

PENNSYLVANIA BULLETIN

Volume 31

Number 27

Saturday, July 7, 2001 • Harrisburg, Pa.

Pages 3507—3714

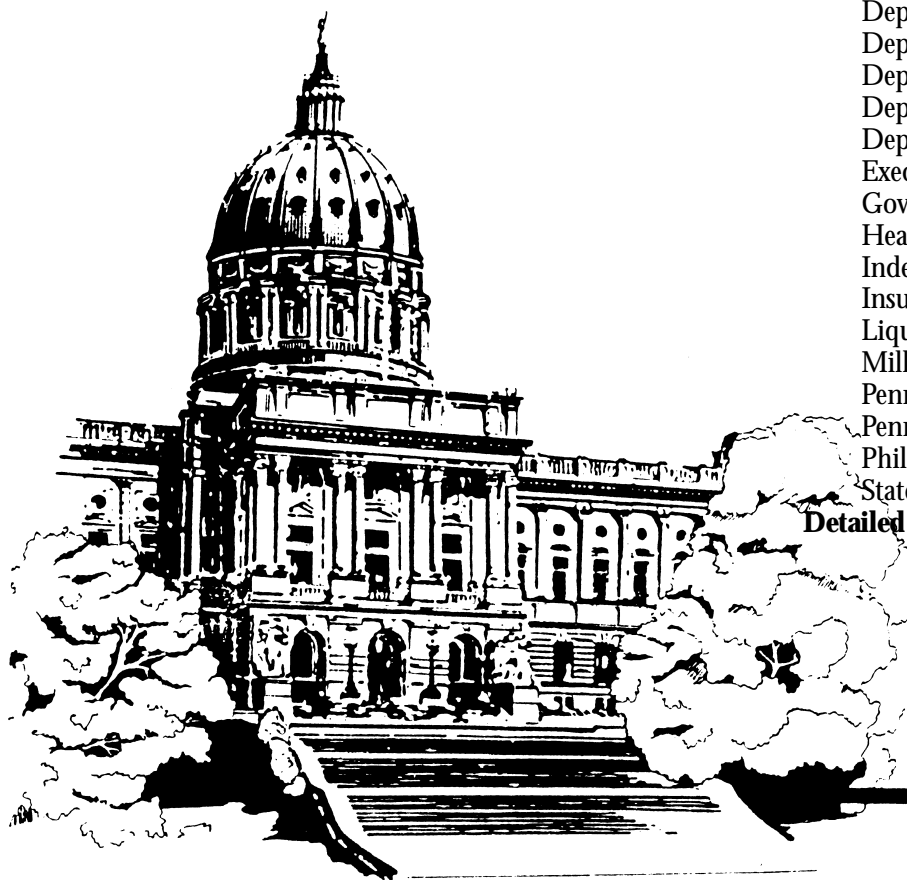
See Part II page 3677 for the
Subject Index for January—June 2001

Part I

Agencies in this issue:

The Governor
The Courts
Commission on Crime and Delinquency
Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
Executive Board
Governor's Office
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Milk Marketing Board
Pennsylvania Emergency Management Agency
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Employees' Retirement Board

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 320, July 2001

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 2001 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

EXECUTIVE ORDER

Economic and community development partnership . 3516

THE COURTS

APPELLATE PROCEDURE

Amendments to Rules of Appellate Procedure—
business of the Superior Court. 3518

LOCAL COURT RULES

Blair County

Local rules of civil procedure regarding custody
cases. 3518

Columbia County

Amendment to local rule 5.08 governing the excep-
tions to the custody hearing officer's report; no.
2001 MV 43. 3518

Montour County

Amendment to local rule 5.08 governing the excep-
tions to the custody hearing officer's report; no.
2001 MV 43. 3518

Northampton County

Rule of civil procedure N216—continuances and
modification of time; C0048CV2001—005012. 3519
Waiver of attendance at omnibus hearing 3519

EXECUTIVE AGENCIES

COMMISSION ON CRIME AND DELINQUENCY

Notices

Drug control and system improvement strategy. 3558

DEPARTMENT OF AGRICULTURE

Notices

Orders of quarantine:
Pine shoot beetle 3558
Plum pox virus; Cumberland County. 3559
Plum pox virus; York County 3560

DEPARTMENT OF BANKING

Notices

Action on applications. 3561

DEPARTMENT OF EDUCATION

Notices

Approved courses of study under New Economy
Technology Scholarship Act; notice of public com-
ment period 3562
Availability of 2001-2002 innovative learning and
workforce development funding for agricultural
program. 3563
Availability of 2001-2002 innovative learning and
workforce development funding for technical pro-
grams. 3563

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices. 3563
Notice of additional public meeting/hearing and
extension of public comment period on draft
antidegradation guidance. 3598

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards. 3673
Design professional selections 3599
State contracts information. 3667

DEPARTMENT OF HEALTH

Notices

Requests for exceptions; long-term care nursing
facilities. 3600

DEPARTMENT OF LABOR AND INDUSTRY

Proposed Rulemaking

Uniform Construction Code training and certifica-
tion for Code administrators. 3543

Notices

Revised Prevailing Wage Act debarment. 3600

DEPARTMENT OF PUBLIC WELFARE

Rules and Regulations

Restitution; appeal and fair hearing and adminis-
trative disqualification hearings; Food Stamp dis-
cretionary provisions 3538

EXECUTIVE BOARD

Statements of Policy

Reorganizations:
Department of Health. 3554
Department of Labor and Industry. 3554
Office of Administration. 3554

GOVERNOR'S OFFICE

Notices

Regulatory agenda 3601

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Meetings scheduled 3646

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission. 3646
Notice of comments issued 3647
Notice of filing of final rulemaking. 3652

INSURANCE DEPARTMENT

Notices

Capital Advantage Insurance Company; request for
individual conversion policy; filing no. CAIC-
2001-3 3652
Capital Advantage Insurance Company; request for
PPO approvals; filing nos. CAIC-2001-1 and
CAIC-2001-2 3652

Now Available Online at <http://www.pabulletin.com>

Capital Blue Cross; Security 65, plans B, C, and H rate increases; filing no. 01-S..... 3653

Highmark Inc. d/b/a Pennsylvania Blue Shield rate filings:

- Ancillary provider agreement; filing no. 200135... 3653
- Freestanding ambulatory surgery facility agreement; filing no. 200130..... 3653
- Freestanding substance abuse provider agreement; filing no. 200131..... 3653
- Home health agency provider agreement; filing no. 200132 3654
- Hospice provider agreement; filing no. 200133 3654
- Skilled nursing facility provider agreement; filing no. 200134 3654

NewAlliance Health Plan; rate filing 3654

Review procedure hearings; cancellation or refusal of insurance 3654

Review procedure hearings under the Unfair Insurance Practices Act 3655

LIQUOR CONTROL BOARD

Notices

- Expiration of leases 3655

MILK MARKETING BOARD

Notices

- Hearing and presubmission schedules:
 - Milk marketing area no. 3..... 3655

- Milk marketing area no. 5..... 3656
- Milk marketing area no. 6..... 3656

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Rules and Regulations

- Local water rationing plans 3534
- Philadelphia drought water emergency plan 3534
- Prohibition of nonessential water uses in a Commonwealth drought emergency area..... 3529
- Reductions of major water uses 3520

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

- Default order..... 3657
- Ratification and adoption of amendments to Part 192 of Title 49 of the Code of Federal Regulations; doc. no. M-00011477 3658
- Service of notice of motor carrier applications..... 3659

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

- Request for bids 3666

STATE EMPLOYEES' RETIREMENT BOARD

Notices

- Hearing scheduled 3666

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)

Adopted Rules

1	1455
6	2546
7	1456, 3516
118	3520
119	3529
119a	3534
120	3534

Proposed Rulemaking

243	1587
245	1587
259	2124

Statements of Policy

9	11, 648, 948, 1862, 2382, 3554
---	--------------------------------

7 Pa. Code (Agriculture)

Adopted Rules

21	1682
130c	1691
137	1701
137a	1701
137b	1701
138g	2110
138i	1729
138j	2116
138k	2110

Statements of Policy

150	2384
-----	------

17 Pa. Code (Conservation and Natural Resources)

Statements of Policy

44	650
----	-----

10 Pa. Code (Banks and Banking)

Proposed Rulemaking

44	1236, 1564
----	------------

22 Pa. Code (Education)

Adopted Rules

14	3021
342	3021
711	3033

Proposed Rulemaking

4	2136
73	2017

25 Pa. Code (Environmental Protection)

Adopted Rules

78	1736
86	145
240	1742
250	235
260a	2873
261a	2873
266a	2873
270a	2873
287	235, 2873
288	235

289	235
291	235
293	235
295	235
297	235
298	2873
299	235
1021	428

Proposed Rulemaking

93	2375
218	943
221	792
227	792
228	792
261a	796
271	796
272	796
901	1233
977 (correction)	158

28 Pa. Code (Health)

Adopted Rules

9	3043
25	2373

Proposed Rulemaking

27	2126, 2271
28	2271
501	2271
701	2124
703	2124

31 Pa. Code (Insurance)

Adopted Rules

3	2000
11	2001
89 (correction)	145
118	3190
147	2002

Proposed Rulemaking

146a	1748, 1858
------	------------

34 Pa. Code (Labor and Industry)

Proposed Rulemaking

65	1564
401	3543

37 Pa. Code (Law)

Adopted Rules

31	1145
33	1145
58	3312
59	3312
199	3191
303	2685

Proposed Rulemaking

91	2476
93	2476
421	788

40 Pa. Code (Liquor)

Adopted Rules

5 430
 7 430
 9 430
 11 430
 13 430

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

3 1225
 9 1744
 11 147, 151, 1154
 39 1362
 40 537
 43b 1227

Proposed Rulemaking

3 (with correction) 2686, 2808
 13 1468
 16 2181
 18 2181
 19 (with correction) 822, 2691, 2808
 21 809
 27 2480
 29 1858
 40 1470, 2379
 41 2380
 47 1571
 48 1571
 49 1571

51 Pa. Code (Public Officers)

Adopted Rules

17 2925
 21 2925

52 Pa. Code (Public Utilities)

Adopted Rules

62 2005
 63 3402
 64 641

Proposed Rulemaking

59 805
 63 809

Statements of Policy

41 2385
 69 951

Proposed Statements of Policy

41 2389
 69 2933

55 Pa. Code (Public Welfare)

Adopted Rules

140 3196
 178 3196
 181 3200
 255 3538
 275 3538
 501 3538

Proposed Rulemaking

3490 2799

58 Pa. Code (Recreation)

Adopted Rules

53 3202
 61 3205

65 1368
 69 3205
 91 3206
 105 3208
 111 1369, 3206
 131 2791
 139 2791, 2793
 141 1370, 2577
 143 1460, 2926
 147 2798, 2926

Proposed Rulemaking

53 1461
 61 1373
 63 3411
 69 1373
 71 3412
 73 3412
 91 1375
 93 1377
 105 1379
 111 1375
 131 1746
 137 1746
 139 1463, 1746, 2806, 2931
 141 2019, 2931
 143 1566
 147 1566, 2806

Statements of Policy

57 3415

61 Pa. Code (Revenue)

Adopted Rules

899 2474

Proposed Rulemaking

71 2582

Statements of Policy

85 2585

201 Pa. Code (Judicial Administration)

Adopted Rules

1 1319
 3 1555

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

71 2788
 82 1319, 3305
 83 2108, 2788
 91 2361

207 Pa. Code (Judicial Conduct)

Adopted Rules

21 2364
 51 1556

210 Pa. Code (Appellate Procedure)

Adopted Rules

3 7, 2469
 9 2469
 11 2469
 13 2469
 17 2469
 19 2469
 25 627, 2469
 35 2108, 3518
 65 2108
 67 1458

Proposed Rulemaking
 31 2470
 37 2470

225 Pa. Code (Rules of Evidence)
Adopted Rules
 Article I..... 1993
 Article IV 1993
 Article V..... 1993
 Article VIII..... 1993, 2788
 Article X..... 1993

Proposed Rulemaking
 Article I..... 405
 Article VII 406
 Article VIII..... 406
 Article IX 407

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 100 137
 200 410, 627, 3184, 3305
 1500 629
 1910 3306
 1930 3306
 2120 137
 2150 137
 2170 137
 2220 3184
 Part II 7

Proposed Rulemaking
 200 411, 415
 1000 411, 415
 1300 2364, 2669
 1910 1843
 1930 1843
 2170 2365
 2950 2669
 3000 416, 2669

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 1 3310

Proposed Rulemaking
 5 2549, 2554
 11 2549

237 Pa. Code (Juvenile Rules)
 Unclassified 630

246 Pa. Code (Minor Court Rules)
Adopted Rules
 100 1556
 300 926

Proposed Rulemaking
 200 1319
 300 1319
 400 1319, 2920
 500 1319
 1000 1319

249 Pa. Code (Philadelphia Rules)
 Unclassified 534, 1139, 1223, 1325,
 1677, 1996, 2471, 2921, 3186, 3311

252 Pa. Code (Allegheny County Rules)
 Unclassified 630, 3186

255 Pa. Code (Local Court Rules)
 Unclassified 9, 139, 418, 423, 424,
 534, 535, 536, 638, 639, 640,
 780, 785, 786, 926, 941, 942, 1139,
 1142, 1143, 1223, 1326, 1360, 1458, 1459,
 1557, 1562, 1677, 1678, 1846, 1855, 1856, 1857,
 1996, 1999, 2270, 2366, 2369, 2370, 2472, 2558,
 2567, 2568, 2572, 2575, 2576, 2683, 2789, 2922,
 2923, 3188, 3311, 3518, 3519

THE GOVERNOR

Title 4—ADMINISTRATION

[4 PA. CODE CH. 7]

EXECUTIVE ORDER NO. 2001-4

Economic and Community Development Partnership

June 5, 2001

Whereas, continuing to create and expand opportunities for businesses and communities to succeed and thrive in a global economy is of great importance to Pennsylvanians and is vital to the Commonwealth; and

Whereas, the formation of a public-private partnership to bring business, government, community and economic leaders together is essential to accomplishing this goal; and

Whereas, the Commonwealth, through the Department of Community and Economic Development, mobilized business and government leaders to help shape the Commonwealth's economic development strategies through shared leadership and vision; and

Whereas, the Department's initiatives served as a catalyst to retain and create jobs within the Commonwealth by stimulating the growth of Pennsylvania's businesses and the vitality of its workforce; by understanding customers, businesses and their current and future needs; by creating innovative opportunities for new and expanding markets, technology-related industries, entrepreneurial growth and workforce development, and by promoting Pennsylvania as the best place for businesses to remain; and

Whereas, as a result of these initiatives, among other things, over 500,000 new jobs have been created in the Commonwealth, the Commonwealth's export program has expanded, a proactive strategy designed to retain businesses and encourage their expansion within the Commonwealth has been implemented and the Commonwealth is ranked within America's top 10 fastest growing business environments; and

Whereas, all of these accomplishments were achieved through the public-private partnership created to increase economic and community development for the Commonwealth; and

Whereas, Team Pennsylvania Foundation, a nonprofit corporation was incorporated in 1997, under 15 Pa.C.S. Subpart C (relating to Nonprofit Corporation Law of 1988) as part of the private portion of this partnership in order to assist the Commonwealth in increasing job growth, retention, and creation within Pennsylvania; and

Whereas, to better accomplish its goals and missions, Team Pennsylvania Foundation adopted new by-laws on May 16, 2001, as amended on June 5, 2001; and

Whereas, the goals and mission of the Commonwealth and Team Pennsylvania Foundation to expand markets, retain jobs, and attract business to the Commonwealth are similar in purpose and focus.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby recognize an economic and community development partnership between the Commonwealth and the Team Pennsylvania Foundation.



Governor

Fiscal Note: GOV 01-4. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

**Subchapter Z. ECONOMIC AND COMMUNITY DEVELOPMENT
PARTNERSHIP**

§ 7.361. Purpose.

The purpose of the economic and community development partnership between the Commonwealth and Team Pennsylvania Foundation is to:

- (1) Promote this Commonwealth as a place to grow and expand business.
- (2) Advance customer service and economic development within this Commonwealth at State and local levels.
- (3) Stimulate business growth in this Commonwealth.
- (4) Build the vitality of this Commonwealth's workforce.
- (5) Help create innovative opportunities for this Commonwealth's job creators in this Commonwealth's new economy.

§ 7.362. Cooperation of State agencies.

All agencies under the Governor's jurisdiction shall recognize the Team Pennsylvania Foundation and cooperate with it to the extent permissible under applicable laws, policies and regulations to assist it in the pursuit of its mission of creating and expanding opportunities for businesses and communities to succeed in this Commonwealth.

§ 7.363. Applicability.

This subchapter is intended only to allow Team Pennsylvania Foundation to more effectively carry out its missions and goals and is not intended to create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the Commonwealth, its agencies, its officers, its employees or any other person.

§ 7.364. (Reserved).

§ 7.365. (Reserved).

§ 7.366. (Reserved).

§ 7.367. Rescission.

Executive Order 1987-4 is rescinded.

[Pa.B. Doc. No. 01-1207. Filed for public inspection July 6, 2001, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 35]

Amendments to Rules of Appellate Procedure— Business of the Superior Court

The Superior Court of Pennsylvania has amended procedures concerning the filing of a docketing statement. This policy is reflected in the Pennsylvania Rules of Appellate Procedure—Business of the Superior Court, with the amendment to Rule 3517, appearing in 210 Pa. Code Chapter 35.

This change becomes effective September 4, 2001.

ERNEST GENNACCARO,
Chief Staff Attorney

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 35. BUSINESS OF THE SUPERIOR COURT

APPEALS AND ARGUMENTS LISTS

Rule 3517. Docketing Statement Form.

Whenever a notice of appeal to the Superior Court is filed, the Prothonotary shall send [**counsel for appellant**] a docketing statement form which [**counsel**] shall be [**complete**] **completed** and [**return**] **returned** within ten (10) days in order that the Court shall be able to more efficiently and expeditiously administer the scheduling of argument and submission of cases on appeal. **Failure to file a docketing statement may result in dismissal of the appeal.**

[Pa.B. Doc. No. 01-1208. Filed for public inspection July 6, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Local Rules of Civil Procedure Regarding Custody Cases

Order

Now, this 10th day of May, 2001, in furtherance of this Court's concern for orderly and effective processing of custody cases and in recognition of the need to regularly review and improve the Court's rules of procedure of such cases the following Order is provided:

It Is Hereby Ordered, Directed and Decreed that Rule No. 1915.21(a) (Custody Litigation Process) is revised and changed to provide that:

a) Not later than ten (10) days after the date of service of a custody Order to a party to the action that party may file a request for evidentiary hearing on a form approved and promulgated by the President Judge of the Court which such form shall be available at the Blair County Custody Office.

It Is Further Ordered, Directed and Decreed, that this Order shall become effective on the thirtieth (30) day after the publication of same in the *Pennsylvania Bulletin* as required by the Supreme Court of Pennsylvania.

By the Court

THOMAS G. PEOPLES, Jr.,
President Judge

[Pa.B. Doc. No. 01-1209. Filed for public inspection July 6, 2001, 9:00 a.m.]

COLUMBIA AND MONTOUR COUNTIES

Amendment to Local Rule 5.08 Governing Exceptions to the Custody Hearing Officer's Report; No. 2001 MV 43

Order

And Now, this 20th day of June, 2001, it is hereby *Ordered* that the following amendment to Local Rules of the Court of Common Pleas of Columbia and Montour Counties, 26th Judicial District is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d).

It is further *Ordered* that the District Court Administrator shall file seven (7) certified copies of this rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy with the Domestic Relations Procedural Rules Committee.

It is further ordered that this amendment to the Local Rules shall be kept continuously available for public inspection and copying in the office of prothonotary.

By the Court

SCOTT W. NAUS,
President Judge

*Amendment to Local Rule 5.08 Governing
"Exceptions to the Custody Hearing Officer's Report"*

L.R. No. 5.08

D. In the event exceptions are timely filed, the excepting party shall state in the exceptions whether or not that party objects to the immediate implementation of the interim order pending further court hearing on the matter. If there is no objection, the matter shall proceed to a de novo custody trial in accordance with the local rules.

If there is a timely objection in the exceptions to the immediate implementation of the interim order, custody shall be governed by any prior order then in effect. If there is no such prior order or if such order has been substantially modified in writing or by circumstances, a party may request a hearing regarding the establishment of an interim order pending full de novo hearing.

If a hearing is requested regarding the interim order, the court will forthwith schedule a hearing to establish an appropriate interim order or grant appropriate special relief. If no hearing is requested regarding the interim order, the interim order shall remain in full force and effect until further order of court. The matter shall then proceed to a *de novo* custody trial in accordance with the local rules.

[Pa.B. Doc. No. 01-1210. Filed for public inspection July 6, 2001, 9:00 a.m.]

NORTHAMPTON COUNTY

Rule of Civil Procedure N216—Continuances and Modification of Time; C0048CV2001—005012

Order of Court

And Now, this 15th day of June, 2001, Rule N216, Continuances and Modification of time is adopted effective September 1, 2001. Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy of these rules shall be kept available in the Office of the Clerk of Courts—Civil Division. A copy shall be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N216. Continuances and Modification of Time.

1. (a) Applications for continuances shall be on a form available in the Court Administration Office.

(b)(1) Applications for continuance of the following matters shall be submitted to the President Judge: civil jury trials, and civil non-jury listings.

(2) Applications for continuance of a domestic relations section matter shall be submitted to a domestic relation section judge.

(3) Applications for continuance of a juvenile section matter shall be submitted to a juvenile section judge.

(4) Applications for continuance of any post-trial proceeding shall be submitted to the trial judge.

(5) All other applications for continuances shall be submitted to the judge assigned to hear the matter, if any, or to the motions judge, if there is no assigned judge.

(c) An unopposed application for continuance of a civil jury trial shall be accompanied by a proposed date agreed to by all counsel for attachment of counsel for trial.

2. (a) An application for continuance from a civil jury or non-jury trial list shall be submitted to the Court Calendar Officer in the Court Administration Office prior to submission to the President Judge.

(b) A motion for continuance of a matter from a domestic relations court non-compliance list may be pre-

sented only after a copy of said motion has been given to the Director of Domestic Relations Section at least three days prior to the intended date of presentation. Notice of the time and place of presentation must accompany the copy of the motion.

3. A request for modification of deadlines contained in any pre-trial or status order shall be by petition with notice to all counsel and unrepresented parties. Said requests shall be submitted to the assigned judge, if any, or to the motions judge, if there is no assigned judge.

Comment See also Rules N212A(c) and N212B(c).

[Pa.B. Doc. No. 01-1211. Filed for public inspection July 6, 2001, 9:00 a.m.]

NORTHAMPTON COUNTY

Waiver of Attendance at Omnibus Hearing

Rule N305.102. Waiver of Attendance at Omnibus Hearing.

A defendant shall be present at a hearing on an omnibus pretrial motion unless excused in advance by the court. Attendance will be excused only for compelling reasons and only when defendant has executed a waiver in the following form:

**WAIVER OF CONSTITUTIONAL
RIGHT TO ATTEND HEARING**

I hereby certify

1. The charges pending against me and the maximum possible penalties therefore are:

2. My attorney has filed a pre-trial motion, the purpose of which is:

3. A hearing on the Motion will be held on:

4. I understand that I have a constitutional right to be present at the hearing and to confront the witnesses against me.

5. I understand that by not attending the hearing, I will not be able to aid my lawyer with respect to:

a) factual issues which may arise;

b) whether any witness is making an error in his testimony;

c) how to effectively cross-examine any Commonwealth witness.

6. I voluntarily give up my right to be present for the hearing.

(Attorney)

(Defendant)

(Date)

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 01-1212. Filed for public inspection July 6, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 118]

Reductions of Major Water Uses

The Pennsylvania Emergency Management Agency (PEMA) under the authority contained in section 7313 of the Emergency Management Services Code, 35 Pa.C.S. § 7313 (relating to power to adopt regulations) amends Chapters 118, 119, and 120 (relating to reductions of major water use in a Commonwealth Drought Emergency Area; prohibition of nonessential water uses in a Commonwealth Drought Emergency Area; and local water rationing plans). The amendments to Chapter 118 will make them applicable Statewide, rather than just in the Delaware River Basin. The amendments to Chapter 119 include changes to the definition section and to the list of exceptions to the nonessential water use bans. The provisions of Chapter 119a are eliminated and incorporated into Chapter 119. The amendments to Chapter 120 are primarily procedural. Overall, the amendments will move the Commonwealth toward full-time drought preparedness and management. Implementation of actual emergency provisions of the regulations, including the nonessential water use bans, will only be effective during a declared drought emergency and within the declared emergency area. PEMA adopts these final-form regulations to read as set forth in Annex A. These final-form regulations were previously published as proposed rulemaking at 30 Pa.B. 5735 (November 4, 2000).

