waste.

**§ 298.65. Tracking.**

(a) *Acceptance.* A waste oil burner shall keep a record of each waste oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

(1) The name and address of the transporter who delivered the waste oil to the burner.

(2) The name and address of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent to the burner.

(3) The identification number of the transporter who delivered the waste oil to the burner.

(4) The identification number (if applicable) of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent to the burner.

(5) The quantity of waste oil accepted.

(6) The date of acceptance.

(b) *Record retention.* The records described in subsection (a) shall be maintained for at least 3 years.

**§ 298.66. Notices.**

(a) *Certification.* Before a burner accepts the first shipment of off-specification waste oil fuel from a generator, transporter, transfer facility or processor/rerefiner, the burner shall provide to the generator, transporter, transfer facility or processor/rerefiner a one-time written and signed notice certifying the following:

(1) The burner has notified EPA stating the location and general description of its waste oil management activities.

(2) The burner will burn the waste oil only in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).

(b) *Certification retention.* The certification described in subsection (a) shall be maintained for 3 years from the

date the burner last receives shipment of off-specification waste oil from that generator, transporter, transfer facility or processor/rerefiner.

**§ 298.67. Management of waste.**

A burner who generates waste from the storage or burning of waste oil shall manage the waste as specified in § 298.10(e) (relating to applicability).

**Subchapter H. WASTE OIL FUEL MARKETERS**

Sec.

298.70.	Applicability.
298.71.	Prohibitions.
298.72.	On-specification waste oil fuel.
298.73.	Notification.
298.74.	Tracking.
298.75.	Notices.

**§ 298.70. Applicability.**

(a) A person who conducts one of the following activities is subject to the requirements of this subchapter:

(1) Directs a shipment of off-specification waste oil from its facility to a waste oil burner.

(2) First claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications).

(b) The following persons are not marketers subject to this subchapter:

(1) Waste oil generators, waste oil transporters and waste oil transfer facilities who transport waste oil received only from waste oil generators, unless the waste oil generator, waste oil transporter or waste oil transfer facility directs a shipment of off-specification waste oil from its facility to a waste oil burner. However, waste oil processors/rerefiners who burn some waste oil fuel for purposes of waste oil processing are considered to be burning incidentally to waste oil processing. Thus, waste oil generators, waste oil transporters and waste oil transfer facilities who direct shipments of off-specification waste oil to waste oil processors/rerefiners who incidentally burn waste oil are not marketers subject to this subchapter.

(2) Persons who direct shipments of on-specification waste oil and who are not the first person to claim the oil meets the waste oil fuel specifications of § 298.11.

(c) Any person subject to the requirements of this subchapter shall also comply with one of the following:

- (1) Subchapter C (relating to waste oil generators).
- (2) Subchapter E (relating to waste oil transporters and transfer facilities).
- (3) Subchapter F (relating to waste oil processing/rerefining facilities).
- (4) Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

**§ 298.71. Prohibitions.**

A waste oil fuel marketer may initiate a shipment of off-specification waste oil only to a waste oil burner which:

- (1) Has an identification number.
- (2) Burns the waste oil in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).

**§ 298.72. On-specification waste oil fuel.**

(a) *Analysis of waste oil fuel.* A waste oil generator, waste oil transporter, waste oil transfer facility, waste oil

processor/rerefiner or waste oil burner may determine that waste oil that is to be burned for energy recovery meets the fuel specifications of § 298.11 (relating to waste oil specifications) by performing analyses or obtaining copies of analyses or other information documenting that the waste oil fuel meets the specifications.

(b) *Record retention.* A waste oil generator, waste oil transporter, waste oil transfer facility, waste oil processor/rerefiner or waste oil burner who first claims that waste oil that is to be burned for energy recovery meets the specifications for waste oil fuel under § 298.11 shall keep copies of analyses of the waste oil (or other information used to make the determination) for 3 years.

**§ 298.73. Notification.**

(a) *Identification numbers.* A waste oil fuel marketer subject to this subchapter who has not previously obtained an identification number shall comply with these requirements and obtain an EPA identification number.

(b) A marketer who has not received an identification number may obtain one by notifying the EPA Regional Administrator of its waste oil activity by submitting one of the following:

- (1) A completed EPA form 8700-12.
- (2) A letter requesting an identification number. The letter shall include the following information:
  - (i) The marketer company name.
  - (ii) The owner of the marketer.
  - (iii) The mailing address for the marketer.
  - (iv) The name and telephone number for the marketer point of contact.
  - (v) The type of waste oil activity (for example, generator directing shipments of off-specification waste oil to a burner).

**§ 298.74. Tracking.**

(a) *Off-specification waste oil delivery.* A waste oil marketer who directs a shipment of off-specification waste oil to a burner must keep a record of each shipment of waste oil to a burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

- (1) The name and address of the transporter who delivers the waste oil to the burner.
- (2) The name and address of the burner who will receive the waste oil.
- (3) The identification number of the transporter who delivers the waste oil to the burner.
- (4) The identification number of the burner.
- (5) The quantity of waste oil shipped.
- (6) The date of shipment.

(b) *On-specification waste oil delivery.* A generator, transporter, transfer facility, processor/rerefiner or burner who first claims that waste oil that is to be burned for energy recovery meets the fuel specifications under § 298.11 (relating to waste oil specifications) shall keep a record of each shipment of waste oil to the facility to which it delivers the waste oil. Records for each shipment shall include the following information:

- (1) The name and address of the facility receiving the shipment.
- (2) The quantity of waste oil fuel delivered.

(3) The date of shipment or delivery.

(4) A cross reference to the record of waste oil analysis or other information used to make the determination that the oil meets the specification as required under § 298.72(a) (relating to on-specification waste oil fuel).

(c) *Record retention.* The records described in subsections (a) and (b) shall be maintained for at least 3 years.

**§ 298.75. Notices.**

(a) *Certification.* Before a waste oil generator, transporter, transfer facility or processor/rerefiner directs the first shipment of off-specification waste oil fuel to a burner, it shall obtain a one-time written and signed notice from the burner certifying the following:

(1) That the burner has notified EPA stating the location and general description of waste oil management activities.

(2) That the burner will burn the off-specification waste oil only in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).

(b) *Certification retention.* The certification described in subsection (a) shall be maintained for 3 years from the date the last shipment of off-specification waste oil is shipped to the burner.

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