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Background and Purpose

The drought experience of 1998-99 offered insight into many ways in which the drought emergency regulations found in Chapters 118—120 have become outdated with the passage of nearly 20 years since they were initially written and nearly 10 years since they were last revised. Technology and social trends have advanced in ways that earlier drafters of the regulations could not have envisioned. As an example, irrigation practices have advanced with new technologies, and it may now be more efficient to irrigate in many cases with automated irrigation systems than to water with a hand-held hose.

Overall, the Commonwealth's experience has also shown the potential for more efficient ways to manage water use during drought emergencies. Experience has shown, for example, that a permanent Commonwealth Drought Coordinator, with authority to approve drought plans prior to a drought, rather than during an emergency, would enable PEMA to focus more closely on drought emergency operations, and at the same time would provide for more meaningful reductions in and more efficient use of available water resources.

The amendments will move the Commonwealth toward full-time drought preparedness and management. Implementation of actual emergency provisions of the regulations, including the nonessential water use bans, will only be effective during a declared drought emergency and within the declared emergency area, as is presently the

case. However, the revised regulations will be effective at all times, rather than only during declared drought emergencies. They will also be effective Statewide, rather than only in the declared emergency area. This will enable the designation of a permanent Commonwealth Drought Coordinator within the Department of Environmental Protection (DEP). The revised regulations will authorize the Commonwealth Drought Coordinator to receive and approve drought management plans on an ongoing basis from water users across the Commonwealth, thus allowing more opportunity to provide education and technical assistance to water users to guide them in the development of their individual drought plans. It will also allow more time for the Commonwealth Drought Coordinator and DEP staff to adequately review plans and to approve them prior to an actual emergency. This is in concert with new provisions in the regulations that require certain classes of water users, such as golf courses, to operate according to an approved water use plan during an emergency.

Drafts of the proposed rulemaking were made available at informational meetings held during April 2000 in Harrisburg, Bethlehem and Pittsburgh. Notices of the meetings and availability of the draft regulations also were published in newspapers of general circulation across the Commonwealth and in the *Pennsylvania Bulletin* with a public comment period that ended April 30, 2000. The public comments received were taken into consideration in the drafting of these final-form drought regulations.

C. Comments

Written comments, suggestions and changes were solicited within a 30-day period after the proposed rulemakings were published in the *Pennsylvania Bulletin*. Comments were received from Representative Russell H. Fairchild, the Philadelphia Suburban Water Company, Reliant Energy Company, the Pennsylvania Landscape and Nursery Association, Carpenter Specialty Alloys, Penreco and the Pennsylvania State University.

Following the close of the public comment period, PEMA received comments from the Independent Regulatory Review Commission (IRRC). The regulations contained in Annex A are responsive to the comments and suggestions received from the commentators and IRRC. For ease of reference, PEMA will address the comments in the order in which the regulatory sections appear in the three different regulatory chapters.

Chapter 118. Reductions Of Major Water Use in a Commonwealth Drought Emergency Area

Section 118.1. Definitions.

Comment: The definition of "Commonwealth Drought Coordinator" should be consistent with the definition of the same term in §§ 119.1 and 120.1 (relating to definitions).

Response: The definition of "Commonwealth Drought Coordinator" has been revised to be consistent in all three sections of the chapters.

Comment: The definition of "consumptive water use" appears to contain a typographical error by including the word "or" in the definition.

Response: The word "or" following the word "used" has been deleted.

Comment: The definition of “designated drought emergency area” should be applied to specific water supplies impacted by a drought and not generically applied to a general region, such as a county. Some water suppliers are impacted significantly by a drought while others are not.

Response: The Governor has historically declared drought emergencies on a county-wide basis. This declaration process has worked very well over the past 20 years for the management of drought emergencies in this Commonwealth. As a result, neither PEMA nor DEP believe there is a need to change this drought declaration process.

Comment: The definition of “public water supply agency” references a statutory standard of “. . . 15 service connections . . .” but §§ 118.2 and 118.4(a)(1) relax the standard to “50 or more connections.” What is the basis for the relaxation? Second, the “50 or more customer connections” standard should be included in the definition of a public water supply agency.

Response: The definitions in Chapters 118, 119 and 120 are consistent. Because the definition needs to be consistent in all three chapters, it is essential that the Chapter 118 definition not be changed to achieve a mere internal consistency within that one chapter. Furthermore, this definition was included in the regulations at the request of the public water supply industry. The “50 or more customer connections” standard has been used by the DEP for the past 20 years because systems with fewer than 50 customer connections generally have operations that are not conducive to the type of drought contingency planning required by these regulations. For these reasons, no changes have been made to this definition.

Section 118.2. Purpose.

Comment: In the last sentence of this section, the phrase “directs by directing” appears to be incorrect.

Response: The words “by directing” have been deleted.

Section 118.4. Contingency plans.

Comment: Subsection (b)(6) requires a plan of action, including “public notice.” Examples of public notice should be included in the regulation.

Response: The subsection has been revised to read “public notice such as newspaper, radio or television notice.”

Comment: Subsection (b)(7) references § 120.9(d). Should it reference 120.9(e)?

Response: The subsection is revised to read “§ 120.9(e).”

Comment: A commentator disagreed with PEMA’s plan to carve out generic special water rationing exemptions for the food and pharmaceutical industries.

Response: The commentator has misconstrued the intent of § 118.4(b). No exemptions are carved out in this section for the food and pharmaceutical industries. Instead, the regulations stipulate that these industries shall be considered by public water supply agencies when they prepare their drought contingency plans. Therefore, no revision is needed for this subsection.

Comment: Subsection (b)(7)(i), as well as § 118.6(a)(1) refer to the “relative impact of water use reductions.” How is this going to be measured?

Response: The word “relative” has been deleted from this subsection because no measurement of the impact of water use reductions will be required.

Comment: Subsection (b)(7)(i)(C), as well as § 118.6(a)(2)(iii) use the phrase “essential public utility services,” which should be defined.

Response: The phrase “essential public utility services” has been replaced with “delivery of electric generation services.”

Section 118.5 Contingency plans—self supplied commercial and industrial users.

Comment: Subsection (a)(1) indicates that a facility shall “develop and adopt” a drought contingency plan. It may be interpreted that “adopt” means to implement. The words “and adopt” should be stricken.

Response: The commentator has misinterpreted the meaning of “adopt.” This subsection only requires that the plan be adopted by some official corporate action before it is submitted to the Commonwealth Drought Coordinator for review. A plan that has been prepared by staff but not formally adopted by a corporation’s managers is not an officially approved and recognized planning document of the corporation.

Comment: In subsection (a)(3), the phrase “a reasonable time” is used. The regulation should specify a time frame or detail the criteria upon which a “reasonable time” will be determined.

Response: The language has been changed to “within the time frame specified in the request.”

Comment: Add a paragraph to § 118.5 that allows the Commonwealth Drought Coordinator to allow continued water withdrawal by those water users that directly impact public health.

Response: Section 118.5 merely requires self-supplied commercial and industrial water users to submit a drought contingency plan to the Commonwealth Drought Coordinator when their water use exceeds 500,000 gallons per day. Because every drought contingency plan must identify actions that a facility can take to achieve a phased reduction of its normal water withdrawal ranging from 5% to 50%, the Commonwealth Drought Coordinator can certainly consider such factors as the facility’s operational impact (such as, electric generation) upon the public’s health and welfare in determining the actual percentage of water use reduction that the facility would have to implement during a drought emergency. Therefore, because the plans provide the Commonwealth Drought Coordinator with a great deal of flexibility in determining the degree of water use reductions, there is no need to identify or establish special exceptions for any particular type of facility in the regulations.

Comment: Section 118.5 should not require contingency plans if a facility can demonstrate that it returns all or a vast majority of the water it withdraws to the water body from which the water was withdrawn.

Response: The purpose of the drought contingency plans is to enable industrial and commercial operations to anticipate measures they could take if they were required to implement water use reductions. Those reductions could be forced upon a facility by its particular water resource conditions, absent any action taken by the Commonwealth Drought Coordinator. For this reason, all self-supplied commercial and industrial water users need to develop a drought contingency plan that can be implemented in response to a wide range of drought conditions or factors. A facility cannot be automatically exempted from the requirements of this subsection simply because it does not consume all of the water that it takes from the environment. Instead, a facility can petition for

either a partial or total exemption from this requirement under § 118.8 (relating to procedures for exemptions or variance from water use reductions by self-supplied industrial or commercial water users).

Comment: Water use reduction plans that are developed by businesses should include the ability to use site-specific hydrogeological data to determine if rationing is necessary.

Response: The regulations clearly permit an industrial water user or business to use its unique hydrogeological conditions at the site of the facility in developing and implementing its drought contingency plan.

Section 118.6. Implementation of reductions by self-supplied industrial and commercial water users.

Comment: This section contains the only provision to consider public health and safety and essential public utility services. It may be more efficient to consider those factors when crafting the drought contingency plans, not when implementing them. Even thinking about a 50% reduction in withdrawals by electric generating facilities is impractical and should not be an issue before the Commonwealth Drought Coordinator during an emergency.

Response: The purpose of the plans is to enable industrial and commercial operations to anticipate measures they could take if they were required to implement reductions. Those reductions could be forced upon them by water resource conditions, absent any action by the Commonwealth Drought Coordinator. The Commonwealth Drought Coordinator will only be making decisions about industrial or commercial reductions after drought conditions have become so extreme as to warrant mandatory water use reductions. Only at the time of the actual drought emergency will the Commonwealth Drought Coordinator be able to consider such factors as the public health and safety in determining the various levels of reductions and the types of industry and commerce to be impacted by his decision. For this reason, electric generating facilities need to develop drought contingency plans in the same manner as other facilities.

Comment: The Commonwealth Drought Coordinator should consider a company's water recycling efforts when making a water rationing decision concerning that company.

Response: Subsection (a)(2) does this.

Section 118.7. Penalties and enforcement.

Comment: IRRC recommended that this section be moved to the end of the chapter.

Response: This section has been moved to the end of the chapter.

Section 118.8. Procedure for exemptions or variances from water use reductions by self-supplied industrial or commercial water users.

Comment: Subsection (c)(3) uses the phrase "a reasonable time," which should be specified or the phrase should be deleted.

Response: The phrase has been deleted.

Comment: Subsection (c)(3) refers to "other appropriate Commonwealth agencies." Those agencies should be specified in the regulations.

Response: We disagree. The appropriate Commonwealth agency or agencies to be consulted will depend upon the circumstances or nature of the water use reductions. It is not appropriate to predetermine which Commonwealth

agencies may need to be consulted in the decisionmaking process. Those decisions must be made at the time of the actual drought emergency.

Comment: Subsection (c)(4) uses the phrase "when possible." What circumstances would prevent the Commonwealth Drought Coordinator from meeting the 7- or 1-day time frames specified?

Response: It is not possible to anticipate all such circumstances. However, circumstances beyond the control of the Commonwealth Drought Coordinator such as illness or hospitalization, unavailability of staff support, telecommunications failures or other types of administrative problems could impact upon the 7- or 1-day time frames.

Comment: Subsection (c)(7) states that PEMA will provide the applicant with an opportunity for a hearing and may appoint an administrative law judge of the Pennsylvania Public Utility Commission (PUC) as hearing examiner. Within what time frame will the hearing be provided, and under what circumstances will PEMA appoint a PUC administrative law judge?

Response: An appeal hearing will be held not later than 7 business days after PEMA has received the appeal request from the water user. It is anticipated that PUC administrative law judges will be used for all of the appeal hearings.

Comment: Subsection (c)(9) should specify the time frame within which PEMA will issue a final decision on the appeal.

Response: PEMA will notify the applicant of its final decision within 2 business days after it has received a written recommendation from the hearing examiner (PUC administrative law judge).

Section 118.9. County drought management task force.

Comment: The right bracket is missing at the end of the deleted text in this section.

Response: This was a typographical error in the proposed rulemaking.

Comment: Subsection (a)(2) could be interpreted to require all officials in each county to serve on their county task forces. This should be clarified.

Response: A new sentence has been added to the subsection which states that each county may determine the number and composition of representatives from the various identified groups that will sit on the county task force.

Comment: Subsection (a)(3) should specify the required time frames for submission of the county task force reports to the Commonwealth Drought Coordinator.

Response: A new sentence has been added to the subsection which states that the county commissioners shall submit a report either monthly or within a shorter time frame as determined by the Commonwealth Drought Coordinator.

Chapter 119. Prohibition Of Nonessential Water Uses in a Commonwealth Drought Emergency Area.

Section 119.1 Definitions.

Comment: The definition of "Commonwealth Drought Coordinator" should be consistent with the definition of the same term in §§ 118.1 and 120.1.

Response: The definition of "Commonwealth Drought Coordinator" has been revised to be consistent in all three sections.

Comment: Under the definition of “athletic field,” what does the term “racing” refer to?

Response: Any type of racing such as automobile or horse racing.

Comment: A definition of “professional landscaper” should be added to this section.

Response: We do not believe that these regulations provide the proper authority for PEMA to establish a professional status for landscapers. As a result, PEMA will not attempt to regulate which persons or businesses may engage in landscaping activities in this Commonwealth.

Section 119.4 Prohibition of nonessential water uses.

Comment: The last sentence of the opening paragraph neither narrows the nonessential water use restrictions, nor clarifies the exceptions. Therefore, the sentence should be deleted.

Response: We disagree. The sentence clarifies the fact that using water under one of the exceptions does not allow the same water to be used for consequential uses. For example, watering shrubs does not allow overspray or runoff to water any surrounding grass. Therefore, a method of watering shrubs must be used that does not result in the watering of grass as a consequence.

Comment: Paragraph (2)(iv)(F) is not related to plan approvals and should be included as a separate paragraph (2)(v), and subsequent paragraphs should be re-numbered.

Response: We agree. The paragraphs have been revised as suggested.

Comment: Paragraph (3)(ii) allows the watering of landscaped areas, trees and shrubs between 5 p.m. and 9 a.m. Water bags, used to water trees, are installed and left in place for several days and would therefore not meet the time-of-day restriction. Has PEMA considered exempting the use of water bags from the time-of-day restriction?

Response: No exemption is required because water bags are an irrigation method that conforms with this paragraph. It is our understanding that water bags empty within 1 to 2 hours after being filled, so they should be filled between 5 p.m. and approximately 7 a.m. to ensure that they are applying water only during the times prescribed in the regulations.

Comment: In paragraph (4), the regulation establishes a time frame for plan approval of “no earlier than 3 years prior to the month of use during an emergency.” How was the 3-year time frame determined?

Response: DEP’s water use managers considered the typical time frame for changing irrigation practices at golf courses and the effort required to update and obtain the Commonwealth Drought Coordinator’s approval of a water use plan. Based upon these factors, the water use managers determined that 3 years was a reasonable time to insure an up-to-date plan without unduly burdening the golf course industry.

Comment: Paragraphs (2)(iv)(D) and (4)(iv) require meter records to be available to representatives of the local law enforcement authority or the Commonwealth Drought Coordinator. It is not clear who is to make the records available.

Response: These regulatory sections have been revised to state that the golf course operator must make the records available.

Comment: Paragraph (4)(vi) allows the watering of heat-sensitive grasses with a hand-held hose with an automatic-shutoff nozzle. Has PEMA considered allowing automated systems if they are timed and supervised?

Response: A primary purpose of the golf course revisions was to eliminate the use of automated systems for daytime syringing of heat-sensitive grasses. The golf course industry advised us that by allowing them to use a specified water allotment during the prescribed hours, such a practice would virtually eliminate the need for further syringing of heat-sensitive grasses.

Comment: Paragraphs (5)(i)—(iv) list exceptions to prohibitions on washing paved surfaces. The regulations should clearly state whether paved surfaces can be washed to meet a permit or other regulatory requirement.

Response: A new subsection has been added to this paragraph which states that water may be used at a minimum rate necessary to comply with a permit or other regulatory requirement.

Comment: Paragraph (7)(i) establishes the same day for citizens with an even or no street address to wash cars. Why have the even and no street addresses been combined?

Response: Because about half of the “no street addresses” would be “even addresses” if they had an address. This means that only the other half of the “no street addresses” will be true additions on the Wednesday car wash day. Since most of these addresses are rural addresses and are less likely to be customers of public water supply systems, there should not be any undue burden to the water supply systems resulting from this combination of even or no street addresses.

Comment: Paragraph (7)(ii) allows commercial car washes to operate. This should be limited to those car washes that recycle water.

Response: Information obtained in prior droughts revealed that most commercial car washes do recycle water. These operations involve people’s livelihoods and one of the primary purposes of these regulations is to protect the welfare and livelihoods of the citizens of this Commonwealth during a drought emergency. Eliminating the exception for those car washes that do not recycle water would simply set the stage for those business owners to request water use variances because of extraordinary hardship to their livelihood. For this reason, the exception will not be limited to only those car washes that recycle water.

Comment: Paragraph (7)(vi) allows professional mobile wash businesses to wash commercial, government or other vehicles as part of normal business practices. Why should government be treated any better than the average citizen?

Response: Government vehicles require periodic washing the same as commercial and other vehicles. For this reason, the phrase “commercial, government or other” has been deleted from the paragraph.

Comment: Paragraph (7)(v)(B) revises the day that car dealers without a street address may wash cars so that they will be allowed to wash on the same day as dealers with an even street address. Why have they been combined?

Response: To provide equal treatment for all commercial car dealers located in the same area.

Section 119.6 Procedure for exemptions or variances from the prohibition of nonessential uses of water.

Comment: The section should clearly state that an exemption applies only until the expiration of the drought emergency and does not apply to future drought emergencies.

Response: PEMA agrees. The section has been revised to state that the water use variance or exemption will expire with the termination of the drought emergency proclamation, unless otherwise specified in the variance or exemption.

Comment: Subsection (b) does not appear to recognize large water supply systems or those with many different sources. Under this subsection, what criteria will be used to determine "the ability of law enforcement agencies locally or throughout the drought emergency area to enforce these or other emergency regulations?"

Response: This subsection was added to the regulations with large water systems in mind because the large systems generally have adequate water sources. However, those large systems also may have service areas so expansive and disjointed that enforcement of the non-essential water use regulations may or may not apply on opposite sides of streets or from one housing development to the next. These situations make enforcement activities difficult for local law enforcement agencies. As a result, law enforcement agencies will be advised to consider the totality and continuity of the public water supply agency's service areas within municipalities or the county. PEMA, DEP and the county emergency management agencies will coordinate law enforcement activities through the operation of the county drought task forces.

Comment: Under subsection (c), what factors will PEMA consider to determine "other personal or economic loss which is substantially more severe than the sacrifices borne by other water users"?

Response: This is the existing language in the regulation and does not represent a change. During past droughts, the Commonwealth Drought Coordinator has considered all of the personal, business or other factors presented by the party seeking the variance or exemption. This process has worked well and neither PEMA nor DEP wants to establish any further criteria in this subsection that might hinder or adversely impact the ability of the Commonwealth Drought Coordinator to deal with the volume of variance or exemption requests received during a drought emergency.

Comment: Subsection (d)(5) states, "When possible . . ." the drought coordinator will provide a decision within certain time frames. What circumstances would prevent the Commonwealth Drought Coordinator from rendering a decision within these time frames?

Response: Circumstances beyond the control of the Commonwealth Drought Coordinator such as illness or hospitalization, unavailability of staff support, telecommunications failures or other types of administrative problems could impact upon the 7- or 1- day time frames.

Chapter 120. Local Water Rationing Plans

Section 120.1 Definitions.

Comment: The definition of "Commonwealth Drought Coordinator" should be consistent with the definition of the same term in §§ 118.1 and 119.1.

Response: The definition of "Commonwealth Drought Coordinator" has been changed to be consistent in all three sections.

Section 120.2 Purpose.

Comment: Chapter 120 applies primarily to water supply agencies and to governing bodies of local governments. This leaves open the possibility that water suppliers and local governments may independently develop and try to implement inconsistent local water rationing plans. No local plan should be developed or implemented that is inconsistent with an approved plan developed by a water supplier.

Response: No local water rationing plan can be approved or implemented without the approval of the Commonwealth Drought Coordinator. It is the Commonwealth Drought Coordinator's responsibility to ensure that all local water rationing plans meet the same planning standards and requirements. Furthermore, a local government would only seek approval for a water rationing plan for an area that is directly served by the municipality. This review process will ensure that all local government water rationing plans are consistent with each other.

Section 120.5 Implementation of plans.

Comment: Subsection (a)(2) references two guidance documents relating to water rationing and states that public water supply agencies "are encouraged to" contact the DEP for assistance in developing a plan. Regulations establish binding norms of general applicability and future effect. The provisions in this paragraph are not mandates. Therefore, paragraph (2) should be deleted.

Response: PEMA disagrees. Regulations may reference guidance documents that are helpful to the regulated community. For this reason, the subsection has been revised to read, "may contact the Department . . ." We believe it is important to provide this source of guidance to the water users. However, we do not want to mandate that they contact the Department if they are capable of developing their plans without further guidance.

Comment: Subsection (d)(1) requires notice in "at least one newspaper serving the area covered by the plan." To insure adequate coverage, the regulation should require the notice to be published in a newspaper of general circulation for the area covered by the plan. Additionally, should the notice also include where the public can review a copy of the plan or how the public can obtain a copy as required by paragraphs (3) and (4)?

Response: We agree with this comment and have revised the subsection accordingly.

Section 120.8 Service interruptions.

Comment: It may not be practical for a water supplier to operate curb stops or install flow restrictors on single user services. Are the provisions of this section intended to apply to individual service connections or to larger portions of a water system?

Response: It is generally intended to apply to "all or part of" the water supply service area, as stated in subsection (b)(1), although the public water supplier is authorized to implement service interruptions as it "deems appropriate."

Section 120.11 Enforcement by political subdivision ordinance.

Comment: Subsection (a)(1), as published in the *Pennsylvania Bulletin*, repeats the phrase "plan has been." This typographical error should be corrected.

Response: The correction has been made.

Section 120.14 Repeal of a plan.

Comment: The title of this section references a "repeal." However, the text of this section references both repeal and amendment. The title should be revised accordingly.

Response: The title to this section has been changed to read "Repeal or amendment of a plan."

Section 120.15 Notification of termination.

Comment: This section should require notices to be published in a newspaper "of general circulation" for the area covered by the plan.

Response: The suggested revision has been made.

*Benefits, Costs and Compliance**Benefits*

These final-form regulations will benefit the public by protecting water resources during a declared drought emergency and will prevent water supply shortages by curtailing nonessential water use. The procedures will be streamlined for adoption of drought contingency plans and local water rationing plans.

The exact fiscal impact of the amendments cannot be calculated. For most affected persons or businesses, the impact will be positive in terms of reducing possible economic hardship. Paperwork will be reduced by the amendments to Chapter 119 by reducing the number of variance applications prepared by individuals, business and industry. Additionally, DEP and PEMA will not have to process as many applications.

The benefits of the amendments in conserving a natural resource are impossible to quantify. Reductions in water use, although inconvenient to many users, will serve to extend available supplies, thus insuring that water is available for public health and safety needs and economic productivity. The availability of existing supplies will be extended by reducing the daily withdrawal of water from sources, providing an opportunity for replenishment over time should there be adequate precipitation. Extending supplies also provides an opportunity for water suppliers to develop alternative sources.

Savings will generally accrue to all the regulated community, to the extent that property and employment is protected by the revisions. These savings will occur in the form of reduced damage to or loss of grass or landscape materials. The revisions have been designed to better protect property, health and employment. Jobs in the golf, landscape/nursery, mobile washing, and food processing and vending industries will be better protected. Athlete safety will be enhanced on athletic fields. Actual or estimated values for these savings, which will only accrue during an actual declared drought emergency, are not available.

Savings may likewise accrue to local governments or school districts, to the extent that they own or maintain athletic fields, golf courses and landscape/nursery materials. Health, safety and employment will be better protected for them also.

Savings will accrue to DEP through reduced time required for processing requests for variances from the nonessential water use bans. The revisions are designed to resolve most of the problems in the current regulations that lead to requests for variances. In the 1999 drought, nearly 250 variance requests were processed, requiring approximately 1 man-hour each.

Compliance Costs

In general, the revisions will not result in additional costs to the regulated community. Exceptions may include

golf course and sand-based athletic field owners. In both of these cases, the revisions will require metering of irrigation water used during drought emergencies, and in the case of golf courses, metering of 5 prior years' irrigation water use will also be required. Meter installation costs for athletic fields should be less than \$250. For golf courses, meter installation should be in the \$700-1,500 range, depending upon the size and type of meters required. Meter reading costs for athletic fields should be minimal. For golf courses, meter reading on a daily basis by grounds keepers should not impose any significant additional costs. Automatic recorders may be installed, if desired, to avoid the need for manual daily reading.

Because the revisions are designed to make the regulations clearer, and many of the compliance problems experienced with the current regulations are being addressed in the revisions, costs to local enforcement agencies should be reduced. Local governments may experience additional costs associated with municipally-owned athletic fields or golf courses, as described above.

The primary cost to DEP will be in staff time to review and approve irrigation plans submitted by approximately 800 golf courses and 50 sand-based athletic fields. Approximately 0.5 to 2.5 hours per plan may be required for review and approval. This represents a one-time resource commitment of up to 2,000 man-hours. Semiautomation of the process may reduce this requirement significantly, perhaps to as little as 250-500 man-hours.

Compliance Assistance Plan

The DEP provides guidance, sample plans and technical assistance to public water suppliers for developing drought contingency plans, water rationing plans and water conservation plans and programs. Similar materials will be developed for industrial/commercial water users to aid them in the development of drought contingency plans.

Web-based, self-instructional application forms will be developed for submitting golf course and athletic field drought operations plans, and technical assistance will be provided as appropriate.

Paperwork Requirements

Owners of golf courses and sand-based athletic fields will be required to submit a drought operations plan for approval by the Commonwealth Drought Coordinator, prior to irrigation of the facilities within a declared drought emergency area. The final-form regulations will allow submittal and approval of those plans prior to the declaration of an emergency, at the option and advantage of the owner.

During declared drought emergencies only, owners of golf courses and sand-based athletic fields within the declared emergency area will be required to report irrigation usage to the Commonwealth Drought Coordinator, on a monthly basis. Owners of golf courses should also record usage for a 5-year period prior to a drought emergency; this information will be included in their application for approval of a drought operations plan.

Owners of public water supply systems and large self-supplied industrial or commercial water users whose sources or service areas are located within a declared emergency area may be required by the Governor or the Commonwealth Drought Coordinator to submit drought contingency plans, during the declared emergency. The regulations provide for the submittal and approval of the plans prior to an emergency, again at the option and advantage of the owner.

Sunset Review

PEMA will review these regulations on an annual basis to determine whether the regulations effectively fulfill the goals for which they were intended.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 24, 2000, a copy of the proposed rulemaking, published at 30 Pa.B. 5735 was submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, PEMA also provided IRRC and the Committees with copies of the comments received from the public. In preparing these final-form regulations, PEMA has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on June 20, 2001. IRRC met on June 21, 2001 and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

Contact Person

Questions regarding these final-form regulations may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

Findings

PEMA 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 the regulations promulgated thereunder in 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 regulations are necessary and appropriate for the administration of 35 Pa.C.S. §§ 7101—7707 (relating to the Emergency Management Services Code) (code).

Order

PEMA, acting under the authority of the code, orders that:

(a) The regulations of PEMA, 4 Pa. Code Chapters 118—120, are amended by amending §§ 118.1—118.10, 119.1, 119.3, 119.4—119.6, 120.1—120.9, 120.11 and 120.13—120.15; and by deleting §§ 118.7, 119.7, 119a.1—119a.5 and 120.10 to read as set forth in Annex A. (*Editor's Note:* The Annexes for Chapters 119, 119a and 120 appear at 31 Pa.B. 3529 and 3534, respectively.)

(b) PEMA shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) PEMA shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID L. SMITH,
Director

Fiscal Note: Fiscal Note 30-55 remains valid for the final adoption of the subject regulations.

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 3646 (July 7, 2001).)

Annex A**TITLE 4. ADMINISTRATION****PART V. EMERGENCY MANAGEMENT AGENCY****CHAPTER 118. REDUCTIONS OF MAJOR WATER USE IN A COMMONWEALTH DROUGHT EMERGENCY AREA****§ 118.1. Definitions.**

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

Commonwealth Drought Coordinator—An officer of the Department appointed by the Secretary of the Department to carry out responsibilities established in the Pennsylvania Drought Contingency Plan to coordinate Commonwealth planning, preparedness and response action to a drought or water shortage emergency.

Consumptive water—Water that in the process of being used or evaporated, transpired or incorporated into a product.

Department—The Department of Environmental Protection of the Commonwealth.

Designated drought emergency area—The area of this Commonwealth described in the Governor's proclamation or executive order declaring a state of drought or water shortage emergency.

PEMA—The Pennsylvania Emergency Management Agency.

Public water supply agency—A "community water system" as that term is defined in section 3 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.3).

Water user—

(i) An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal, State, county or municipal government.

(ii) The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal, State, county or municipal government.

§ 118.2. Purpose.

This chapter provides for the preparation and implementation of contingency plans by public water supply agencies providing service to 50 or more customer connections, and by major commercial and industrial water users, to reduce water use in response to a state of drought or water shortage emergency within specified areas of this Commonwealth. The objective of this chapter is to conserve water, to balance demand with limited available supplies and to assure that sufficient water is available to serve essential health, safety and economic needs. This chapter is intended to implement the Pennsylvania Drought Contingency Plan, and a Governor's

proclamation of drought emergency or order issued during an emergency by the Commonwealth Drought Coordinator that directs the preparation of contingency plans and implementation of water use reductions.

§ 118.3. Scope.

This chapter applies to all water uses within this Commonwealth.

§ 118.4. Contingency plans—public water supply agencies.

(a) *Preparation and submission.*

(1) Within the time frame specified in the Governor's proclamation of drought emergency or order issued during an emergency by the Commonwealth Drought Coordinator, each public water supply agency which provides service to 50 or more customer connections and which has either a source of water or a service area within the designated drought emergency area shall develop, adopt and submit a drought contingency plan meeting the requirements set forth in this section.

(2) Each public water supply agency shall submit three copies of the drought contingency plan to the Commonwealth Drought Coordinator, for distribution to PEMA, the Department and other interested Commonwealth agencies, including the Pennsylvania Public Utility Commission if applicable. Each public water supply agency shall submit a copy of the drought contingency plan to the counties in which the public water supply agency serves water.

(3) If a public water supply agency has previously prepared and submitted to the Commonwealth Drought Coordinator a drought contingency plan containing the information required by this section and the plan was approved by the Commonwealth Drought Coordinator, or a designee, not more than 3 years prior to the Governor's proclamation of drought emergency, the plan may be deemed to satisfy the requirements of this section; however, the public water supply agency may affirm, modify or amend the plan as it deems appropriate, through submittal of a modified or amended plan to the Commonwealth Drought Coordinator for approval.

(b) *Contents.* Drought contingency plans for public water supply agencies shall, at a minimum, contain the following:

(1) The name, address and telephone number of the public water supply agency, and the names of officers or other persons responsible for directing operations during a drought emergency.

(2) A description of the ground and surface water sources utilized by the system, including all interconnections, and the locations and yields of the sources.

(3) Data indicating the monthly average and peak day rates of withdrawal from each source for each calendar month during the previous calendar year, or most recent 12-month period for which the data is available.

(4) Data indicating the monthly average and peak day rates of water use in the system for each calendar month during the previous calendar year, or the most recent 12-month period for which data is available.

(5) A description of criteria to be used by the agency in identifying the onset of water shortage problems in the system.

(6) A plan of actions which will be taken by the public water supply agency to respond to drought or water shortage conditions, including public notice such as news-

paper, radio or television notice, a water conservation program, development of emergency supplies, and rationing. The plan shall provide for actions to be taken to achieve a phased reduction of total system withdrawal and use.

(7) A procedure for the granting of variances or exemptions to the provisions of a plan to address extraordinary hardships which may exist as a result of a plan, including a provision for appeal as specified in § 120.9(e) (relating to excess use charges). For purposes of this section, "extraordinary hardship" means a permanent damage to property, including perishable raw or processed products, or other personal or economic loss which is substantially more severe than the sacrifices borne by other water users subject to a public water supply agency's drought contingency plan. The procedure shall include, when appropriate, consideration of:

(i) Impact of water use reductions upon:

(A) Public health and safety, including pharmaceutical processes.

(B) Food and raw fiber production, including protection of perishable raw or processed products.

(C) Delivery of electric generation services.

(D) The maintenance of employment.

(ii) The measures and efforts previously undertaken to conserve water or to provide for water storage and releases, and the ability of users to implement additional conservation measures.

(c) *Implementation of contingency plans by public water supply agencies.* Each public water supply agency which has either a source of water or a service area within the designated drought emergency area shall implement its approved drought contingency plan during the effective period of the Governor's proclamation of drought emergency.

§ 118.5. Contingency plans—self supplied commercial and industrial water users.

(a) *Preparation and submission.*

(1) Within the time frame specified in the Governor's proclamation of drought emergency or order issued during an emergency by the Commonwealth Drought Coordinator, the owner or operator of a commercial or industrial facility which withdraws ground or surface water within the designated drought emergency area in excess of an average of 100,000 gallons per day in any 30-day period shall develop and adopt, and have available for inspection at the facility, a drought contingency plan under this section.

(2) Within the time frame specified in the Governor's proclamation of drought emergency or order issued during an emergency by the Commonwealth Drought Coordinator, the owner or operator of a commercial or industrial facility which withdraws ground or surface water within the designated drought emergency area in excess of an average of 500,000 gallons per day in any 30-day period shall develop, adopt and submit a drought contingency plan to the Commonwealth Drought Coordinator.

(3) During the effective period of the Governor's proclamation of drought emergency, the Commonwealth Drought Coordinator may order the owner or operator of any commercial or industrial facility not included in paragraph (2) whose source of water is located within the designated drought emergency area, to develop, adopt and

submit a drought contingency plan to the Commonwealth Drought Coordinator within the time frame specified in the order.

(b) *Contents.* Drought contingency plans for self-supplied commercial and industrial facilities shall, at a minimum, contain the following:

(1) The name, address and telephone number of the owner or operator of the facility and officers or other persons responsible for directing actions undertaken under the drought contingency plan.

(2) A description of the ground and surface water sources utilized by the facility, including interconnections with public water supply agencies, and the locations and yields of those sources.

(3) A description of the processes utilizing water at the facility.

(4) Data regarding the monthly average and peak day rate of total withdrawal and use and the monthly average and peak day rate of consumptive water use, at the facility, during the previous calendar year or most recent 12-month period for which the data is available.

(5) A description of the method, location and rates of waste water disposal from the facility.

(6) A description of measures previously undertaken to conserve water at the facility or to provide for water storage and releases, and potential measures which could be implemented to reduce water use under emergency conditions. The descriptions should include information regarding the impacts of the measures on the production, employment and economics of the facility, including consideration for protection of perishable raw or processed products.

(7) A plan of actions which can be undertaken at the facility in response to drought or water shortage conditions to achieve a phased reduction of total withdrawal and use by amounts of 5%, 15%, 25%, 35% and 50% of the rates of water withdrawal and use existing during nondrought periods.

§ 118.6. Implementation of reductions by self-supplied industrial and commercial water users.

(a) As necessary to respond to drought or water shortage conditions, during the effective period of the Governor's proclamation of drought emergency, the Commonwealth Drought Coordinator may order equitable reductions of water withdrawal and use by self-supplied industrial and commercial facilities within the designated drought emergency area. In determining the amount of equitable reductions, the Commonwealth Drought Coordinator will consider the following, in priority order:

- (1) The relative impact of water use reductions upon:
 - (i) Public health and safety, including pharmaceutical processes.
 - (ii) Food and raw fiber production, including protection of perishable raw or processed products.
 - (iii) Delivery of electric generation services.
 - (iv) Maintenance of employment.

(2) The measures and efforts previously undertaken by self-supplied industrial and commercial facilities to conserve water or to provide for water storage and releases, and the ability of users to implement additional conservation measures.

(b) Each owner or operator of each self-supplied commercial or industrial facility shall implement, under the

contingency plans required under § 118.5 (relating to contingency plans—self supplied commercial and industrial users) measures that are necessary to achieve the withdrawal and use reductions ordered by the Commonwealth Drought Coordinator.

(c) Notice of orders issued by the Commonwealth Drought Coordinator to implement reductions will be provided to affected users by notice published in the *Pennsylvania Bulletin* and in newspapers of general circulation in the affected area and by service of the notice by mail or other means within 48 hours of issuance of the order.

§ 118.7. (Reserved).

§ 118.8. Procedure for exemptions or variance from water use reductions by self-supplied industrial or commercial water users.

(a) If compliance with water use reductions ordered under this chapter would result in extraordinary hardship upon a self-supplied industrial or commercial water user, the water user may apply for an exemption or variance.

(b) For purposes of this section, extraordinary hardship means a permanent damage to property, including perishable raw or processed product, or other personal or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this chapter.

(c) A self-supplied industrial or commercial water user who believes he suffers an extraordinary hardship and desires to be wholly or partially exempt from the reductions ordered under this chapter may apply for an exemption or variance under the following procedures:

(1) The applicant shall submit a written request with full documentation supporting the need for the requested relief to:

Commonwealth Drought Coordinator
c/o Department of Environmental Protection
P. O. Box 8555
Harrisburg, Pennsylvania 17105-8555

(2) The application shall contain information specifying:

(i) The nature of the hardship claimed, and reason for the requested exemption or variance.

(ii) The efforts taken by the applicant to conserve water and the extent to which water use may be reduced by the applicant without extraordinary hardship.

(3) The Commonwealth Drought Coordinator or a designee will review the application in consultation with other appropriate Commonwealth agencies, and may request the applicant to provide additional information as necessary to review the application.

(4) The Commonwealth Drought Coordinator or a designee is authorized to render a decision regarding applications received for exemption or variance. The Commonwealth Drought Coordinator or a designee will provide the applicant notice in writing of the decision and the reasons for the decision. When possible, the Commonwealth Drought Coordinator or a designee will provide a written decision within 7-working days, or if perishable products are involved, within 1-working day of submission of an application or will request additional information as necessary to review the application. When appropriate, the Commonwealth Drought Coordinator may issue a Statewide exemption or variance to similarly situated water users. A notice of the decision will be

published in the *Pennsylvania Bulletin*. Unless appealed under this section, the decision of the Commonwealth Drought Coordinator or a designee shall be considered a final action on the application.

(5) A person aggrieved by a decision of the Commonwealth Drought Coordinator or a designee may, within 30 days of written notice of the decision or publication of notice of the decision in the *Pennsylvania Bulletin*, appeal the decision to PEMA.

(6) An appeal from an initial decision of the Commonwealth Drought Coordinator or a designee will not act as an automatic supersedeas, but, upon cause shown and when the circumstances require it, PEMA will have the power to grant a supersedeas.

(7) When an initial decision is appealed, PEMA will provide the applicant with an opportunity for a hearing not later than 7-business days after PEMA has received the appeal request. PEMA may appoint a hearing examiner who may be an administrative law judge of the Pennsylvania Public Utility Commission. Hearings may be held telephonically.

(8) The hearing examiner will provide the record of the hearing, if any, and a recommendation to PEMA for review and adoption.

(9) PEMA will notify the applicant in writing of its final decision and the reasons for the decision regarding the appeal within 2-business days after PEMA has received a written recommendation from the hearing examiner.

(d) An exemption or variance will be granted only to the extent necessary to relieve extraordinary hardship and will require and be conditioned upon compliance with all reasonable conservation measures required by this chapter or the variance or exemption.

(e) An exemption or variance may be modified or rescinded by the Commonwealth Drought Coordinator if public health, safety and welfare require further reduction in water use.

(f) An exemption or variance granted to a water user for a specific property, purpose or person is not transferable to another property, purpose or person without prior written approval from the Commonwealth Drought Coordinator.

§ 118.9. County drought management task force.

(a) Within the time frame specified in the Governor's proclamation of drought emergency, the county commissioners of all counties located within the designated drought emergency area shall establish a drought management task force within their county.

(1) The county task force shall coordinate and monitor all drought reporting and water conservation measures undertaken within their county as necessary to ensure the provision of safe and reliable drinking water sources.

(2) The county task forces shall be comprised of county emergency management officials, public water supply agency representatives, elected officials, health officials, fire officials, law enforcement officials, affected business and industry representatives, and other interested parties. Each county may determine the number and composition of representatives from each group that will sit on the task force.

(3) The county commissioners will coordinate, and report to the Commonwealth Drought Coordinator on county task force activities to include, but not limited to, public information, planning, water system vulnerabili-

ties, enforcement coordination, fire protection and other areas of public concern. The report shall be submitted either monthly or within a shorter time frame as determined by the Commonwealth Drought Coordinator.

(b) For the duration of the drought emergency, each county drought management task force shall prepare and submit to the Commonwealth Drought Coordinator a monthly report describing the severity and impact of drought conditions. The report is due the first day of each month and shall describe the drought impact on the public, business and industry and the agriculture community. The report will identify steps taken to implement water conservation and public education.

(c) The county drought management task force meetings shall be open to the public and shall comply with state public meeting sunshine requirements.

§ 118.10. Penalties and enforcement.

A person who violates this chapter, fails to carry out duties and responsibilities imposed by this chapter, or impedes or interferes with actions undertaken or ordered under this chapter shall be subject to the penalties under 35 Pa.C.S. § 7707. Violation of any provision of this chapter is a summary offense enforceable by proper law enforcement authorities or private citizens in accordance with Pa.R. Crim.P. Nos. 400—471 and 1000—1013 (relating to summary cases; and rules of criminal procedure for the Municipal Court of Philadelphia).

[Pa.B. Doc. No. 01-1213. Filed for public inspection July 6, 2001, 9:00 a.m.]

[4 PA.CODE CH. 119]

Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency Area

(Editor's Note: For the Preamble which applies to this document see 31 Pa.B. 3520 (July 7, 2001). For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 3646 (July 7, 2001).)

Fiscal Note: Fiscal Note 30-56 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 119. PROHIBITION OF NONESSENTIAL WATER USES IN A COMMONWEALTH DROUGHT EMERGENCY AREA

§ 119.1. Definitions.

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

Any water—Water from any source including publicly or privately owned surface or groundwater sources such as springs, wells, streams, or ponds, including fresh water, brackish water, wastewater and water collected directly from precipitation in rain barrels, cisterns or similar containers.

Arboretum—A place where trees, shrubs and plants are cultivated for scientific and educational purposes.

Athletic field—A surface used for organized professional or amateur sports, including racing, contained within

marked boundary lines or barriers. The term does not include foul, out-of-bounds or out-of-play areas.

Beneficial use—Use of any water that is necessary to serve essential health, safety and economic needs, including the maintenance of human, animal and plant life.

Brackish water—Water containing more than 1,000 parts per million of dissolved salts.

Commonwealth Drought Coordinator—An officer of the Department appointed by the Secretary of the Department, to carry out responsibilities established in the Pennsylvania Drought Contingency Plan to coordinate Commonwealth planning, preparedness and response action to a drought or water shortage emergency.

Department—The Department of Environmental Protection of the Commonwealth.

Designated drought emergency area—The area of this Commonwealth described in the Governor's proclamation or executive order declaring a state of drought or water shortage emergency.

Effective conservation—Use of water at the minimum rate necessary for the intended purpose, in a manner that does not result in the use of water for purposes that are prohibited by this chapter and in a manner that does not allow application or runoff of water onto areas that are prohibited by this chapter.

Fresh water—Water withdrawn from a surface water or groundwater source, or from a public water supply system, located within this Commonwealth other than wastewater or brackish water. The term does not include water collected directly from precipitation in rain barrels, cisterns or similar containers.

Irrigation contractor—A person who is engaged in the business of design, installation or repair of irrigation equipment as a source of income.

Mobile equipment—A public, private or commercial automobile, truck, bus, trailer, cart, wagon, railroad car, camper, boat or other type of similar equipment.

Newly seeded or sodded grass area—A grass area from which all growth was removed or tilled under and to which new seed or sod was applied within the previous 12 months.

Nurseries—Facilities which are used to grow or keep plants, trees, shrubs, vines, bulbs, cuttings, grafts, flowering annual plants, aquatic plants, seeds, turf, grass, sod or tubers for propagation, distribution or sale.

PEMA—The Pennsylvania Emergency Management Agency.

Paved surfaces—Any surface, such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, decks and patios, which has been covered with concrete, asphalt, tile, wood or other similar materials, but not including walls or vertical surfaces of buildings.

Professional landscaper—A person who is engaged in the business of installing or maintaining landscape materials as a full-time job.

Public water supply agency—A "community water system" as that term is defined in section 3 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.3).

Sand-based athletic field—An athletic field with a man-made root zone that contains a minimum of 60% of sand, by weight, in the top 4 to 12 inches of the root zone.

Waste water—Water which has been previously used for industrial, municipal, domestic or other purpose, and has not been returned to a surface water or groundwater source.

Water user—

(i) An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal, State, county or municipal government.

(ii) The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal, State, county or municipal government.

§ 119.3. Scope.

This chapter applies to all water uses within this Commonwealth.

§ 119.4. Prohibition of nonessential water uses.

Whenever the Governor declares by proclamation or executive order a state of drought or water shortage emergency in an area of this Commonwealth, the following water uses shall be deemed nonessential and are prohibited within areas that have been declared to be in a state of drought or water shortage emergency, including within any public water supply agency's service area for which a source of water is located within the designated drought emergency area. Nothing in paragraphs (1)—(4) allows a prohibited use of water as either a direct or indirect effect of the exceptions contained therein.

(1) The use of any water for watering of grass, except:

(i) Water may be applied to grass areas approved prior to or during the emergency as part of a sewage or storm water treatment system utilizing spray irrigation which system was approved in a permit issued by the Department prior to the drought emergency proclamation.

(ii) Water may be used to establish and maintain newly seeded and sodded grass areas when applied between the hours of 5 p.m. and 9 a.m. by means of a bucket, can or hand held hose equipped with an automatic shut-off nozzle, or when applied between the hours of 7 p.m. and 11 p.m. by any other means designed and operated to assure effective conservation.

(iii) Water may be applied by a professional landscaper to establish and maintain newly seeded and sodded grass areas during working hours by any means designed and operated to assure effective conservation.

(iv) Water may be used by professional landscapers or irrigation contractors for the purpose of testing newly installed or repaired irrigation equipment for a period not to exceed 15 minutes per irrigation zone.

(v) Water may be applied for the purpose of grub control one time during the effective period of the Governor's proclamation of drought emergency.

(vi) Water may be used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an erosion and sedimentation control plan adopted under state law or regulation. Revegetation use shall comply with applicable best conservation management practices for revegetation prescribed by the Department and county conservation districts.

(2) The use of any water for watering athletic fields, except:

(i) Water may be applied to athletic field grass areas approved prior to or during the emergency as part of a sewage or stormwater treatment system utilizing spray irrigation, which system was approved in a permit issued by the Department prior to the drought emergency proclamation.

(ii) Water may be applied to maintain grass tennis courts, by means of a bucket, can or hand-held hose equipped with an automatic shutoff nozzle or by means of an irrigation system that is designed and operated to restrict the timing or total volume of water, when applied between the hours of 5 p.m. and 9 a.m. in a manner that ensures effective conservation.

(iii) Water may be applied to athletic field grass areas, other than sand-based athletic field grass areas, by a means and in a manner that ensures effective conservation, between 5 p.m. and 9 a.m. during 1 night per calendar week, beginning 2 weeks prior to use of the athletic field for practice, regular season play or other organized use and continuing through the end of the same practice or regular season or other organized use, in accordance with a schedule that has been submitted, at least 7 days prior to implementation, to the Commonwealth Drought Coordinator, the local law enforcement agency and, if applicable, to the public water supply agency from which the water is obtained.

(iv) Water may be applied to sand-based athletic field grass areas in accordance with a plan approved by the Commonwealth Drought Coordinator. Approval of the plan shall be in accordance with the following:

(A) The quantities of water applied shall be measured by means of a volumetric meter, and reports of weekly total water use shall be submitted electronically to the Commonwealth Drought Coordinator on a monthly basis during the emergency, in a form acceptable to the Commonwealth Drought Coordinator.

(B) Water may be applied at an average daily rate that does not exceed 54,300 gallons per acre per week.

(C) Water shall be applied by a means and in a manner that ensures effective conservation.

(D) All meters and meter records shall be made available by the athletic field operator for inspection by representatives of the local law enforcement agency or of the Commonwealth Drought Coordinator, at all times.

(E) A copy of the approved plan shall be submitted to the local law enforcement agency and, if applicable, to the public water supply agency from which the water is obtained, prior to implementation.

(F) Noncompliance by the water user with any term or condition of the approved plan shall cause the plan to be void, and any further use of water under this exception shall be prohibited.

(V) Water may be applied to establish and maintain newly seeded or sodded grass areas by means and in a manner that ensures effective conservation.

(VI) Water may be applied to athletic field nongrass areas to control dust during an athletic event, by means and in a manner that ensures effective conservation, if dust control is necessary to protect health or safety.

(VII) Water may be used by professional landscapers or irrigation contractors for the purpose of testing newly installed or repaired irrigation equipment for a period not to exceed 15 minutes per irrigation zone.

(3) The use of fresh water for irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants except that fresh water may be:

(i) Used for irrigation for the production of food and fiber, and the maintenance of livestock and poultry.

(ii) Applied by means of a bucket, can, hand-held hose equipped with an automatic shut-off nozzle, or an irrigation system that is designed and operated to restrict the timing or total volume of water and to restrict the application to specific plantings and that ensures effective conservation, when applied between the hours of 5 p.m. and 9 a.m. Sources of water, other than fresh water, shall be used to the extent available.

(iii) Used by nurseries to maintain stock, by a means that ensures effective conservation, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.

(iv) Used by public gardens of National, State or regional significance, or arboretums to preserve specimens, by a means that ensures effective conservation, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.

(v) Used by a professional landscaper or irrigation contractor during working hours, by a means that ensures effective conservation.

(vi) Used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an approved erosion and sedimentation control plan adopted under state law or regulation, to the extent that sources of water, other than fresh water, adequate to supply needs are not available or feasible to use. Revegetation use shall comply with applicable best conservation management practices for revegetation prescribed by the Department and county conservation districts.

(4) The use of any water for watering any portion of golf courses, except water may be applied to greens, tees and fairways in accordance with a plan submitted by the golf course operator and approved by the Commonwealth Drought Coordinator no earlier than 3 years prior to the month of use during an emergency. Approval of the plan shall be in accordance with the following:

(i) The quantities of water applied shall be measured by means of a volumetric meter, and reports of daily total water use shall be submitted electronically to the Commonwealth Drought Coordinator on a monthly basis during the emergency, in a form acceptable to the Commonwealth Drought Coordinator.

(ii) Water may be applied at an average daily rate that does not exceed 70% of the calendar month basis quantity. The basis quantity shall be determined for each calendar month, as follows:

(A) Metered water use for the same calendar month, for each of the 5 years previous to submittal of the plan to the Commonwealth Drought Coordinator, shall be averaged, after deducting all water that was used for purposes other than irrigation of greens, tees and fairways.

(B) To the extent that metered data is not available for any year prior to July 7, 2002, or the date of installation of the current irrigation system, whichever is later, an application rate of 41,000 gallons per week per acre of greens, tees and fairways currently irrigated may be used in lieu of metered data.

(C) The basis quantity may not be less than 30,000 gallons per week per acre nor more than 54,000 gallons per week per acre.

(iii) Except as provided in subparagraphs (vi) and (vii), water shall be applied between the hours of 5 p.m. and 10 a.m.

(iv) Meters and meter records shall be made available by the golf course operator for inspection by representatives of the local law enforcement agency or of the Commonwealth Drought Coordinator, at all times.

(v) A copy of the approved plan shall be submitted to the local law enforcement agency and, if applicable, to the public water supply agency from which the water is obtained, prior to implementation.

(vi) Water may be applied between the hours of 10 a.m. and 5 p.m. with a hand-held hose equipped with an automatic shutoff nozzle, to syringe heat-sensitive grasses on tees, greens and fairways, in a manner that ensures effective conservation and so that water is applied to no grass area for a period exceeding 15 minutes in any 1 day.

(vii) Water may be used by professional landscapers or irrigation contractors during regular work hours for the purpose of testing newly installed or repaired irrigation equipment for a period not to exceed 15 minutes per irrigation zone.

(viii) Noncompliance by the water user with any term or condition of the approved plan shall cause the plan to be void, and any further use of water under this exception shall be prohibited.

(5) The use of any water for washing paved surfaces, except water may be used:

(i) For prewashing in preparation for recoating and sealing.

(ii) At the minimum rate necessary for the maintenance of tennis courts composed of clay or similar materials, by means of a bucket, can or hand-held hose equipped with an automatic shutoff nozzle.

(iii) At the minimum rate necessary for sanitation of the premises of raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments, including restaurants and grocery stores.

(iv) At the minimum rate necessary for the sanitation of the premises of waste handling, storage and disposal facilities.

(v) At the minimum rate necessary to comply with permit conditions or other regulatory requirements.

(6) The use of any water for ornamental purposes, including fountains, artificial waterfalls and reflecting pools, except:

(i) Fountains or waterfalls may be operated to perform the primary and necessary aeration function for a pond that supports fish life.

(ii) Water may be used to top off ornamental water gardens or fish ponds to the minimum extent necessary to maintain fish and aquatic life.

(7) The use of any water for washing or cleaning of mobile equipment except that:

(i) An individual may wash personally owned or leased vehicles by buckets and may use a hand-held hose equipped with an automatic shutoff nozzle to prerinse and rinse (total spray period not to exceed 2 minutes), in accordance with the following schedule:

(A) Odd street addresses on first and third Saturdays of the month.

(B) Even or no street addresses on the second and fourth Saturdays of the month.

(ii) Water may be used by commercial car washes at the minimum rate necessary to ensure an effective wash.

(iii) Water may be used for cleaning of construction, emergency, public transportation or government vehicles if necessary to preserve the proper functioning and safe operation of the vehicle.

(iv) Water may be used for cleaning and sanitizing equipment used for hauling or vending raw or processed food, pharmaceuticals or vaccines for human or livestock use, or for handling waste products.

(v) Water may be used for the cleaning of new and used cars which are part of a dealer's sales inventory in accordance with the following restrictions:

(A) A vehicle may be washed in preparation for sale at the time the vehicle is received from the manufacturer or prior owner.

(B) A vehicle shall be washed no more than once every 7 days, to be determined as follows:

(I) Odd street addresses on Tuesdays.

(II) Even or no street addresses on Wednesdays.

(C) A vehicle may be washed following sale immediately prior to delivery to the purchaser.

(D) A vehicle may be washed only by a means designed and operated to assure effective conservation of water or in accordance with the procedures, excluding schedule, described in subparagraph (i).

(vi) Water may be used by professional mobile wash businesses, at the minimum rate necessary, for the washing of vehicles as part of normal business practices.

(vii) A nonprofit service organization or club may wash vehicles in conjunction with a fundraising activity in accordance with the procedures described in subparagraph (i), without restriction as to schedule.

(8) The serving of water in restaurants, clubs or eating places, unless specifically requested by the individual.

(9) The use of any water to fill and top off swimming pools, except that water may be used to fill and top off:

(i) Public swimming pools and residential swimming pools serving 25 or more dwelling units, if the pools have filtration equipment allowing for continued use and recycling of water over the swimming season.

(ii) Swimming pools operated by health care facilities used in relation to patient care and rehabilitation.

(iii) Other pools only if approved by the public water supply agency from which the water is withdrawn. If water is obtained from other sources, permission from the owner of the source is required.

(10) The use of water from a fire hydrant—including sprinkler caps—for any purpose, except for the following permissible uses:

(i) Firefighting.

(ii) Testing of fire fighting apparatus or conducting water flow tests for fire insurance classification or reclassification, if approved by the public water supply agency from which the water is obtained.

(iii) Flushing sewers, water mains or hydrants when needed to protect public health and safety, if approved by the public water supply agency from which the water is obtained.

(iv) The watering of urban gardens in the city of Philadelphia after obtaining a Water Department and Licenses and Inspection permit.

(v) The filling of tank trucks at designated facilities with the approval of the public water supply agency from which the water is obtained, or if the city of Philadelphia, after obtaining a Water Department and Licenses and Inspection permit.

(vi) Recreational use of sprinkler caps in the city of Philadelphia, under the recreational fire hydrant program at authorized locations and at times supervised by the city police, fire, recreation and park facilities.

(11) The use of any water that is not for a beneficial use.

§ 119.5. Penalties and enforcement.

A water user who violates this chapter, fails to implement the duties and responsibilities imposed by this chapter or impedes or interferes with actions undertaken or ordered under this chapter, shall be subject to the penalties provided under 35 Pa.C.S. § 7707 (relating to penalties). Violation of a provision of this chapter is a summary offense enforceable by proper law enforcement authorities or private citizens under Pa.R.Crim.P. Nos. 400—462 and 1000—1013 (relating to procedures in summary cases; and rules of criminal procedure for the Philadelphia Municipal Court). In the city of Philadelphia, this chapter shall be enforced by the Departments of Water, Police, and Licenses and Inspection.

§ 119.6. Procedure for exemptions or variance from the prohibition of nonessential uses of water.

(a) If compliance with the prohibition of nonessential use of water would result in extraordinary hardship upon a water user, the water user may apply for an exemption or variance, which would expire with the termination of the drought emergency proclamation, unless otherwise specified in the exemption or variance.

(b) If a public water supply agency can demonstrate that compliance with the prohibition of nonessential use of water is unnecessary due to adequate water supply and it is following a drought contingency plan approved by the Commonwealth Drought Coordinator in accordance with § 118.4 (relating to contingency plans—public water supply agencies), the public water supply agency may apply for an exemption throughout all or portions of its service area. In reviewing the applications, the Commonwealth Drought Coordinator shall give primary consideration to any impacts that approval of the application may have on the overall resources of the watershed or river basin and on the ability of law enforcement agencies locally or throughout the designated drought emergency area to enforce these or other emergency regulations. This consideration alone may be cause for denial.

(c) For purposes of this section, extraordinary hardship means a permanent damage to property, including perishable raw or processed product, or other personal or economic loss which is substantially more severe than the sacrifices borne by other water users subject to the prohibition of nonessential use of water.

(d) A water user or public water supply agency may apply for an exemption or variance under the following procedures:

(1) The water user or public water supply agency shall submit a written application with full documentation supporting the need for the requested relief to:

Commonwealth Drought Coordinator
c/o Department of Environmental Protection
Post Office Box 8555
Harrisburg, Pennsylvania 17105-8555

(2) The application from a water user shall contain information specifying:

(i) The nature of the hardship claimed and the reason for the requested exemption or variance.

(ii) The efforts taken by the water user to conserve water and the extent to which water use may be reduced by the applicant without extraordinary hardship.

(3) The application from a public water supply agency shall contain information specifying:

(i) The nature of the hardship claimed and the reason for the requested exemption or variance.

(ii) The adequacy of the supply.

(iii) Evidence of compliance with an approved drought contingency plan.

(4) The Commonwealth Drought Coordinator or a designee will review the application in consultation with other appropriate Commonwealth agencies, and may request the applicant to provide within a reasonable time additional information as necessary to review the application.

(5) The Commonwealth Drought Coordinator, or a designee, is authorized to render a decision regarding applications received for exemption or variance. The Commonwealth Drought Coordinator or a designee will provide applicant notice in writing of the decision and the reasons for the decision. When possible, the Commonwealth Drought Coordinator or a designee will provide a written decision within 7 working days, or if perishable products are involved, within 1 working day, of submission of an application or will request additional information as necessary to review the application. When appropriate, the Commonwealth Drought Coordinator may issue a Statewide exemption or variance to similarly situated water users. A notice of the decision will be published in the *Pennsylvania Bulletin*. Unless appealed under this section, the decision of the Commonwealth Drought Coordinator or a designee shall be considered a final action on the application.

(6) A person aggrieved by a decision of the Commonwealth Drought Coordinator or a designee may, within 30 days of written notice of the decision or publication of notice of the decision in the *Pennsylvania Bulletin*, appeal the decision to PEMA.

(7) An appeal from an initial decision of the Commonwealth Drought Coordinator or a designee will not act as an automatic supersedeas, but, upon cause shown and when the circumstances require it, PEMA will have the power to grant a supersedeas.

(8) When an initial decision is appealed, PEMA will provide the applicant with an opportunity for a hearing not later than 7 business days after PEMA has received the appeal request. PEMA may appoint a hearing examiner, who may be an administrative law judge of the Pennsylvania Public Utility Commission. Hearings may be held telephonically.

(9) The hearing examiner will provide the record of the hearing, if any, and a recommendation to PEMA for review and adoption.

(10) PEMA, will notify the applicant in writing of its final decision and the reasons for the decision regarding the appeal within 2 business days after PEMA has received a written recommendation from the hearing examiner.

(e) An exemption or variance will only be granted to an applicant to the extent necessary to relieve extraordinary hardship and will be conditioned upon compliance with all reasonable conservation measures required by this chapter or the variance or exemption.

(f) An exemption or variance may be modified or rescinded by the Commonwealth Drought Coordinator if public health, safety and welfare require further reduction in water use.

(g) An exemption or variance granted to a water user for a specific property, purpose or person is not transferable to another property, purpose or water user without prior written approval from the Commonwealth Drought Coordinator.

§ 119.7. (Reserved).

[Pa.B. Doc. No. 01-1214. Filed for public inspection July 6, 2001, 9:00 a.m.]

[4 PA. CODE CH. 119a]
Philadelphia Drought Water Emergency Plan

(Editor's Note: For the Preamble which applies to this document, see 31 Pa.B. 3520 (July 7, 2001). For the text of the order of the Regulatory Review Commission relating to this document, see 31 Pa.B. 3646 (July 7, 2001).)

Fiscal Note: Fiscal Note 30-57 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 4. ADMINISTRATION
PART V. EMERGENCY MANAGEMENT
CHAPTER 119a. (Reserved)**

§§ 119a.1—119a.5. (Reserved).

[Pa.B. Doc. No. 01-1215. Filed for public inspection July 6, 2001, 9:00 a.m.]

[4 PA. CODE CH. 120]
Local Water Rationing Plans

(Editor's Note: For the Preamble which applies to this document, see 31 Pa.B. 3520 (July 7, 2001). For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 3646 (July 7, 2001).)

Fiscal Note: Fiscal Note 30-58 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 4. ADMINISTRATION
PART V. EMERGENCY MANAGEMENT AGENCY
CHAPTER 120. LOCAL WATER RATIONING PLANS
§ 120.1. Definitions.**

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

Applicant—The governing body of a political subdivision or a public water supply agency which experiences a local water shortage in the service area covered by its plan.

Commonwealth Drought Coordinator—An officer of the Department appointed by the Secretary of the Department, to carry out responsibilities established in the Pennsylvania Drought Contingency Plan to coordinate Commonwealth planning, preparedness and response action to a drought or water shortage emergency.

Department—The Department of Environmental Protection.

Designated drought emergency area—The area of this Commonwealth described in the Governor's proclamation or executive order declaring a state of drought or water shortage emergency.

Emergency service area—The service area covered by a plan.

Nonresidential water customer—A water customer who is not a residential water customer. The term includes commercial, industrial, institutional and public users, including educational facilities, hotels, motels and restaurants. The term does not include hospitals or health care facilities.

PEMA—The Pennsylvania Emergency Management Agency.

Person—

(i) An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State governments.

(ii) The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State government.

Plan—local water rationing plan—A drought response plan for the equitable allocation of limited water supplies, submitted by a public water supply agency or the governing body of a political subdivision and approved by the Commonwealth Drought Coordinator.

Political subdivision—A county, city, borough, incorporated town or township.

Public water supply agency—A "community water system" as that term is defined in section 3 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.3).

Residential water customer—A water customer who receives water service for a single- or multifamily dwelling unit. The term does not include educational institutions, hotels, motels or similar commercial establishments.

Service area—The geographical area serviced by a public water supply agency.

Service interruption—The temporary suspension of water supply or reduction of water pressure below that required for adequate supply to a water customer or to a water supply system or portion thereof.

Water allotment—The maximum quantity of water allowed for each water customer over an applicable period as established by a plan.

Water customer—A person who is connected to and receives water service from a public water supply agency. The term includes both residential and nonresidential water customers as defined in this section.

Water rationing provisions—Provisions of a plan which require specific reductions in the amount of water used by water consumers, either on the basis of a percentage reduction or gallonage allotment. The term does not include prohibitions or restrictions of nonessential uses.

§ 120.2. Purpose.

This chapter establishes procedures for the Commonwealth Drought Coordinator to review and approve plans by public water supply agencies or political subdivisions in response to a state of drought or water shortage emergency that has been declared by the Governor within specified areas of this Commonwealth.

§ 120.3. Objective of a plan.

The objective of a plan is to balance the daily demands placed upon a public water supply agency with the requirement to maintain a sufficient water supply to meet the long term needs that may be placed upon the public water supply agency during a period of water shortage or drought emergency. In particular, the water conservation measures of a plan are intended to:

- (1) Avoid the depletion of a water supply to ensure that adequate water supplies are available to protect the health and safety of all water customers.
- (2) Provide for the equitable distribution of water during the emergency.

§ 120.4. Responsibility to monitor local water supply and implement water conservation measures.

(a) Each public water supply agency or governing body of each political subdivision which has a source of water or a service area within an area affected by drought conditions or a local water shortage shall monitor the level of its water supply and estimate the availability of future water supply sources, the rate of present and anticipated water usage and the effectiveness of water conservation measures being implemented by them.

(b) Each public water supply agency or governing body of each political subdivision which has a source of water or a service area within an area affected by drought conditions or a local water shortage shall take prompt action to implement water conservation measures. These measures may include:

- (1) Asking water customers to voluntarily conserve water.
- (2) Implementing the development or activation of alternate sources of supplies.
- (3) Implementing specific bans on nonessential uses of water.
- (4) Implementing a plan as provided in §§ 120.5 and 120.6 (relating to implementation of plans; and implementation of further water usage reductions).

§ 120.5. Implementation of plans.

(a) *Plan.*

(1) Each public water supply agency or governing body of a political subdivision is authorized to develop a plan. A plan shall contain provisions to:

- (i) Prohibit nonessential water use, if the restrictions do not conflict with Chapter 119 (relating to prohibition of nonessential water uses in a Commonwealth drought emergency area).
- (ii) Establish equitable water rationing provisions for residential, nonresidential and other water users together with appropriate implementing procedures.

(iii) Provide for granting of variances or exemptions to the provisions of a plan to address extraordinary hardships which may exist as a result of a plan.

(2) "Guidelines for the Development of a Local Water Rationing Plan" and a "Model Local Water Rationing Plan" may be obtained from the Department. Public water supply agencies may contact the Department's Bureau of Watershed Management, Post Office Box 8555, Harrisburg, Pennsylvania 17105-8555, (717) 772-4048, for assistance in developing a system-specific plan.

(b) *Review and approval by Commonwealth Drought Coordinator:* The Commonwealth Drought Coordinator will review local water rationing plans submitted for review and approval in accordance with the following procedures:

(1) The public water supply agency or governing body of the affected political subdivision shall apply in writing to the Commonwealth Drought Coordinator for approval of its plan. The written request for approval shall include the following elements:

- (i) A plan as approved by the public water supply agency or governing body of the affected political subdivision.
- (ii) A statement describing the existence and severity of the water shortage.
- (iii) An express request for approval of the plan by the Commonwealth Drought Coordinator.
- (iv) The signature of an authorized representative of the public water supply agency or governing body of the affected political subdivision.

(2) If the plan includes a service area which is not included in a currently effective Governor's proclamation, the following procedures will be followed:

- (i) The Commonwealth Drought Coordinator will determine whether or not the request, together with other available information, establishes the existence of a water shortage emergency that will require the Governor to issue a proclamation declaring a state of local drought or water shortage emergency for the affected area, and will make a recommendation to PEMA.
- (ii) If PEMA concurs in the existence of a local water shortage emergency, PEMA will submit to the Governor a proposed proclamation to declare a state of local drought or water shortage emergency for the affected area described in the proclamation.
- (iii) After the Governor signs the proclamation, PEMA will notify the Commonwealth Drought Coordinator that the plan may be approved and put into effect.

(3) Any plan that covers emergency service areas already included in a currently effective Governor's proclamation will go into effect upon its approval by the Commonwealth Drought Coordinator.

(c) *Mandatory implementation of plans.*

(1) After the Governor has issued a proclamation declaring a state of local drought or water shortage emergency for an area of this Commonwealth, the Commonwealth Drought Coordinator may direct a public water supply agency or governing body of a political subdivision that is located within or has a source of water within the designated drought emergency area to prepare and submit a plan to the Commonwealth Drought Coordinator for review and approval.

(2) The public water supply agency or governing body of a political subdivision shall submit its plan to the

Commonwealth Drought Coordinator, in accordance with the procedures described in subsection (b), within 10-calendar days after receiving written notification from the Commonwealth Drought Coordinator that the adoption and implementation of a plan by that public water supply agency or political subdivision is necessary to deal with the circumstances of the drought or water shortage emergency.

(d) *Approval of a plan.* Upon approval by the Commonwealth Drought Coordinator of a plan submitted under subsection (b) or (c), the Commonwealth Drought Coordinator will:

(1) Require the applicant to issue a notice to at least one newspaper of general circulation in the area covered by the plan, which will advise residential and nonresidential water customers or other persons doing business in the emergency service area of the approval of the plan and its effective date and where the public can review or obtain a copy of the plan.

(2) Transmit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, a written notice which states the approval of the plan by the Commonwealth Drought Coordinator and its effective date.

(3) Require the applicant to post a copy of the plan in at least one public building; for example, a library, or a city, town or municipal building within the emergency service area for the review of the water customers affected by the implementation of the plan.

(4) Require the applicant to make copies of the plan available to the water customers affected by the implementation of the plan, upon request, either electronically or in hard copy.

(e) *Constructive notice.* The actions described in subsection (d) constitute constructive notice under 45 Pa.C.S. § 904 (relating to constructive notice) to all residential and nonresidential water customers or other persons doing business within the emergency service area for the purpose of enforcing the plan adopted and approved by the Commonwealth Drought Coordinator.

§ 120.6. Implementation of further water usage reductions.

(a) If a public water supply agency or governing body of an affected political subdivision determines that it is necessary to further decrease the water usage of its residential, nonresidential or other water customers, it may request the Commonwealth Drought Coordinator to consider and approve revisions or amendments, or both, to its plan in accordance with the procedure in § 120.5(b) (relating to implementation of plans).

(b) The Commonwealth Drought Coordinator may approve the requested revisions or amendments, or both, to the plan.

(c) Constructive notice of approved revisions or amendments, or both, to a plan will be provided in accordance with the notification procedures described in § 120.5(d).

§ 120.7. Enforcement of plans.

(a) The public water supply agency or governing body of a political subdivision shall have primary responsibility for monitoring the compliance of residential, nonresidential and other water customers with its plan.

(b) The public water supply agency or governing body of a political subdivision shall institute procedures to monitor closely water supplies and current water usage to determine if water reductions are being attained consist-

ent with the water conservation figures established in its plan. A public water supply agency or governing body of a political subdivision shall regularly advise the water customers of the effects of the water rationing program.

(c) Each public water supply agency or governing body of a political subdivision is authorized to alter meter reading schedules to assure compliance with its plan.

(d) Proper law enforcement authorities and private citizens have additional enforcement responsibilities and rights as specified in § 120.12 (relating to penalties).

(e) A political subdivision may enforce its plan by adopting an ordinance in accordance with § 120.11(a) and (b) (relating to enforcement by political subdivision ordinance).

§ 120.8. Service interruptions.

(a) A plan shall include provisions for the implementation of temporary service interruptions. This action would be necessary to achieve water use reductions to prevent a public water supply agency from depleting its water supply to the point that vital service demands, such as public health and safety, firefighting and health care facilities, cannot be met.

(b) The following governs the implementation of service interruptions:

(1) To effectuate compliance with a plan, the public water supply agency is authorized and required to plan and implement service interruptions to all or part of its water supply system, as the public water supply agency deems appropriate, when one or more of the following conditions are determined by the public water supply agency to exist as to its water supply system:

(i) The specific reduction in systemwide water usage has not been achieved.

(ii) The specified reduction in systemwide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies.

(iii) Service interruptions are necessary to further extend limited or dwindling water supplies.

(2) If the public water supply agency determines that service interruptions are necessary, the public water supply agency shall notify its water customers through the public media, such as newspapers, radio, telephone and television, serving the water customers in its service area at least 1 day prior to the service interruptions, that a planned service interruption is to be imposed. In addition, the public water supply agency shall notify the local coordinator of emergency management; PEMA; the Commonwealth Drought Coordinator; the regional office of the Department of Environmental Protection; and the Pennsylvania Public Utility Commission, Bureau of Fixed Utility Services, if the public water supply agency is subject to the jurisdiction of the Pennsylvania Public Utility Commission. The notice shall:

(i) State the days when the planned service interruptions will occur.

(ii) State the time when the planned service interruptions will commence and the time the interruptions will cease.

(iii) State whether the planned service interruptions are to be imposed on the entire system or a part thereof. If only part of the system will experience planned service interruptions, identify the geographical boundaries within which the planned service interruptions will occur.

(iv) Advise the customers within the area affected by planned service interruptions how to treat water received from the system for human consumption during the period of planned service interruptions and for additional time as necessary until full pressure is restored to the system.

(3) If the public water supply agency imposes planned service interruptions as authorized and required by a plan, it shall provide for the continued delivery of water to health care facilities within the service area affected by the interruptions, by means of adequate, alternative delivery measures that may be necessary.

(4) If the public water supply agency implements temporary service interruptions, it shall provide, by any means possible, for the continued delivery of the water, as may be necessary, for the proper operation of sewage collection, treatment and disposal systems and facilities.

§ 120.9. Excess use charges.

(a) *Excess use charges.*

(1) Excess use charges are a positive means of securing compliance with a plan. If a public water supply agency elects to include excess use charges in a plan, the maximum excess use charge authorized to be imposed is as follows:

First 2,000 gallons or portion thereof	5 times the actual rate charged for water
Each 1,000 gallons or portion thereof thereafter	10 times the actual rate charged for water

(2) Excess use charges may only be assessed against meter customers and shall be based upon actual meter readings.

(b) *Water allotments.* A residential or nonresidential water customer who exceeds the water allotments established by the plan shall be subject to an excess use charge. Public water supply agencies in the emergency service area are authorized to collect an excess-use charge based on the amount by which a water customer's use exceeds the water allotment established in the plan. The charges will be specified in the plan.

(c) *Disposition of excess use charges.* Moneys collected by public water supply agencies through excess use charges may not be accounted for as income to the public water supply agency, but shall be placed in a reserve account. The disposition of funds placed in the reserve account shall be governed as follows:

(1) Funds collected by a public utility or a municipal corporation rendering services beyond its corporate limits shall be used to offset drought related costs as directed by orders and procedures adopted by the Pennsylvania Public Utility Commission.

(2) Funds collected by any public water supply agency not covered in paragraph (1) shall be used to offset drought-related costs.

(d) *Additional penalties.* In addition to the excess use charge, noncompliance with the plan may result in the following:

(1) For the first excess use, the public water supply agency will warn the water customer that its water use may be discontinued if the water customer continues its noncompliance practices.

(2) For the second excess use, the public water supply agency may interrupt or shut off service to the water customer for a period not to exceed 48 hours per incident. As an alternative, the public water supply may install a

flow restriction in the water customer's service line for the duration of the water shortage emergency. The cost incurred by the public water supply agency to interrupt or shut off and reinstate service, or to install and remove a flow restriction, shall be assessed to the water customer by the public water supply agency.

(e) *Appeal of decision or action.* A water customer aggrieved by a decision or action taken by a public water supply agency under the authority of this section may proceed in accordance with the following:

(1) Each public water supply agency shall adopt procedures which provide an opportunity for the water customer to rebut the finding of a violation or to present evidence of circumstances beyond the water customer's control which resulted in the violation. Each public water supply agency shall keep a record of the evidence presented by the water customer concerning the disputed violations and shall provide the water customer with a written notice of its final decision and action in the case.

(2) A water customer aggrieved by the final decision or action of a water supply agency may file an appeal with the Pennsylvania Public Utility Commission, if the water supply agency is regulated by the Public Utility Commission, and in all other instances with the Court of Common Pleas in the county where the water service is provided, in accordance with 2 Pa.C.S. §§ 551—555 and 751—754 (relating to the Local Agency Law).

§ 120.10. (Reserved).

§ 120.11. Enforcement by political subdivision ordinance.

(a) A political subdivision may adopt an ordinance to enforce the various provisions of a plan within the jurisdictional boundaries of the political subdivision, if the following actions precede the adoption of the ordinance:

(1) The plan has been submitted to the Commonwealth Drought Coordinator in accordance with § 120.5 (relating to implementation of plans).

(2) The Governor has issued a proclamation declaring a state of local drought and water shortage emergency for an area of the Commonwealth that includes the political subdivision.

(3) The Commonwealth Drought Coordinator has approved the plan and constructive notice of the plan as described in § 120.5(d) has been provided to residential and nonresidential water customers or other persons doing business within the emergency service area of the plan.

(b) After the actions in subsection (a) have occurred, a political subdivision may adopt and publish an ordinance in accordance with its applicable county, city, borough or township code. The purpose of the ordinance shall be to implement the plan within the jurisdictional boundaries of the political subdivision. The ordinance may include, adopt, incorporate or otherwise enact one or more sections, provisions or portions of the approved plan.

(c) Any person who violates a local water rationing/conservation ordinance adopted by a political subdivision, in accordance with the procedures specified in subsections (a) and (b), shall be subject to the fines and penalties that apply to violations of that ordinance as prescribed in the county, city, borough or township code under which the ordinance was adopted.

§ 120.13. Additional water conservation and protection policies.

Nothing in a plan or this chapter limits or affects the power or authority of a political subdivision to adopt or enforce ordinances, rules, restrictions and orders for water conservation and protection of essential supplies, provided that the ordinances, rules, restrictions and orders do not conflict this chapter and Chapters 118 and 119 (relating to reductions of major water use in a Commonwealth drought emergency area; and prohibition of nonessential water uses in a Commonwealth drought emergency area), and river basin commission orders or plans.

§ 120.14. Repeal or amendment of a plan.

A plan may be amended or repealed only by action of the Commonwealth Drought Coordinator upon the written request of the public water supply agency or governing body of a political subdivision that developed and submitted the plan. A request for amendment or repeal of a plan shall document the conditions justifying the amendment or repeal, be signed by an authorized representative of the applicant and be submitted to the Commonwealth Drought Coordinator for approval.

§ 120.15. Notification of termination.

Upon approval of the repeal of a plan in accordance with § 120.14 (relating to repeal or amendment of a plan), the Commonwealth Drought Coordinator will require the applicant to issue a notice to at least one newspaper of general circulation in the area covered by the plan, which will advise residential and nonresidential water customers or other persons doing business in the emergency service area of the repeal of the plan and its effective date. The Commonwealth Drought Coordinator will also transmit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, a written notice which states that the plan has been repealed by the Commonwealth Drought Coordinator and its effective date.

[Pa.B. Doc. No. 01-1216. Filed for public inspection July 6, 2001, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 255, 275 AND 501]

Restitution; Appeal and Fair Hearing and Administrative Disqualification Hearings; Food Stamp Discretionary Provisions

The Department of Public Welfare (Department), by this order, amends Chapters 255, 275 and 501 (relating to restitution; appeal and fair hearing and administrative disqualification hearings; and food stamp discretionary provisions) as set forth in Annex A under the authority of sections 201(2) and 403(b) of the Public Welfare Code (code) (62 P.S. §§ 201(2) and 403(b)). Section 201(2) of the code provides that the Department has the authority to promulgate amendments, with approval of the Governor, as may be necessary to render the Commonwealth eligible for Federal funds or other assistance. Section 403(b) of the code provides that the Department establish rules, regulations and standards consistent with the law, as to eligibility for assistance and as to its nature and extent. Section 403(b) of the code also provides that,

whenever possible, except for residency requirements for General Assistance (GA), the Department establish rules, regulations and standards for GA consistent with those established for Aid to Families with Dependent Children (AFDC), which has been replaced by Temporary Assistance for Needy Families (TANF). The rules, regulations and standards established for GA will not provide for assistance greater than that provided for AFDC (now TANF). In addition, section 402(a)(6) of the Social Security Act (42 U.S.C.A. § 602(a)(6)) requires the Commonwealth to certify that it has established and is enforcing standards and procedures to guard against fraud and abuse. These amendments affect the TANF and GA Cash Assistance Programs and the Food Stamp Program.

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) and (3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv) and (3)) referred to as the Commonwealth Documents Law (CDL) because a ruling in a Federal case announced the legal interpretation of the Federal statute which provides the authority for these amendments and the amendments relate to Commonwealth grants and benefits. The Department finds that notice of proposed rulemaking is contrary to the public interest as the amendments benefit persons who have been determined to be disqualified but who are now eligible for benefits. Notice of proposed rulemaking would delay benefits to those who are the intended beneficiaries of the Court ruling and the regulation. A Notice of Rule Change (NORC) was published at 26 Pa.B. 5659 (November 16, 1996) which invited public comment. The Department received no public comments.

Purpose

The purpose of these amendments is to incorporate into Chapters 255, 275 and 501 new Federal agency directives concerning the implementation of cash assistance and food stamp disqualification penalties for individuals who are not eligible for program benefits at the time the disqualification is determined.

Background

Under regulations in effect prior to the NORC, the Department postponed implementing the disqualification penalty if the individual to be disqualified was not eligible for benefits under the program in which the intentional program violation occurred. Instead, the disqualification was imposed when the individual reapplied for and was determined eligible for the benefits.

The United States Department of Agriculture requires these amendments to achieve compliance with the ruling of the United States Court of Appeals for the Ninth Circuit in *Garcia v. Concannon & Espy*, 67 F.3d 256 (9th Cir. 1995). In *Garcia*, the Court held that the policy of postponing the implementation of a food stamp disqualification penalty until such time as the individual was eligible for Food Stamp Program benefits violated section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C.A. § 1515(b)(1)). The United States Department of Health and Human Services, Administration for Children and Families, required the same amendments for the AFDC Program. The Department extended the amendments to the GA Program because the Department, whenever possible, except for residency requirements for GA, will establish rules, regulations and standards for GA consistent with those established for AFDC (now TANF). The rules, regulations and standards established for GA will not provide for assistance greater than that provided for AFDC (now TANF). As a result, an individual found to have committed an intentional program violation or who

agrees to the disqualification penalty and who is not currently eligible for program benefits will be subject to immediate disqualification. These amendments do not affect the 45 days allowed for the imposition of a disqualification penalty for individuals who are eligible for program benefits.

Since issuance of the NORC, however, the TANF program has replaced the former AFDC program. The Federal mandate requiring the rules in AFDC to mirror food stamp disqualification penalties have been rescinded. See 62 Fed. Reg. 64301. Under Federal Welfare Reform, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), the Commonwealth is required to certify that it has established and is enforcing standards and procedures to guard against fraud and abuse. See 42 U.S.C.A. § 602(a)(6). The Department announced in its implementation of the TANF program NORC published at 27 Pa.B. 1093 (July 17, 1993) and the TANF State Plan published at 27 Pa.B. 342 (January 18, 1997) that it would continue AFDC rules for the most part, except as noted in the NORC for TANF. The Department has decided to continue to treat the imposition of TANF/GA and Food Stamp disqualification penalties in the same manner.

Any disqualification penalties pended prior to the NORC were considered served if the time elapsed from the decision date was greater than or equal to the length of the disqualification period. If the time elapsed from the decision date was less than the length of the disqualification period, the individual was considered disqualified until the time elapsed was equal to the length of the disqualification period. The Department updated its Disqualified Recipient System to indicate that individuals served the disqualification penalty as long as the time elapsed from the decision date was equal to the disqualification period. Since all pended disqualifications have been served, there is no need to regulate this provision of the Federal agency directives.

Need for Amendments

These amendments are needed to implement intentional program violation disqualification directives as specified in United States Department of Agriculture Administrative Notice 4-96, relating to Food Stamps and United States Department of Health and Human Services, Administration for Children and Families Action Transmittal No. ACF-AT-96-1, relating to AFDC. Although the AFDC Program has been replaced by the TANF Program, Federal law still requires the Commonwealth to administer a fraud and abuse program under 42 U.S.C.A. § 602(a)(6). The AFDC rules have been continued under TANF, except as noted in the TANF NORC published at 27 Pa.B. 1092 (February 28, 1997). The policy directives were implemented under a NORC published at 26 Pa.B. 5659 (November 16, 1996), retroactively effective to February 2, 1996, for the Food Stamp Program and March 4, 1996, for the TANF and GA cash assistance programs.

Summary of Regulations

Chapter 255

The amendment to § 255.1 (relating to restitution and disqualification policy) clarifies that there is a difference in the dates on which disqualification is implemented if an individual is eligible for cash assistance benefits under the program in which the intentional program violation occurred, or if the individual is not eligible for benefits at the time of disqualification. The amendment also changes the date on which the disqualification is imposed when the individual is not eligible for benefits at the time of

disqualification, to the date of a court or administrative order, the signing of a consent agreement or the waiver of an administrative disqualification hearing.

Chapter 275

The amendment to § 275.32 (relating to filing of an intentional program violation) changes the notice given when an intentional program violation is found. The amendment clarifies that if an individual is not eligible for benefits at the time of the violation, the notice will indicate an immediate implementation of the penalty.

Chapter 501

The amendment to § 501.13 (relating to intentional program violation disqualification) clarifies that there is a difference in the dates on which disqualification is implemented if an individual is eligible for food stamp benefits, or if the individual is not eligible for benefits at the time of disqualification. The amendment also changes the date on which the disqualification is imposed when the individual is not eligible for food stamp benefits at the time of disqualification, to the date of a court or administrative order. The amendments also make the same clarification as applied to disqualification when an administrative disqualification hearing is waived.

Affected Individuals and Organizations

These amendments will affect all applicants and former and current recipients of the TANF and GA Cash Assistance Programs and the Food Stamp Program.

Accomplishments/Benefits

Adoption of these amendments will codify the program changes mandated by *Garcia* as well as with United States Department of Agriculture Administrative Notice 4-96, 42 U.S.C.A. § 602(a)(6), the TANF State Plan (27 Pa.B. 342) and the TANF NORC (27 Pa.B. 1092).

Fiscal Impact

Public Sector: These amendments impose no costs on the public sector.

Private Sector: These amendments impose no costs on the private sector.

General Public: These amendments impose no costs on the general public.

Paperwork Requirements

These amendments will not change existing reporting or paperwork requirements.

Cross References

These amendments do not affect any other laws or regulations.

Effective Date

These amendments will take effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking retroactively to February 1, 1996, for the Food Stamp Program regulations and March 4, 1996, for the TANF and GA Cash Assistance Program regulations, as set forth in the NORC published at 26 Pa.B. 5659.

Sunset Date

There is no sunset date. The amendments apply to an ongoing program. The Department will evaluate the effectiveness of these regulations on an ongoing basis.

Public Comments

Although these amendments are being adopted without prior notice, interested persons are invited to submit written comments within 30 days from the date of the

publication for consideration by the Department as to whether these amendments should be revised. The comments should be sent to the Department of Public Welfare, Edward J. Zogby, Acting Director, Bureau of Policy, Room 431 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review Act

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)) on April 25, 2001, the Department submitted a copy of these final-omitted regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-omitted regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, on May 15, 2001, these final-omitted regulations were deemed approved by the House or Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on May 17, 2001, IRRC met and approved the final-omitted regulations.

Findings

The Department finds that:

(1) Public notice of intention to amend the administrative regulations amended by this order is omitted in accordance with section 204(1)(iv) and (3) of the CDL because a ruling in a Federal case announced the legal interpretation of the Federal statute which provides the authority for these regulations and the regulations relate to Commonwealth grants and benefits.

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

Order

The Department acting under the code orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 255, 275 and 501, are amended by amending §§ 255.1, 275.32 and 501.13 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to February 1, 1996, for the Food Stamp Program and retroactively to March 4, 1996, for the TANF and GA Cash Assistance Programs.

FEATHER O. HOUSTON,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 2855 (June 2, 2001).)

Fiscal Note: 14-448. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart G. RESTITUTION AND REIMBURSEMENT

CHAPTER 255. RESTITUTION

GENERAL PROVISIONS

§ 255.1. Restitution and disqualification policy.

(a) This chapter applies to AFDC, GA and SBP, except as modified in subsections (c)—(e) and in Chapter 451 (relating to State Blind Pension) and MA. This chapter does not apply to overpayments resulting from the forged endorsement of assistance checks. Recovery of overpayments is described in § 231.24(c) (relating to procedures).

(b) The general restitution policy of the Department will be as follows:

(1) The course of action of the Department in respect to overpayments will be directly related to the cause or reason underlying the client's receipt of assistance for which the client was not eligible. When the overpayment appears due to fraud, the Public Welfare Code (62 P. S. §§ 101—1412) will set the course of action to be taken.

(2) The decision as to whether or not fraud is suspected will be an administrative decision which will place on the Department the responsibility of distinguishing between overpayments due to fraud, and those due to error. To carry out this responsibility, the Department has developed certain objective criteria which will be used in deciding the appropriate action for an overpayment.

(3) Assistance regulations, including this chapter, are aimed at reducing and preventing the incidence of overpayment. Accomplishment of this objective will depend to a large extent on the degree to which the respective responsibilities of the client and the worker are understood and developed. These responsibilities are given in detail in other sections of this title but essential elements are repeated here because of their importance.

(4) A person applying for or receiving assistance has an obligation to report his resources and changes in circumstances. An adult applicant and recipient will be responsible for reporting these facts as they apply to him and to other persons in his assistance unit.

(5) The worker will have an obligation to explain eligibility requirements in terms that fit the situation of the client. The worker will be responsible for being alert to the possibility of resources or changes in the circumstances of the client and for setting up with the client definite and specific reporting requirements appropriate to the situation. The plan for reporting will be entered in the case record.

(c) In addition to being subject to other civil or criminal penalties, an AFDC or GA recipient who has been found by a Federal or State court or by the Department, following an administrative disqualification hearing—as described in Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings)—to have committed an intentional program violation shall be disqualified from receiving Cash Assistance for 6 months for the first offense, 12 months for the second offense and permanently for the third offense. The Department will not take the disqualified individual's needs into account when determining the budget group's need for and amount of assistance. The Department will consider available to the budget group countable income and resources of the disqualified individual.

(d) The Department will provide an applicant for GA and AFDC, at the time of application or reapplication for aid, with written notice of the penalties for intentional program violation which are provided in subsection (c).

(e) The Department will provide current recipients of GA and AFDC with a one-time written notice of the penalties which are provided for in subsection (c) prior to imposition of disqualification.

(f) If the individual is eligible for benefits under the program in which the intentional program violation occurred, the Department will impose the disqualification within 45 days of the date of the finding of the court, administrative disqualification hearing final order or signing of a consent agreement or waiver of administrative disqualification hearing as set forth in Chapter 275, Subchapter B (relating to administrative disqualification hearings). If the individual, who is found to have committed an intentional program violation or who signs a consent agreement or waiver of administrative disqualification hearing is not eligible for benefits under the assistance program in which the intentional program violation occurred, the Department will impose the disqualification effective on the date of the finding of the court, administrative disqualification hearing final order or signing of a consent agreement or waiver of administrative disqualification hearing. Once the Department imposes the disqualification, the disqualification period shall continue uninterrupted.

Subpart H. APPEAL AND FAIR HEARING

CHAPTER 275. APPEAL AND FAIR HEARING AND ADMINISTRATIVE DISQUALIFICATION HEARINGS

Subchapter B. ADMINISTRATIVE DISQUALIFICATION HEARINGS

HEARING RESULTS

§ 275.32. Finding of an intentional program violation.

(a) If the hearing officer finds that the individual committed an intentional program violation, the Department will notify the individual before disqualification. The notice will include:

- (1) The period of disqualification.
- (2) The date disqualification will take effect.
- (3) The benefit amount the budget group/household will receive during the disqualification period.
- (4) The statement that, if the individual is not eligible for benefits in the program in which the intentional program violation occurred, the Department will impose the disqualification effective on the date of the administrative disqualification hearing final order.

(b) The Department will notify the remaining budget group/ household, if any, of the benefit/allotment they will receive during the disqualification period.

(c) The Office of Inspector General will send a demand letter for payment of the claim. The letter will include:

- (1) The amount owed.
- (2) The reason for the claim.
- (3) The offset that reduces the claim.
- (4) The payment options.

(d) The Office of Inspector General will recover the claim pursuant to the procedures in §§ 255.4 and 501.1 (relating to procedures; and general provisions).

Subpart L. FOOD STAMP PROGRAM

CHAPTER 501. FOOD STAMP DISCRETIONARY PROVISIONS

§ 501.13. Intentional program violation disqualification.

(a) *Determination of an intentional program violation.*

(1) *Disqualification hearings—7 CFR 273.16(a) and (e).* The Office of Hearings and Appeals is responsible for conducting administrative disqualification hearings for individuals alleged to have committed an intentional program violation as set forth in § 275.11(a) (relating to general policy).

(2) *Court referrals—7 CFR 273.16(g).* The Office of Inspector General will refer appropriate cases to law enforcement authorities for prosecution. An individual suspected of committing one or more acts of intentional program violations will be referred by the Office of Inspector General for prosecution.

(3) *Imposing the disqualification—7 CFR 273.16(e) and (g).* The Department will impose the disqualification against the individual eligible for food stamp benefits within 45 days of the date of the finding of the court or administrative disqualification hearing final order. If the individual, who is found to have committed an intentional program violation is not eligible for food stamp benefits, the Department will impose the disqualification effective on the date of the finding of the court or administrative disqualification hearing final order. Once the Department imposes the disqualification, the disqualification period shall continue uninterrupted.

(b) *Disqualification without a hearing or prosecution by a court.*

(1) *Waived hearings—7 CFR 273.16(f).* The procedures to allow the individual to waive an administrative disqualification hearing are set forth in § 275.41 (relating to waiver of administrative disqualification hearing). If the individual is eligible for food stamp benefits, the period of disqualification will begin within 45 days of the date the individual signed the waiver. If the individual is not eligible for food stamp benefits, the Department will impose the disqualification effective on the date the individual signed the waiver. Once the Department imposes the disqualification, the disqualification period shall continue uninterrupted.

(2) *Deferred adjudication—7 CFR 273.16(h).* The Department will establish procedures to allow accused individuals to sign disqualification consent agreements for cases of deferred adjudication. The Office of Inspector General may use this method for cases in which a determination of guilt is not obtained from a court due to the accused individual having met the terms of a court order or which are not prosecuted due to the accused individual having met the terms of an agreement with the prosecutor. Disqualification consent agreements in cases referred for prosecution will conform with the following requirements:

(i) *Notification.* Advance written notification will be provided to the household member stating the consequences of consenting to disqualification as part of the deferred adjudication. The advance notification will include, at a minimum:

(A) A statement for the accused individual to sign that indicates the accused individual understands the consequences of consenting to disqualification. The head of the

household shall also sign the consent agreement if the accused individual is not the head of the household.

(B) A consent to disqualification will result in disqualification and a reduction in benefits for the period of disqualification, even though the accused individual was not found guilty of civil or criminal misrepresentation or fraud.

(C) Disqualification penalties for intentional program violation under the Food Stamp Program which could be imposed are 6-month disqualification for the first violation, 12-month disqualification for the second violation and permanent disqualification for the third violation.

(D) A statement that the remaining household member, if any, will be held responsible for repayment of the resulting claim as a result of meeting the terms of the agreement with the prosecutor or the court order.

(ii) *Household member consent to disqualification.* If the household member suspected of an intentional pro-

gram violation signs the disqualification consent agreement, the household member shall be disqualified in accordance with the disqualification period specified in 7 CFR 273.16(b) (relating to disqualification for intentional program violation), unless contrary to the order. The period of disqualification shall begin against the household member eligible for food stamp benefits within 45 days of the date the household member signed the disqualification consent agreement. If the household member is not eligible for food stamp benefits, the Department will impose the disqualification effective on the date the individual signed the disqualification consent agreement. Once the Department imposes the disqualification, the disqualification period shall continue uninterrupted.

[Pa.B. Doc. No. 01-1217. Filed for public inspection July 6, 2001, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 401]

Uniform Construction Code Training and Certification for Code Administrators

Under section 701 of the act of November 10, 1999 (P. L. 491, No. 45) (Act 45), the Department of Labor and Industry (Department) is submitting proposed rulemaking for training and certification of code administrators.

The Department proposes the regulations for the training and certification of code administrators under the Pennsylvania Construction Code Act (act) (35 P. S. §§ 7210.101—7210.1103) as set forth in Annex A. This notice of proposed rulemaking includes the Department's interpretation of the provisions of Act 45 adopting the 1999 *BOCA National Building Code, Fourteenth Edition* or its successor codes as the Uniform Construction Code (UCC).

Statutory Authority

This proposed rulemaking is issued under the authority provided in section 701(a) of the act (35 P. S. § 7210.701(a)), which provides that the Department, in consultation with the advisory board, Building Officials and Code Administrators International, Inc. (BOCA), National Conference of State Building Code Standards (NCSBCS) and other interested parties, adopt by rulemaking a program of required training and certification for all categories of code administrators.

Section 701(e)(1) of the act also provides that the Department determine the time period in which current code administrators shall meet the training and certification requirements of Act 45. The Department will adopt and implement a continuing education program in accordance with section 701(f) of the act. The Department is empowered to establish a procedure providing for the notification and hearing process for decertification for just cause under section 701(h) of the act. Authority to adopt and promulgate fees for educational programs, testing and certification of code administrators is contained in section 701(j) of the act. The Department will set minimum levels of liability insurance applicable to third-party agencies under section 701(k) of the act.

Background

The purpose of the act is to establish a Statewide building code, Uniform Construction Code (UCC). This provides uniform standards for builders, and greater protection for building owners and occupants, and the general public. Municipalities in this Commonwealth will utilize the UCC to assure that this Commonwealth has a uniform, modern construction code that will insure safety, health and sanitary construction, promote state-of-the-art techniques and encourage cost-effectiveness. An important facet of Act 45 is "to assure that officials charged with the administration and enforcement of the technical provisions of [the] act are adequately trained and supervised." See section 102(b)(6) of the act (35 P. S. § 7210.102(b)(6)). These officials will be certified in categories appropriate to the work performed. The Department will regulate these officials as code administrators and mandate continuing education.

The UCC takes effect 90 days after the publication of final-form regulations by the Department adopting the required National standards for buildings and energy conservation, and setting forth the administrative provisions under the code. Under section 701 of the act, the Department is required to adopt a program of training and certification for code administrators. Code administrators are municipal code officials, construction code officials, third-party agencies or the Department. Code administrators are generally responsible for plan review of construction documents, inspection of construction or administration and enforcement of codes and regulations under the act or related acts.

Section 701 of the act took effect on November 10, 1999. Since the passage of the act, the Department has received numerous requests for guidance on training and certification from current code administrators, municipalities and third-party agencies. Municipalities, current code administrators and third-party agencies need ample time to plan and prepare for the effective date of the UCC and to complete certification. Accordingly, the Department determined it was necessary to promulgate these regulations on training and certification before the regulations establishing the UCC.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

Since the passage of the act, extensive outreach and communication efforts have been undertaken to gain input from the various affected parties including representatives from BOCA, three regional Pennsylvania Chapters of BOCA, Pennsylvania Code Training Consortium (CTC), Pennsylvania Housing Research Center (PHRC), Building Codes Assistance Project (BCAP) and the United States Department of Energy (DOE). Department representatives met almost weekly with interested persons to answer questions and solicit comment. A summary of some of these activities is as follows. The Department attended the CTC's inaugural meeting in October 1999 and has attended its subsequent quarterly meetings. On December 16, 1999, the Department held a general stakeholders' meeting to discuss the act and identify stakeholders. On June 16, 2000, the Department posted a draft of this training and certification regulations on its website (www.dli.state.pa.us) and solicited comments from stakeholders. The Department has received a DOE training grant for building codes and is in the process of contracting with PHRC to implement training programs. The Department received, reviewed and answered numerous emails and faxes from stakeholders, construction code officials, trade associations, and local governments concerning certification and other aspects of the UCC. On July 19, 2000, the Department held a stakeholders' meeting on its draft training and certification regulations. On July 26, 2000, the Department posted some proposed changes to its draft regulations on its internet site. On October 18, 2000, Department representatives met with members of Pennsylvania Building Officials Conference (PennBoc) at their annual conference to discuss training and certification requirements. The rulemaking was also discussed with the Department's Accessibility Advisory Board.

Purpose

As stated in section 102(b) of the act, the purpose of the act is to insure safe, uniform, cost-efficient, modern construction standards throughout this Commonwealth

by adopting a Statewide building code governing the construction, alteration, repair and new occupancy of all structures in this Commonwealth. Officials charged with the administration and enforcement of the technical provisions of the act have to be adequately trained and supervised. This proposed rulemaking provides a certification program, based upon consultation with BOCA, and establishes minimum continuing education requirements for code administrators for the specific work that is to be performed. It also contains procedures for decertification of code administrators for just cause. It also provides the insurance requirements for third-party agencies that may be contracted with to act as a construction code official for local governments and the Department. The regulations also set the time period for current code administrators to meet the training and certification requirements of the act and the registration of current code officials until these requirements are met. The regulations set forth fees for initial certification and registration, certification renewal, third-party agency certification and renewal and photo identification replacement.

Since the passage of the act, interested parties have requested information concerning the training and certification standards, to prepare themselves for enforcement responsibilities under the UCC.

Summary of Proposed Rulemaking

Section 401.1. Definitions.

This section provides definitions for the terms provided in the regulations. The section defines an "accredited academic institution" for continuing education completion.

The section:

- (1) Provides the statutory citation for the act.
- (2) Identifies and provides the addresses for the Automatic Lift Institute (ALI) and the American Society of Mechanical Engineers (ASME).
- (3) Contains the definition of apparatus such as "auto lift," "belt manlift," "conveyor," "elevator" and "passenger ropeway."
- (4) Contains definitions for "code administrator" and "construction code official." A "current code official" is defined as an individual who engaged in the activities of "code administrator" prior to the effective date of this chapter.
- (5) Provides a definition of "Uniform Construction Code" as provided in section 301 of the act (35 P.S. § 7210.301).
- (6) Contains the definition of "Department" as being the Department of Labor and Industry" and "Secretary" as being the Secretary of the Department.

Section 401.2. Fees.

This section establishes fees for certification, registration, renewals, and photo identification card replacements. This section also establishes that the fees are charged for each application and not for each certification category. Fees are nonrefundable. The following fees are listed: \$50 for initial certification and registration; \$50 for certification renewal; \$250 for third-party agency certification and renewal; and \$10 for photo identification replacement.

Section 401.3. Certification required.

This section requires the certification of all persons performing plan review of construction documents, inspection of construction or administration of the UCC. Certification is also required for persons approving plans or

performing inspections relating to accessibility requirements. The Department may refuse certification for just cause if written notification is provided. Certification will be valid for 3 years.

Section 401.4. Application and identification.

This section establishes the requirements for certification and the Department's issuance of photo identification cards for all certified code administrators. Applicants for certification will have to pass a certification examination or have successfully passed an examination within 6 years of the effective date of this chapter, submit an application and pay the required fee. The Department will issue a photo identification card to an applicant who meets the certification requirements. The Department must be notified in writing if the photo identification card is lost or destroyed and a replacement fee will be charged.

Section 401.5. Waivers.

This section details the Department's requirements for the waiver of testing requirements for certain code administrators. The Department may waive the testing requirements if the applicant passed a substantially similar certification examination within 6 years. If an applicant passed a substantially similar examination during a period which exceeds 6 years, the Department may grant a waiver if the applicant submits evidence of continued employment in related fields, current certification from a model code organization, or substantial education in related fields.

Applicants for waiver will be required to submit an application and pay the certification fee.

Section 401.6. Certification categories and testing.

This section provides that the Department will issue certifications for specific categories to applicants who receive a passing grade on all of the examinations for each required category. This section also lists all of the categories and the examinations required for each category. These categories include: 1 and 2 family dwellings building inspector; 1 and 2 family dwellings electrical inspector; 1 and 2 family dwellings mechanical inspector; 1 and 2 family dwellings plumbing inspector; 1 and 2 family dwellings energy inspector; building inspector; fire prevention inspector; electrical inspector; mechanical inspector; plumbing inspector; energy inspector; accessibility specialist; building plans examiner; electrical plans examiner; mechanical plans examiner; plumbing plans examiner; energy plans examiner; building code official; elevator inspector; conveying systems inspector; belt manlift inspector; auto lift inspector; and passenger ropeway inspector.

Section 401.7. Certification category specifications.

This section describes each certification category and lists most of the duties performed by code administrators certified in each category comparable to the testing certification categories.

Section 401.8. Certification renewal.

This section requires certification renewal every 3 years and establishes the requirements for an application for renewal. These requirements include the completion of an application, submission of acceptable proof of completion of continuing education and payment of a renewal fee. An applicant for renewal shall obtain a photo identification card in accordance with § 401.4. The Department will not renew a certificate that remained lapsed for more than 1 year unless the applicant passes the required examinations under § 401.6. Further, this section contains the

requirements for acceptable proof of completion of continuing education which shall contain the name and address of the training provider, the dates attended, the credit hours claimed, the title of the course, and the subject matter of the course. The Department may not renew a certification during a period of decertification.

Section 401.9. Continuing education.

This section requires that an applicant for certification renewal complete 15-credit hours of continuing education for renewal of each certification up to the maximum of 45 credit hours for each individual. This section requires that an applicant must complete at least 1/3 of the continuing education credits in approved courses relating to the applicant certification categories. Additionally, this section lists the acceptable courses of study for continuing education credits: attendance at a seminar or technical presentation; completion of a self-study course; completion of a classroom course offered by an accredited academic institution; instruction at a continuing education seminar or a technical presentation for an approved sponsor; successful completion of an examination for new certification category listed in § 401.6; and attendance at a model code organization code change hearings.

Section 401.10. Department-approved providers.

This section lists the Department approved training providers and allows the approval of additional training providers. The following sponsors are preapproved to provide continuing education credit hours: The National Conference of States on Building Codes and Standards; a Federal, Commonwealth or state agency; an accredited academic institution; a model code organization or its accredited local chapter; a trade association representing design professionals or the construction industry; a National standards writing organization; and an association serving or representing Commonwealth municipalities. The Department will approve additional providers that demonstrate the competency to provide additional continuing education programs, and submit an application and appropriate documentation that it meets the requirements of § 401.9. The Department may revoke approval of any provider that does not comply with § 401.9 or § 401.10 following notice and the opportunity to be heard.

Section 401.11. Certification of third-party agency.

This section requires current certification for a third-party agency to act as construction code officials under a contract with a person, firm or corporation. An applicant for certification as a third-party agency shall submit an application and required fee to the Department. A third-party agency must provide documentation to the Department verifying that its employees who act as construction code officials and perform plan review are currently registered or certified in the specific categories applicable to the work they perform.

Section 401.12. Liability insurance.

This section requires a third-party agency to carry errors and omission insurance in at least the amount of \$1 million for each person and each occurrence to satisfy claims or judgments for damages. A third-party agency shall submit evidence of insurance as a condition for obtaining and renewing certification consisting of a certificate of insurance or a copy of the declarations page setting forth the effective date, expiration date and the required amount of coverage. This section requires that a third-party agency immediately notify the Department of any changes in its errors and omissions liability insurance. Upon notice of loss or cancellation of coverage, the

Department will immediately initiate action to decertify the third-party agency under § 401.14 (relating to decertification or refusal).

Section 401.13. List of code administrators.

This section requires the Department to maintain a list of code administrators indicating their categories of certifications. This list will be made available to municipalities and the public upon request.

Section 401.14. Decertification or refusal.

This section establishes that the Department may initiate an action to decertify a code administrator or refuse to issue certification for just cause. This section also lists the types of corrective action the Department is authorized to take against a code administrator for just cause. Just cause will consist of the following: failure to remedy an error or omission specified in a formal warning or failure to comply with an order issued by the Department under this section; fraud or deceit or making untrue representation in obtaining a certificate; failure to remit the required certification fee; violation of the act or this chapter; incompetence or gross negligence; acting in a manner presenting a danger to the public health or safety; pleading guilty, entering a plea of nolo contendere or being found guilty of a felony or any crime relating to the business of code administrator or receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges; having a certification or any authorization to engage in the business of code administrator revoked or suspended, having other disciplinary action taken or having an application denied by a reciprocal jurisdiction; failing to complete continuing education requirements or engaging in deceit or misrepresentation in the reporting of continuing education requirements; engaging in fraud, deceit or an act of moral turpitude while acting as a code administrator; aiding and abetting a person engaging in code administrator activity is not certified or registered; being a third-party agency that does not comply with § 401.12; and engaging in the activities of a code administrator or advertising as a code administrator without a current and appropriate certification or registration.

This section provides the Department's procedure for decertification, and the notice and hearing provisions for decertification or refusal to grant certification according to 2 Pa.C.S. (relating to administrative law and procedure) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

The Department may, for just cause, administer a formal warning, require the code administrator to take remedial educational courses, decertify the code administrator for up to 3 years and require the surrendering of the certificate, or deny the application for certification. Unless ordered to do so by a court of competent jurisdiction, the Department will not reinstate certification to a person who was decertified unless the full period of decertification has elapsed; the code administrator demonstrates that he is fully rehabilitated and that recertification would not be detrimental to the public health and safety if the code administrator was convicted of a crime related in any way to code enforcement; the person has complied with the conditions imposed by the Department's order of decertification; and the person complies with § 401.4.

Section 401.15. Registration of current code administrators.

A current code administrator engaged in plan review or inspection of one-family or two-family residential property may continue to engage in these activities without meeting the training and certification requirements of this chapter for 3 years from the effective date of this proposed rulemaking. After the expiration of this period, the current code administrator shall meet the training and certification requirement of this proposed rulemaking. A current code administrator engaged in plan review or inspection of other buildings and structures may continue to engage in these activities without meeting the training and certification requirements of this chapter for 5 years from the effective date of this proposed rulemaking. After this period, this current code administrator shall meet the training and certification requirements of this proposed regulation.

A current code administrator shall register with the Department by submitting a completed Department-provided form and furnishing required documentation consisting of an affidavit completed by the employer responsible for oversight of the current code administrator containing a description of the duties, employment and length of employment.

This section also provides for the issuance of photo identification cards to registered current code administrators. This identification card will expire on the date that the current code administrator must meet the training and certification requirements of this chapter. A fee will be charged for the identification.

Section 401.16. Change of address or employer.

This section requires certification and registration holders to notify the Department of any change in mailing address or employer within 30 days.

Affected Persons

Those affected by this proposed rulemaking are current and prospective code administrators including employees of the Department, municipalities, political subdivisions and third party agencies. These employees are required to meet the certification requirements of the act, including the specific category testing in order to perform their duties. Code administrators will have to complete mandatory continuing education hours to renew certifications. Employers will insure that code administrators meet this chapter's requirements. Third party-agencies will have to obtain appropriate insurance coverage. The Department will have to meet the staffing requirements to ensure the certification and renewal of code administrators. The general public is also affected in that the use of trained and certified building code administrators to perform building inspections will increase public safety.

The Department of Transportation agreed that code administrators may obtain photo identification cards at its drivers license centers so that code administrators may comply with §§ 401.4 and 401.15.

Fiscal Impact

The Commonwealth will incur ongoing costs related to the administration of the new certification provisions. These costs will be greater at the onset of the certification program and will decrease over the course of 5 years. These administrative costs are the result of the act requirements.

The Department will be required to augment its existing staff to review, process and evaluate applications for certification of code administrators. The Department, an

employer of code administrators, will be required to train and certify its existing employees. Further, the Department will also incur costs in providing continuing education for its employees.

Local governments will only incur costs if they decide to administer and enforce the UCC. Local governments that conduct building code programs, and third-party agencies which hire code administrators, will incur costs associated with training, certification and continuing education of their employees. To offset these costs, local governments will be able to charge plan review and building permit fees to owners or builders. Third-party agencies will have to pay the costs to obtain appropriate insurance coverage.

Reporting, Recordkeeping and Paperwork Requirements

This proposed rulemaking will require the creation of new forms and reporting requirements. The Department will develop forms for certification, registration and certification renewal. Current code administrators will be required to register and furnish employment information. Prospective code officials will be required to submit proof of completion of testing and an application for certification.

All code administrators will be required to provide documentation of continuing education for certification renewal every 3 years.

Third-party agencies will be required to submit applications containing lists of code administrators and documentation of insurance coverage.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. The Department is required under section 304 of the act (35 P.S. § 7210.304) to adopt successor BOCA and other model building codes such as the *ICC International One and Two Family Dwelling Code* and the *International Fuel Gas Code*. This requirement provides the Department the opportunity to periodically monitor this proposed rulemaking.

Effective Date

This proposed rulemaking will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Charles J. Sludden, Director of Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1613, Labor & Industry Bldg., 7th and Forster Streets, Harrisburg, PA, 17120 or by e-mail to csludden@dli.state.pa.us within 30 days of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 26, 2001, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days

of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed regulations to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-57. (1) General Fund; (2) Implementing Year 2000-01 is \$0; (3) 1st Succeeding Year 2001-02 is \$300,000; 2nd Succeeding Year 2002-03 is \$300,000; 3rd Succeeding Year 2003-04 is \$200,000; 4th Succeeding Year 2004-05 is \$100,000; 5th Succeeding Year 2005-06 is \$100,000; (4) Fiscal Year 1999-00 \$New Program; Fiscal Year 1998-99 \$New Program; Fiscal Year 1997-98 \$New Program; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS

Sec.	Definitions.
401.1	Fees.
401.2	Certification required.
401.3	Application and identification.
401.4	Waivers.
401.5	Certification categories and testing.
401.6	Certification category specifications.
401.7	Certification renewal.
401.8	Continuing education.
401.9	Department-approved providers.
401.10	Certification of third-party agency.
401.11	Liability insurance.
401.12	List of code administrators.
401.13	Decertification or refusal to certify.
401.14	Registration of current code administrators.
401.15	Change of address or employer.
401.16	

§ 401.1 Definitions.

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

Accredited academic institution—A high school, technical or vocational school, private school licensed or registered with the Department of Education, junior college, community college or university.

Act—The Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103).

ALI—The Automatic Lift Institute, P. O. Box 33116, Indialantic, Florida, 32903-3116.

ASME—The American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5900.

Auto lift—A lifting device specifically designed to raise and stably support an automobile vehicle free of the ground by engaging structural elements of the vehicle such as wheels, body and frame members, axle housings, and wheel suspension components described in and governed by ALI standards adopted by the Department in this chapter under the Uniform Construction Code.

Belt manlift—A conveyance device which consists of a power driven endless belt that moves in one direction only and is provided with steps or platforms and handholds for the transportation of personnel from floor

to floor as described in and governed by ASME standards adopted by the Department in this chapter under the Uniform Construction Code.

Code administrator—A municipal code official or third-party agency certified with the Department under the act or the Department. The term includes an individual certified in a category established under this chapter to perform plan review of construction documents or administer and enforce codes and regulations.

Construction code official—An individual certified by the Department in an appropriate category established under section 701(b) of the act (35 P. S. § 7210.701(b)) to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations.

Conveyor—A horizontal, inclined or vertical device for moving or transporting bulk material, packages or objects in a path predetermined by the design of the device and having points of loading and discharge, fixed or selected, and related equipment and devices described in and governed by ASME standards adopted by the Department in this chapter under the Uniform Construction Code.

Current code administrator—An individual who performed plan review of construction documents, inspections of one-family or two-family residential property or other buildings and structures or administered and enforced a construction code program, and who was employed by or under contract with the Commonwealth or a municipality prior to ____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.). The term includes an individual who performed these duties as an employee, contractor or agent of a person employed by or under contract with the Commonwealth or a municipality of this Commonwealth prior to ____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

Department—The Department of Labor and Industry of the Commonwealth.

Elevator—Hoisting and lowering devices governed by ASME standards adopted by the Department under the Uniform Construction Code and other lifting devices subject to the requirements of the Uniform Construction Code.

Passenger ropeway—An aerial tramway, aerial lift, surface lift, tow, conveyor, or other lifting device which carries, pulls or pushes passengers along a level or inclined path by means of a haul rope or other flexible element which is driven by a power unit remaining essentially at a single location.

Secretary—The Secretary of the Department.

Uniform Construction Code—The *International Building Code First Edition 2000*, the *International Residential Code for One- and Two- Family Dwellings 2000*, available from BOCA International, 4051 W. Flossmoore Rd., Country Club Hills, IL 60478-5795 1 (800) 214-4321; and any standards adopted by the Department in this chapter under section 301 of the act (35 P. S. § 7210.301).

§ 401.2. Fees.

- (a) The following fees apply in this part:
 - (1) Initial certification and registration. \$ 50
 - (2) Certification renewal. \$ 50
 - (3) Third-party agency certification and renewal. \$250
 - (4) Photo identification replacement. \$ 10

(b) The Department will charge one fee per application. An applicant may apply for certification for multiple categories on a single application form. All fees are nonrefundable.

§ 401.3. Certification required.

(a) A person may not perform a plan review of construction documents, inspect construction or administer and enforce the Uniform Construction Code without being currently certified by the Department in the category applicable to the work that is to be performed.

(b) A person may not approve plans or perform inspections relating to accessibility requirements without being certified by the Department as an accessibility specialist.

§ 401.4. Application and identification.

(a) An applicant for certification shall submit a Department-provided application, pay the required fee and submit verification of meeting the requirements of this chapter and passing all of the certification examinations for a specific certification category listed in § 401.5 (relating to waivers) by ____ (*Editor's Note:* The blank refers to a date 6 years prior to the effective date of adoption of this proposed rulemaking.).

(b) The Department will issue a photo identification card to an applicant who meets the certification requirements.

(c) A certification holder shall notify the Department in writing if the photo identification card is lost or destroyed. The Department will charge a required fee for issuance of a new photo identification card.

(d) Certification and certification renewal will not be valid until the Department receives the required fee.

(e) The period of certification shall be 3 years from the issuance date.

(f) The Department may refuse to issue certification for just cause in accordance with § 401.14 (relating to decertification or refusal). The Department will provide written notification of the reasons for the refusal to issue certification.

§ 401.5. Waivers.

(a) The Department may grant a request for waiver of the testing requirements of § 401.6 (relating to certification categories and testing) if the applicant meets any of the following criteria:

(1) Passed a test substantially similar to the testing categories listed in § 401.6 within ____ (*Editor's Note:* The blank refers to a date 6 years prior to effective date of adoption of this proposed rulemaking.).

(2) Passed a test substantially similar to the testing categories listed in § 401.6 before ____ (*Editor's Note:* The blank refers to a date 6 years prior to effective date of adoption of this proposed rulemaking.) so long as the applicant submits any of the following to the Department:

(i) Evidence of continued employment in the related field.

(ii) Current certification issued by a model code organization.

(iii) Evidence of substantial education in associated fields.

(b) An applicant for waiver shall complete a Department-provided application form and pay the required application fee. If the Department approves the

waiver, the applicant shall comply with § 401.4 (relating to application and identification).

§ 401.6. Certification categories and testing.

The Department will issue a certification for specific category to an applicant who receives a passing grade in all of the examinations required for that category. The Department will accept the following category examinations administered by the Department, the National Certification Program for Construction Code Inspectors, Assessment Services, Incorporated, the National Association of Elevator Safety Authorities or other Nationally-recognized testing program approved by the Department:

<i>CERTIFICATION CATEGORIES</i>	<i>EXAMINATION NUMBER and NAME</i>
1 & 2 Family dwellings building inspector	1A Building 1 & 2 family dwelling
1 & 2 Family dwellings electrical inspector	2A Electrical 1 & 2 family dwelling
1 & 2 Family dwellings mechanical inspector	4A Mechanical 1 & 2 family dwelling
1 & 2 Family dwellings plumbing inspector	5A Plumbing 1 & 2 family dwelling
1 & 2 Family dwellings energy inspector	E1 Residential energy plan review & inspection
Building inspector	1B Building general
	3B Fire protection general
Fire prevention inspector	F1 Fire prevention inspection general
Electrical inspector	2B Electrical general
Mechanical inspector	4B Mechanical general
Plumbing inspector	5B Plumbing general
Energy inspector	E2 Commercial energy inspection
Accessibility specialist	Building codes accessibility specialist
Building plans examiner	1B Building general
	1C Building plan review
	3B Fire protection general
	3C Fire protection plan review
Electrical plans examiner	2B Electrical general
	2C Electrical plan review
Mechanical plans examiner	4B Mechanical general
	4C Mechanical plan review
Plumbing plans examiner	5B Plumbing general
	5C Plumbing plan review
Energy plans examiner	E3 Commercial energy plan review
Building code official (code administrator)	Department-administered test on State law and application
Elevator inspector	Qualified elevator inspector test or its equivalent
Conveying systems inspector	Department-administered test on ASME B 20.1 standard
Belt manlift inspector	Department-administered test on ASME B 90.1 standard
Auto lift inspector	Department-administered test on ALI ALCTV-98 standard
Passenger ropeway inspector	ANSI B77.1-1999 edition

§ 401.7. Certification category specifications.

An individual certified by the Department in the following categories may perform the duties described in the specific category as a construction code official:

(1) One and two-family dwellings building inspector:

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous structural conditions and comply with the Uniform Construction Code.

(ii) Duties include inspection of footings and foundations, concrete slabs, wood decay and termite protection, floor and ceiling framing, wall framing, roof framing, masonry walls, sheathing, roof covering, interior and exterior wall coverings, means of egress system and safety glazing.

(2) One and two-family dwellings electrical inspector:

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous electrical installations and comply with the Uniform Construction Code.

(ii) Duties include determining compliance of electrical service, electrical distribution systems, wiring methods, panel boards, control devices, conductors and electrical fixture installation.

(3) One and two-family dwellings mechanical inspector:

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous mechanical installations and comply with the Uniform Construction Code.

(ii) Duties include determining compliance of mechanical equipment, gas fuel supply systems, venting of appliances, air ducts, combustion air and comfort cooling.

(4) One and two-family dwellings plumbing inspector:

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous plumbing installations and comply with the Uniform Construction Code.

(ii) Duties include determining compliance of water service, building sewer, water distribution, drainage, waste and vents and fixtures.

(5) One and two-family dwellings energy inspector:

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that energy installations are made in the manner specified in the Uniform Construction Code.

(ii) Duties include determining compliance of conditioned or unconditioned spaces, R-values for roof/ceiling, floor and wall assemblies and insulation placement, installation of materials for the building envelope and its components, moisture control methods such as caulking, sealing and weather-stripping, duct and dipping insulation and sealing criteria, thermostats for each heating and cooling system, electrical metering, lighting installation and controls and piping insulation, circulation pump controls, heat traps, shower heads and pool cover installations.

(6) Building inspector:

(i) Ensures that buildings and structures are constructed in accordance with the Uniform Construction Code.

(ii) Duties include inspection of construction site and building location, footings and foundations, wood and steel framing and connections, masonry construction, pre-cast and cast-in-place concrete, exterior weather boarding, fire-stopping and draft-stopping, building com-

ponents related to life safety and fire protection systems and building components related to size, installation and workmanship.

(7) Electrical inspector:

(i) Ensures that electrical installations are made in accordance with the Uniform Construction Code regardless of the size or components used in the installation.

(ii) Duties include determining compliance of raceways (installations, size), cables, panel boards and boxes, conductors, control devices, motors and generators, electrical equipment and special occupancies.

(8) Mechanical inspector:

(i) Ensures that mechanical installations are made in the manner specified in the Uniform Construction Code.

(ii) Duties include determining compliance of fuel piping systems, heating, cooling and ventilation, fuel-fired equipment venting, steam and hot water heating systems and piping and energy conservation.

(9) Plumbing inspector:

(i) Ensures that plumbing installations are made in accordance with the Uniform Construction Code.

(ii) Duties include determining compliance of underground piping installation, rough-in inspections, drain-waste-venting (DWV) systems, pressure testing, water distribution systems, observation and elimination of cross connections, system pumps, tanks and pressure vessels and fixtures, traps and valves and their connections.

(10) Energy inspector:

(i) Ensures that the building envelope, mechanical systems, electrical power and lighting systems and building service systems and equipment comply with the approved construction documents and the Uniform Construction Code.

(ii) Duties include verifying that building envelope and components meet minimum requirements for installation of materials and that building envelope penetrations are caulked, sealed and weather-stripped, determining compliance of moisture control methods, installation of and types of mechanical equipment and efficiencies, heating, ventilation and air conditioning (HVAC) equipment, ducts and piping, insulation and sealing, lighting installation and lighting controls for building interiors and exteriors, permanently wired poly-phase motors and their efficiencies, piping insulation, circulation pump controls, heat traps, point-of-use controls and pool cover installations.

(11) Accessibility specialist:

(i) Ensures that buildings and structures are constructed in accordance with the accessibility provisions of the Uniform Construction Code and that construction documents submitted as part of a permit application comply with the accessibility provisions of the Uniform Construction Code.

(ii) Duties include inspection of building sites and all interior building components to verify compliance with the accessibility standards or review of construction documents to verify that the design of building sites and all interior components comply with the accessibility standards.

(12) Building plans examiner:

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining the degree of compliance necessary for new construction projects, alterations or repairs, proper use group/type of construction classification, determining height and area requirements, minimum means of egress requirements, minimum light and ventilation requirements, minimum design structural loads, adequacy of soils investigations, adequacy of footing and foundation designs, minimum fire-resistance requirements, adequacy of barrier-free designs, minimum energy conservation requirements and adequacy of fire-protection systems.

(13) *Fire prevention inspector:*

(i) Conducts basic fire prevention inspections and has a general knowledge of applicable codes and standards.

(ii) Duties include field inspections, preparation of correspondence and inspection reports, handling complaints, and maintaining files related to inspections that were conducted.

(14) *Electrical plans examiner:*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining proper number of services, proper location of services, adequacy of emergency systems, proper service size, proper over-current protection, special use applications and proper conductor size and application.

(15) *Mechanical plans examiner:*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining compliance of fuel piping systems, fuel-burning appliances, mechanical refrigeration systems, incinerators, energy conservation equipment and controls, boilers and pressure vessels, venting systems, hydronic and steam-piping systems and ventilation air systems.

(16) *Plumbing plans examiner:*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining that water service, building sewer/storm sewer and other underground piping are properly sized and located, determining that proper drainage fixture units, fixture locations and clearances are used, determining the adequacy of drain-waste-venting (DWV) riser diagrams and water distribution systems and determining the proper number of fixtures and proper materials as proposed.

(17) *Energy plans examiner:*

(i) Ensures that the design criteria specified for a building are correct and in accordance with the Uniform Construction Code and that alterations, additions and change of use or occupancy are in compliance with the Uniform Construction Code.

(ii) Duties include determining compliance of the design conditions specified, conditioned or unconditioned spaces, R values for roof/ceiling, floor and wall assemblies and insulation placement, insulation of materials for the building envelope and its components, moisture control methods such as caulking, sealing and weather-stripping, duct and dipping insulation and sealing criteria, thermostats for each heating and cooling system, electrical

metering, lighting installation and controls, piping insulation, circulation pump controls, heat raps, shower heads and pool cover installations.

(18) *Building code official:*

(i) Manages, supervises and administers building code enforcement activities. The Department, municipality or a third-party agency that operates an enforcement program under the act will employ at least one person certified or registered as a building code official.

(ii) Duties include management of building code enforcement activities, supervision of building inspectors or plans examiners, issuing building permits, occupancy permits, notice of violations and orders to vacate, and initiation of prosecutions.

(19) *Elevator inspector:*

(i) Inspects electric and hydraulic elevators and other lifting devices to ensure that these installations are free from conditions that would present a life safety or fire hazard to persons using the installations.

(ii) Duties include determining compliance with the Uniform Construction Code regarding door closers, interlocks, car safeties, over-speed governors, safety tests, reshackling, ropes, fireman's recall, brakes and other related elevator equipment and the investigation of accidents.

(20) *Conveying systems inspector:*

(i) Inspects conveying systems to insure that installations are free from conditions that would present a life safety or fire hazard to a person using these installations.

(ii) Duties include determining compliance of backstops and brakes, overload protection, gates and switches, counterweights, guards and guarding, headroom, and controls and operation.

(21) *Belt manlift inspector:*

(i) Inspects belt manlifts to insure that installations are free from conditions that would present a life safety or fire hazard to a person using these installations.

(ii) Duties include determining compliance of floor openings, riding clearance, landings, hood on underside of floor openings, protection of entrances and exits, bottom arrangements, top arrangements, emergency exit ladders, superstructure bracing, illumination, weather protection, brakes, belts, pulleys, speed, platforms or steps, handholds, safety stops, start/stop control ropes, factors of safety, instruction and warping signs, operating rules, and conducting tests and inspections.

(22) *Auto lift inspector:*

(i) Inspects auto lifts to insure that installations are free from conditions that would present a life safety or fire hazard to persons using these installations.

(ii) Duties also include determining compliance for quality assurance and documentation, determining construction compliance for the specific requirements for: welding; runways, ramps, chocks and runway stops; adapters; vehicle positioning; non rotating device; air-oil tanks; low oil control; swing arms; balconies; travel limits; load holding device; out-of-level condition; multiple electric powered posts; mobile above ground lifts; surfaces; inspection of damage; electrical safety; stability of wheel engaging mobile lifts; fastening devices; lubrication; accessory equipment; machine guarding/color coding; and other safety considerations.

(23) *Passenger ropeway inspector:*

(i) Inspects passenger ropeways to ensure that the installation is free from conditions that would present a life safety or fire hazard to a person using the installation.

(ii) Duties include investigation of accidents and determining compliances of power units, auxiliary power units, carriers, cabins, cars, location, vertical and horizontal clearances, haul rope sleeves, guides, haul rope condition and splice, structures and foundations, capacity, speed, acceleration/deceleration, loading and unloading areas, required stopping devices, brakes and rollback devices, tension systems, manual and automatic control devices, haul rope grips, operation and maintenance of equipment, electrical components, emergency shut down circuits, bypass circuits, speed regulating devices, and other related ropeway equipment with the Uniform Construction Code.

§ 401.8. Certification renewal.

(a) A certification holder shall renew a certification every 3 years from date of issuance to continue to act as a code administrator.

(b) To renew a certification, an applicant shall submit a completed Department-provided renewal form, acceptable proof of completion of continuing education and the required certification fee.

(c) An applicant for renewal shall obtain identification in accordance with § 401.4 (relating to application and identification).

(d) The Department will not renew a certification that is expired for more than 1 year unless the applicant submits a certification application under § 401.4 and passes the required examinations under § 401.6 (relating to certification categories and testing).

(e) An applicant for certification renewal shall submit proof of completion of each continuing education course. The proof of completion shall be completed by the course provider and contain the following information:

- (1) The name and address of the training provider.
- (2) The dates attended.
- (3) The credit hours claimed.
- (4) The title of the course.
- (5) The subject matter of the course.

(f) The Department will not renew the certification of a person who was decertified in accordance with § 401.14 (relating to decertification or refusal) for the period that the Department ordered the decertification.

§ 401.9. Continuing education.

(a) Prior to certification renewal, an applicant shall complete 15 credit hours of continuing education in courses relating to the professional competency of code administrators. An applicant with multiple certification areas shall complete 15 credit hours of continuing education for each category after the issuance of the certification or most recent renewal of certification. The applicant is not required to complete more than 45 credit hours for renewal. At least 1/3 of the applicant's continuing education requirement shall be in approved courses relating to applicant's certification categories.

(b) The Department will approve credit of 1-hour for each 60 minutes actually spent in attendance at one course. A self-study course will receive credit hours of 1-hour for each 60 minutes of completion time calculated by the sponsor. The Department may modify credit hours for a self-study course to comply with this section.

(c) The Department approves the following as acceptable courses of study for continuing education credits:

- (1) Attendance at a seminar or technical presentation by an approved provider.
- (2) Completion of a self-study course offered by an approved provider.
- (3) Completion of a classroom course offered by an accredited academic institution.
- (4) Instruction at a continuing education seminar or technical presentation for an approved provider.
- (5) Successful completion of an examination for new certification category listed in § 401.6 (relating to certification categories and testing)

(6) Attendance at a model code organization code change hearing.

§ 401.10. Department-approved providers.

(a) The following providers are approved to offer instruction for continuing education credit hours:

- (1) The National Conference of States on Building Codes and Standards.
- (2) A Federal, Commonwealth or state agency.
- (3) An accredited academic institution.
- (4) A model code organization or its accredited local chapter.
- (5) A trade association representing design professionals or the construction industry.
- (6) A National standards writing organization.
- (7) An association serving or representing Commonwealth municipalities.

(b) The Department will approve additional providers who demonstrate the competency to provide approved continuing education programs. An applicant for approval as a provider shall submit a completed Department-provided application and appropriate documentation that it meets the requirements of § 401.9 (relating to continuing education).

(c) The Department may revoke approval of any provider that does not comply with § 401.9 or this section. Actions will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

§ 401.11. Certification of third-party agency.

(a) Current certification as a third-party agency is required to act as a construction code official, perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in accordance with the act under contract with a person, firm, corporation or the Commonwealth.

(b) An applicant for certification as a third-party agency shall submit a completed Department-provided application to the Department and pay the required fee.

(c) An applicant for certification as a third-party agency shall submit documentation that its employees or agents who act as construction code officials and perform plan review of construction documents, inspect construction or administer or enforce codes and regulations under the act are currently registered or certified in the specific categories applicable to the work performed.

(d) An applicant for certification under this section shall submit acceptable documentation of insurance coverage required under § 401.12 (relating to liability insurance).

(e) A third-party agency shall provide written notification to the Department within 60 days of the hiring or change of employment status of an employee or agent who acts as a construction code official and performs plan review of construction documents, inspects construction or administers or enforces codes and regulations under the act.

§ 401.12. Liability insurance.

(a) A third-party agency shall carry errors and omissions liability insurance in at least the amount of \$1 million for each person and each occurrence to satisfy claims or judgments for property damage or personal injury, or both.

(b) As a condition for obtaining and renewing certification, a third-party agency shall submit to the Department satisfactory evidence that it has obtained errors and omissions liability insurance as required by this section. A certification or renewal will not be issued unless the third-party agency provides proof of insurance which shall consist of a certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and policy coverage in the amounts required.

(c) A third-party agency shall notify the Department immediately of the cancellation of its errors and omissions liability insurance, the failure or refusal to renew its errors and omissions liability insurance, change of insurance carrier, change of policy dates or changes of coverage amounts. Upon notice of loss or cancellation of insurance coverage, the Department will immediately initiate action to decertify the third party agency under § 401.14 (relating to decertification or refusal to certify).

§ 401.13. List of code administrators.

The Department will maintain a list of code administrators indicating their categories of certifications. The list will be available to municipalities and the public.

§ 401.14. Decertification or refusal to certify.

(a) *Decertification or refusal to certify.* The Department may initiate action against a code administrator or refuse to issue certification for just cause. Just cause includes the following:

- (1) Failure to remedy an error or omission specified in a formal warning or to comply with an order issued by the Department under this section.
- (2) Fraud or deceit or making untrue representations in obtaining a certification.
- (3) Failure to remit the required certification fee.
- (4) Violation of the act or this chapter.
- (5) Incompetence or gross negligence.
- (6) Acting in a manner presenting a danger to the public health and safety.
- (7) Pleading guilty, entering a plea of *nolo contendere*, being found guilty, receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition to a felony or any crime relating to the business of code administrator in the courts of this Commonwealth, a Federal court or a court of any other state, territory or insular possession of the United States.

(8) Having a certification or any authorization to engage in the business of code administrator revoked or suspended or having other disciplinary action taken, or an application for certification or authorization to engage in the business of code administrator refused or denied by the proper authority of another state or Federal district, territory or insular possession of the United States or the Federal government.

(9) Failing to complete continuing education requirements of the act or engaging in deceit or misrepresentation in the reporting of continuing education requirements.

(10) Engaging in fraud, deceit or an act of moral turpitude while acting as code administrator.

(11) Failing to enforce the act or Uniform Construction Code.

(12) Knowingly aiding and abetting a person engaging in code administrator activity who is not currently certified or registered.

(13) Being a third-party agency that does not comply with § 401.12 (relating to liability insurance).

(14) Engaging in the activities of a code administrator or advertising as a code administrator without a current certification required for the work performed, or registration issued by the Department.

(b) *Notice and hearing.* Actions of the Department relating to decertification under this section will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). Decertification proceedings shall be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(c) *Procedure for decertification.*

(1) The Department will serve the code administrator with an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The order to show cause shall contain notification that the certification may be subject to action and the grounds for the action. The order to show cause shall contain notification that the code administrator is to respond in writing within 30 days after the date of service of the order. The Department will also serve a copy of the order to show cause upon the supervising official in the municipality where the alleged incidents occurred and upon the code administrator's current employer.

(2) The code administrator may respond in writing to the allegations in the order to show cause in accordance with 1 Pa. Code § 35.37 (relating to answers to orders to show cause). If made, the answer shall be filed with the Department within 30 days after the date of service of the order to show cause.

(3) At the request of the code administrator, the Department will hold a hearing on the matter. The Secretary will designate a presiding officer to conduct the hearing and to issue a proposed report under 1 Pa. Code §§ 35.201—35.207 (relating to proposed reports generally).

(4) The presiding officer shall have the power to conduct hearings under 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers). The presiding officer shall issue a proposed report that shall be served upon counsel of record or to the parties in the hearing. The presiding officer shall promptly transmit the proposed report and the certified record to the Secretary.

(5) A participant desiring to appeal to the Secretary shall, within 30 days after the service of a copy of the proposed report, file exceptions to the proposed report under 1 Pa. Code § 35.211 (relating to procedure to except to proposed report). A response may be filed within 20 days to the exceptions.

(6) The Secretary or a designee will issue a final order under 1 Pa. Code § 35.226 (relating to final orders).

(d) *Types of corrective action.* When the Department is authorized to take action against a code administrator, the Department may:

(1) Administer a formal warning.

(2) Require the code administrator to take remedial educational courses.

(3) Decertify the code administrator for a period set by the Department. The Department will order the code administrator to surrender his certificate after decertification.

(4) Deny the application for certification.

(e) *Conditions for reinstatement.* Unless ordered to do so by a court of competent jurisdiction, the Department will not reinstate certification to a person who was decertified until the following conditions are met:

(1) The full period of decertification ordered by the Department has elapsed.

(2) If the code administrator was convicted of a felony or a crime related in any way to code enforcement, the code administrator shall demonstrate that he is fully rehabilitated and that recertification would not be detrimental to the public health and safety.

(3) The person has complied with conditions imposed by the Department's order of decertification.

(4) The person complies with § 401.4 (relating to application and identification).

(f) Subsection (c) supplements 1 Pa. Code §§ 35.14, 35.37, 35.201—35.207, 35.185—35.190, 35.211, and 35.226.

§ 401.15. Registration of current code administrators.

(a) A current code administrator engaged in plan review or inspection of one-family or two-family residential property may continue to engage in these activities without meeting the training and certification requirements of this chapter until _____ (*Editor's Note:* The blank refers to a date that is 3 years from effective date

of adoption of the proposed rulemaking.). To engage in plan review or inspection of one-family or two-family dwelling units after _____ (*Editor's Note:* The blank refers to a date that is 3 years from effective date of adoption of this proposed rulemaking.), a current code administrator shall meet the certification and training requirements of this chapter

(b) A current code administrator engaged in plan review or inspection of other buildings and structures that are not one-family or two-family residential structures may continue to engage in these activities without meeting the training and certification requirements of this chapter until _____ (*Editor's Note:* The blank refers to a date that is 5 years from effective date of adoption of this proposed rulemaking.) To engage in plan review and inspection of other buildings and structures after _____ (*Editor's Note:* The blank refers to a date that is 5 years from effective date of adoption of this proposed rulemaking.) a current code administrator shall meet the training and certification requirements of this chapter.

(c) A current code administrator shall register with the Department by submitting a completed Department-provided form and furnishing required documentation. Documentation is to consist of an affidavit completed by the employer responsible for oversight of the current code administrator's activities and an affidavit completed by the current code administrator containing a description of the current code administrator's duties, employment and length of employment.

(d) The Department will issue a photo identification card to a current code administrator who meets the requirements of this section, completes a Department-provided form and pays the required fee.

(e) The photo identification card will expire as registration on the date that the current code administrator must meet the training and certification requirements of this chapter.

(f) A current code administrator shall notify the Department in writing if the photo identification card is lost or destroyed. The Department will charge a required fee for issuance of a new photo identification card.

§ 401.16. Change of address or employer.

A certification or registration holder shall notify the Department of any change of mailing address or employer within 30 days.

[Pa.B. Doc. No. 01-1218. Filed for public inspection July 6, 2001, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective June 21, 2001.

The organization chart at 31 Pa.B. 3555 (July 7, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)

[Pa.B. Doc. No. 01-1219. Filed for public inspection July 6, 2001, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective June 21, 2001.

The organization chart at 31 Pa.B. 3556 (July 7, 2001) is published at the request of the Joint Committee on

Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)

[Pa.B. Doc. No. 01-1220. Filed for public inspection July 6, 2001, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Office of Administration

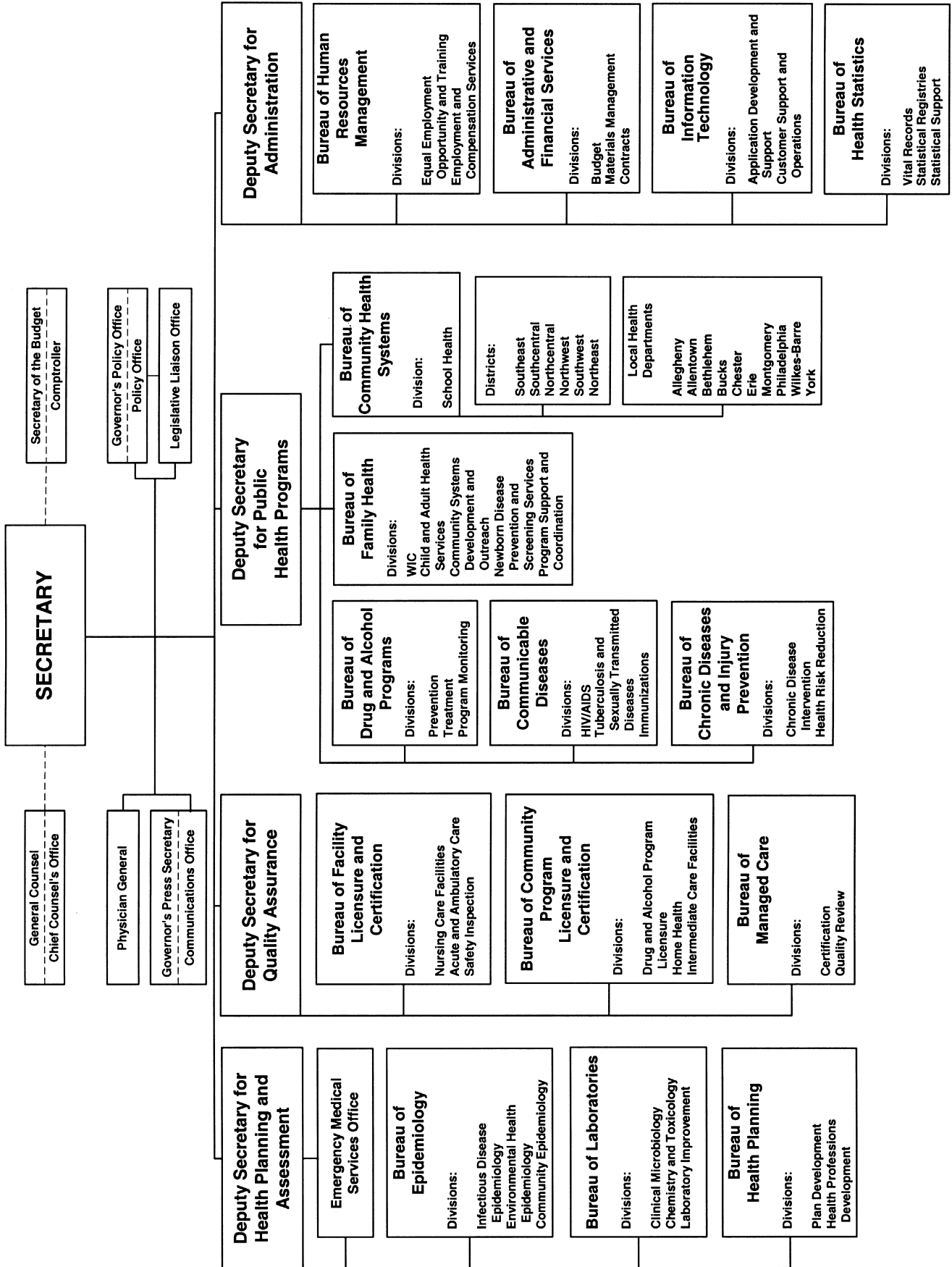
The Executive Board approved a reorganization of the Office of Administration effective June 21, 2001.

The organization chart at 31 Pa.B. 3557 (July 7, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

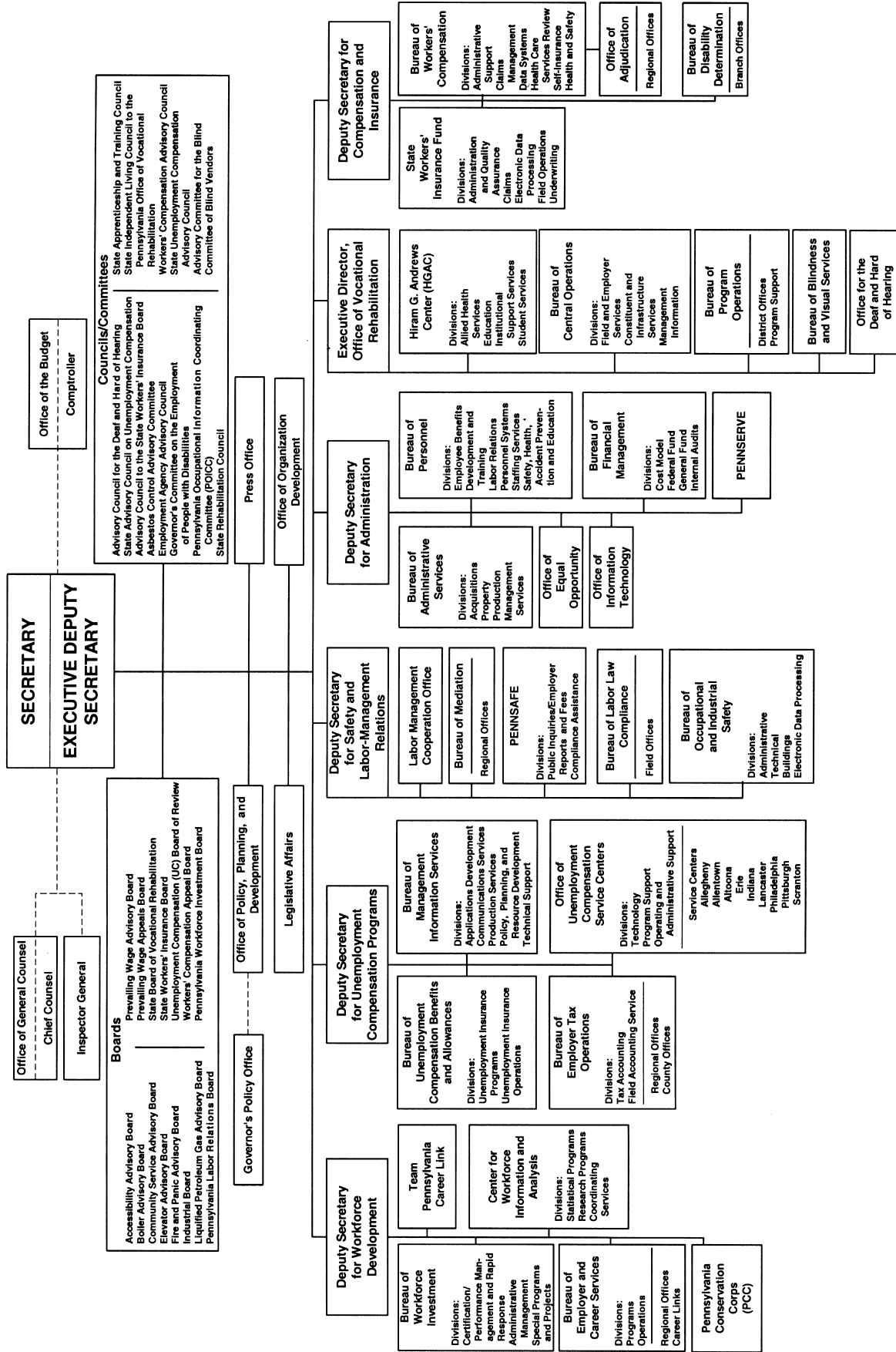
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)

[Pa.B. Doc. No. 01-1221. Filed for public inspection July 6, 2001, 9:00 a.m.]

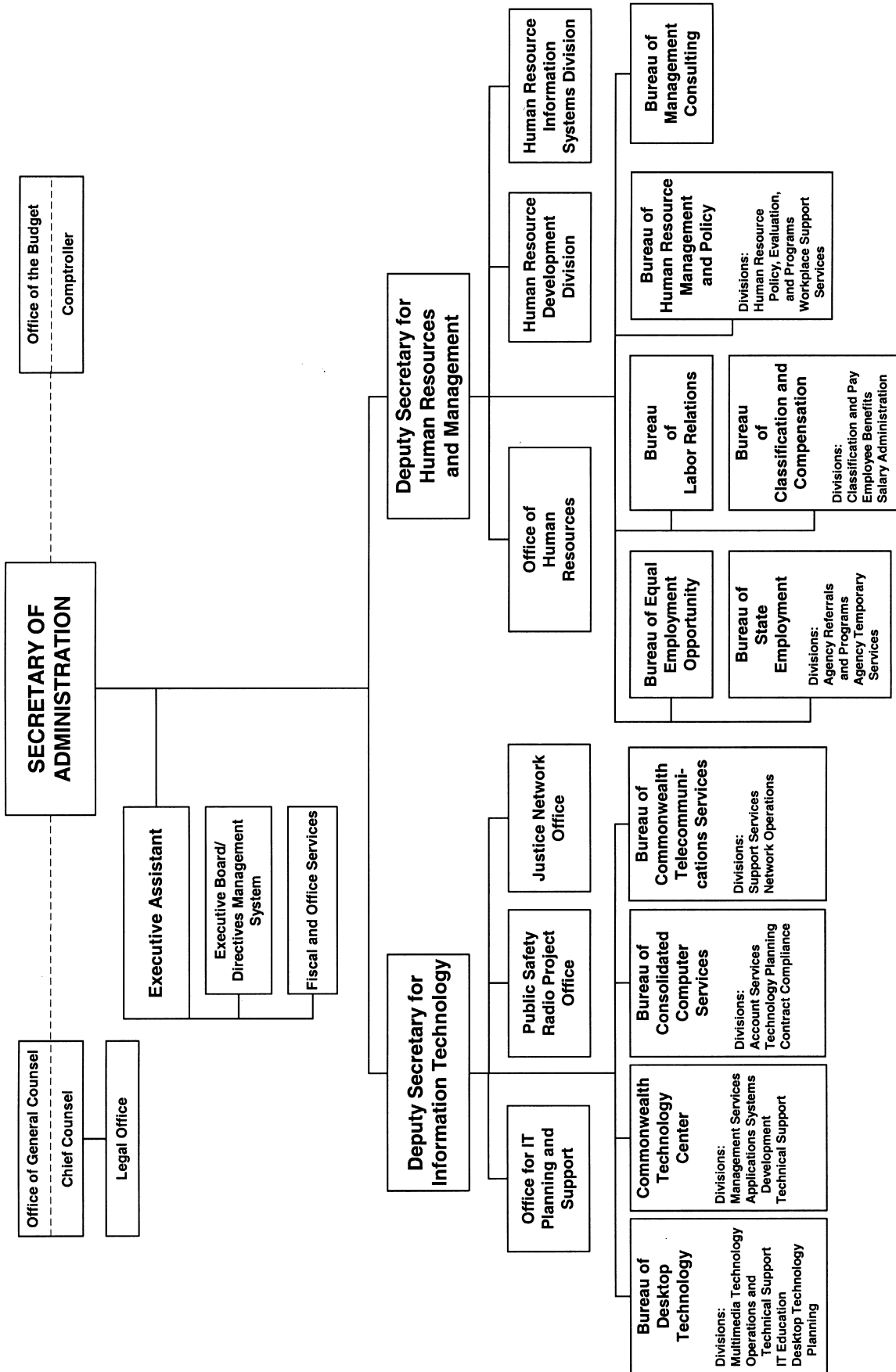
DEPARTMENT OF HEALTH



DEPARTMENT OF LABOR AND INDUSTRY



OFFICE OF ADMINISTRATION



NOTICES

COMMISSION ON CRIME AND DELINQUENCY

Drug Control and System Improvement Strategy

The Commission on Crime and Delinquency (Commission) submitted an FFY-2001 State application for \$19.485 million provided through the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. This program totally supports the Commonwealth's Drug Control and System Improvement (DCSI) Program.

The application, entitled "Pennsylvania's Multi-Year Statewide Drug Control and System Improvement Strategy Update, April 2001" identifies the priority program areas that the Commission has designated and the allocation of FFY-2001 DCSI funds anticipated to be available to support these initiatives.

Persons desiring to review and comment on the strategy may submit their requests to Commission on Crime and Delinquency, Attention: Drug Control and System Improvement Program, P. O. Box 1167, Harrisburg, PA 17108-1167.

JAMES THOMAS,
Executive Director

[Pa.B. Doc. No. 01-1222. Filed for public inspection July 6, 2001, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Pine Shoot Beetle

Whereas, the Plant Pest Act (act) (3 P.S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

Whereas, the powers granted to the Department under section 21 of the act (3 P.S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

Whereas, Pine Shoot Beetle (*Tomicus piniperda* L.)—a plant pest indigenous to Europe—is a serious plant pest that injures pine trees; and

Whereas, Pine Shoot Beetle had been detected in Crawford, Erie and Lawrence counties in 1992, and these counties were made the subject of a quarantine order issued November 4, 1992 and published at 22 Pa.B. 5524 (November 14, 1992); and

Whereas, Pine Shoot Beetle has since been detected in Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Clarion, Clearfield, Elk, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, McKean, Mercer, Potter, Somerset, Tioga, Venango, Warren, Washington and Westmoreland counties; and

Whereas, further spread of Pine Shoot Beetle continues to pose a potential serious threat to the economic well-

being of the Christmas tree and tree nursery industry within this Commonwealth; and

Whereas, the United States Department of Agriculture (USDA) requires that affected states maintain current, parallel state quarantines in order for USDA to be able to enforce the Federal Pine Shoot Beetle Quarantine with respect to affected areas of the State—rather than against the entire State.

Now, therefore, the Department enters the following order:

1. *Prior Quarantine Rescinded.* The quarantine order published at 22 Pa.B. 5524 is hereby rescinded.

2. *New Quarantine Established.* A quarantine is hereby established under authority of section 21 of the act with respect to the following counties of this Commonwealth, in which Pine Shoot Beetle is known to be present:

Allegheny County, Armstrong County, Beaver County, Bedford County, Blair County, Bradford County, Butler County, Cambria County, Cameron County, Clarion County, Clearfield County, Crawford County, Elk County, Erie County, Fayette County, Forest County, Greene County, Huntingdon County, Indiana County, Jefferson County, Lawrence County, McKean County, Mercer County, Potter County, Somerset County, Tioga County, Venango County, Warren County, Washington County and Westmoreland County.

3. *The Quarantine Area.* The counties listed in the preceding paragraph, and any other counties added to this quarantine by subsequent order, shall be referred to collectively as the "quarantine area."

4. *Terms and Definitions.* The following terms and definitions apply to this order:

a. *Articles subject to quarantine.*—The term includes the following:

i. The pine shoot beetle in any living stage of development.

ii. The following pine (*Pinus* spp.) products:

A. Bark nuggets (including bark chips).

B. Christmas trees.

C. Logs or lumber with bark attached.

D. Nursery stock.

E. Any cut, fresh, untreated, unassembled pine materials that have not been manufactured into wreaths or garlands.

F. Stumps.

iii. Any article, product or means of conveyance that presents a risk of spread of the pine shoot beetle and with respect to which an inspector has notified the person in possession that the article is subject to quarantine.

b. *Certificate.*—A document issued or authorized to be issued by an inspector to allow the movement of articles subject to quarantine to a designated destination.

c. *Infestation.*—The presence of the Pine Shoot Beetle (*Tomicus piniperda*) or the existence of a reasonable basis to believe that the Pine Shoot Beetle is present.

d. *Inspector.*—An employee of the Department authorized to enforce the provisions of this quarantine, or any other person authorized by the Department to enforce the provisions of this quarantine.

e. *Limited permit*.—A document issued by or authorized to be issued by an inspector, allowing the movement of noncertified articles subject to quarantine to a destination for particular handling, use or treatment (such as fumigation).

f. *Person*.—An individual, partnership, corporation, company, society, association or other organized group.

5. *General Conditions of the Quarantine*. An article subject to quarantine shall not be moved from or through the quarantine area unless it is either accompanied by a valid certificate or limited permit issued in accordance with this order or an applicable provision of this order exempts that article from the certificate or limited permit requirement.

6. *Issuance of Certificate*. An inspector shall issue a certificate with respect to any articles subject to this quarantine if:

a. The inspector conducts a complete and thorough examination of the articles and determines that no life stages of the Pine Shoot Beetle are present within or among the articles and there are no other indicators of the presence of Pine Shoot Beetle present; or

b. The inspector directs treatment of the articles in accordance with methods described in the Federal Pine Shoot Beetle Quarantine, at section 301.50, and determines that the articles were so treated.

7. *Issuance of Limited Permit*. If an inspector determines that the movement of particular articles subject to quarantine will not result in the spread of the pine shoot beetle, the inspector may issue a limited permit to allow the movement of those articles—without a certificate—to a location outside the quarantine area for particular handling or utilization, or for treatment in accordance with approved procedures.

8. *Certificate or Limited Permit to be Attached to Articles*. A certificate or limited permit shall be either:

a. Securely attached to the outside of the container in which the article subject to quarantine is moved; or

b. Securely attached to a shipping document that adequately describes the article subject to quarantine.

9. *Articles Moved through the Quarantine Area*. An article subject to quarantine may be moved from a location outside the quarantine area, through the quarantine area to a destination outside the quarantine area without a certificate or limited permit if the following conditions are met:

a. During October, November or December; or when the ambient air temperature is below 50 degrees Fahrenheit, passage through the quarantine area is made without stopping except for refueling or traffic conditions; and

b. During January through September, or when the ambient air temperature is at or above 50 degrees Fahrenheit, the article subject to quarantine is moved through the quarantine area in an enclosed vehicle or is completely enclosed by a covering (such as canvas, plastic or other loosely woven cloth) adequate to prevent access by the Pine Shoot Beetle; and

c. The county and state of origin of the article subject to quarantine are indicated on the waybill or shipping document.

10. *Articles Moved into the Quarantine Area*. If an article subject to quarantine is moved from outside of the quarantine area to a destination within the quarantine

area, it shall thereafter be subject to the certificate and limited permit requirements of this order.

11. *Articles Moved from the Quarantine Area, through an area outside the Quarantine Area, to a Destination in the Quarantine Area*. An article subject to quarantine may be moved from a location within the quarantine area, through an area outside the quarantine area to a destination in the quarantine area without a certificate or limited permit if the following conditions are met:

a. During October, November or December; or when the ambient air temperature is below 50 degrees Fahrenheit, passage through the quarantine area is made without stopping except for refueling or traffic conditions; and

b. During January through September, or when the ambient air temperature is at or above 50 degrees Fahrenheit, the article subject to quarantine is moved through the quarantine area in an enclosed vehicle or is completely enclosed by a covering (such as canvas, plastic or other loosely woven cloth) adequate to prevent access by the Pine Shoot Beetle; and

c. The county and state of origin and the final destination of the article subject to quarantine are indicated on the waybill or shipping document.

12. *Movement of Living Specimens of the Pine Shoot Beetle for Scientific Purposes*. Living specimens of the Pine Shoot Beetle may be moved out of the quarantine area for scientific purposes only if accompanied by a scientific permit.

13. *Contact Person*. Requests for information relating to this order should be directed to Walt Blosser, Plant Inspection Programs Specialist, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5202.

14. *Effective Date of Quarantine*. This order of quarantine shall take effect as of June 21, 2001, and shall remain in effect until further notice.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 01-1223. Filed for public inspection July 6, 2001, 9:00 a.m.]

Order of Quarantine; Plum Pox Virus; Cumberland County

Whereas, the Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

Whereas, the powers granted the Department under the Plant Pest Act include (at 3 P. S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

Whereas, Plum Pox Virus—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable; and

Whereas, as a result of the presence of Plum Pox Virus in several townships and boroughs, the Department has issued a series of quarantine orders establishing and adjusting a quarantine area; and

Whereas, to date these quarantine orders have established a quarantine area covering Latimore Township and Huntington Township in Adams County (29 Pa.B. 5735, November 6, 1999), South Middleton Township in Cumberland County (30 Pa.B. 3269, July 1, 2000), Dickinson Township in Cumberland County and portions of Menallen Township and Tyrone Township in Adams County (30 Pa.B. 4357, August 19, 2000) and the Borough of York Springs in Adams County and the Borough of Mount Holly Springs in Cumberland County (30 Pa.B. 5852, November 11, 2000); and

Whereas, Plum Pox Virus has since been detected on stone fruit trees located in a portion of Southampton Township, Cumberland County; and

Whereas, Plum Pox Virus has the potential to cause serious damage to the stone fruit production industry within this Commonwealth; and

Whereas, Plum Pox Virus is transmitted from infected trees by aphids and by budding or grafting, and can be spread into new areas by movement of infected nursery stock; and

Whereas, the movement of Plum Pox Virus-infected fruit trees poses a danger to stone fruit trees in non-infected areas; and

Whereas, there is no known control for Plum Pox Virus other than destruction of infected trees.

Now, therefore, under authority of section 21 of the Plant Pest Act (3 P. S. § 258.21), the Pennsylvania Department of Agriculture hereby establishes a quarantine effective in the following area:

Southampton Township, Cumberland County.

This quarantine prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

This quarantine order also prohibits the planting of stone fruit trees (apricot, nectarine, peach and plum) in the quarantined area. This prohibition applies to both fruit-bearing and ornamental varieties of stone fruit trees. Examples of common varieties of ornamental stone fruit trees include purpleleaf plum, flowering almond, flowering peach and purpleleaf sandcherry.

The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine order, as is required under the Plant Pest Act (at 3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

This order applies to commercial orchards, commercial nurseries, homeowners and all persons within the quarantine areas described.

This quarantine is effective as of June 26, 2001.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 01-1224. Filed for public inspection July 6, 2001, 9:00 a.m.]

Order of Quarantine; Plum Pox Virus; York County

Whereas, the Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Pennsylvania Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

Whereas, the powers granted the Department under the Plant Pest Act include (at 3 P. S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

Whereas, Plum Pox Virus—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums, and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable; and

Whereas, as a result of the presence of Plum Pox Virus in several townships and boroughs, PDA has issued a series of quarantine orders establishing and adjusting a quarantine area; and

Whereas, to date these quarantine orders have established a quarantine area covering Latimore Township and Huntington Township in Adams County (29 Pa.B. 5735, November 6, 1999), South Middleton Township in Cumberland County (30 Pa.B. 3269, July 1, 2000), Dickinson Township in Cumberland County and portions of Menallen Township and Tyrone Township in Adams County (30 Pa.B. 4357, August 19, 2000) and the Borough of York Springs in Adams County and the Borough of Mount Holly Springs in Cumberland County (30 Pa.B. 5852, November 11, 2000); and

Whereas, Plum Pox Virus has since been detected on stone fruit trees located in Franklin Township and a portion of Washington Township, York County—areas adjoining the current quarantine area; and

Whereas, Plum Pox Virus has the potential to cause serious damage to the stone fruit production industry within this Commonwealth; and

Whereas, Plum Pox Virus is transmitted from infected trees by aphids and by budding or grafting, and can be spread into new areas by movement of infected nursery stock; and

Whereas, the movement of Plum Pox Virus-infected fruit trees poses a danger to stone fruit trees in non-infected areas; and

Whereas, there is no known control for Plum Pox Virus other than destruction of infected trees.

Now, therefore, under authority of section 21 of the Plant Pest Act (3 P. S. § 258.21), the Department hereby establishes a quarantine effective in the following areas:

1. Washington Township, York County.
2. Franklin Township, York County.

This quarantine prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

This quarantine order also prohibits the planting of stone fruit trees (apricot, nectarine, peach and plum) in the quarantined area. This prohibition applies to both fruit-bearing and ornamental varieties of stone fruit trees. Examples of common varieties of ornamental stone fruit trees include purpleleaf plum, flowering almond, flowering peach and purpleleaf sandcherry.

The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under the Plant Pest Act (at 3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

This Order applies to commercial orchards, commercial nurseries, homeowners and all persons within the quarantine areas described above.

This quarantine is effective as of June 22, 2001.

SAMUEL E. HAYES, Jr.
Secretary

[Pa.B. Doc. No. 01-1225. Filed for public inspection July 6, 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 June 26, 2001.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-11-01	Community Bank System, Inc., DeWitt, New York, to acquire 100% of the voting shares of First Liberty Bank Corp., Jermyn and indirectly acquire First Liberty Bank & Trust, Jermyn	DeWitt, NY	Effective

Simultaneous with the holding company acquisition, First Liberty Bank & Trust, Jermyn, merged with and into Community Bank, National Association, Canton, New York, the wholly-owned subsidiary of Community Bank System, Inc.

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-25-01	American Interim Bank Allentown Lehigh County	Allentown	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-21-01	Fulton Bank, Lancaster, and The Drovers & Mechanics Bank, York Surviving Institution— Fulton Bank, Lancaster	Lancaster	Approved
6-21-01	Royal Bank of Pennsylvania Narberth Montgomery County Purchase of assets/assumption of liabilities of Crusader Holding Corporation, Philadelphia, Crusader Savings Bank, F.S.B., Philadelphia and Asset Investment Corporation, Wilmington, Delaware	Narberth	Approved
6-25-01	American Interim Bank, Allentown, and American Bank, Allentown Surviving Institution— American Bank, Allentown	Allentown	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Merger application being filed to facilitate the acquisition of American Bank, Allentown, by American Bank Incorporated, Allentown, a bank holding company in organization.		

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-00	Main Street Bank Reading Berks County	Route 61 South Schuylkill Haven Schuylkill County (Drive-Up Facility)	Effective
11-15-00	Main Street Bank Reading Berks County	3321 Willow Lane Macungie Lehigh County	Effective

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-22-01	Northeast Pennsylvania Trust Company Hazleton Luzerne County	Amendment to Article Second provides for a change in the principal place of business <i>to</i> : 31 West Broad Street; <i>from</i> : 2 East Broad Street, both addresses in Hazleton, Luzerne County	Approved and Effective

SAVINGS INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-20-01	East Stroudsburg Savings Association Stroudsburg Monroe County	Intersection of Routes 940 & 115 Blakeslee Tobyhanna Township Monroe County	Filed

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-1226. Filed for public inspection July 6, 2001, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Approved Courses of Study under New Economy Technology Scholarship Act; Notice of Public Comment Period

Act 22 of 1999 (P. L. 159), known as the *New Economy Technology Scholarship Act*, established an incentive scholarship program for Pennsylvania students to pursue higher education and training in science and technology fields in order to create a sustained pool of highly trained technology workers to improve the Commonwealth's ability to attract and retain business. The act defines an approved course of study as "A program or curriculum offered by a postsecondary educational institution that provides instruction in science, technology and related fields and has been approved by the Department of Education (Department) in consultation with the Team Pennsylvania State Workforce Investment Board."

The current list of approved courses of study is published on the New Economy Technology Scholarship Program Application. The application may be obtained by calling PHEAA at (800) 692-7392, or by visiting their web site, www.pheaa.org.

As part of the annual review process of the approved courses of study, the Department will accept written

public comments from institutions, groups or individuals between the date of publication of this notice and October 1, 2001. Comments should address whether courses of study currently on the approved list for scholarships should continue to be approved, and/or whether the addition or deletion of specific courses of study would affect the purposes of the act.

All written comments shall be filed with Dr. Warren D. Evans, Department of Education, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333 Tel: (717) 787-7572; Fax: (717) 783-0583 on or before 4 p.m. on October 1, 2001.

All public comments will be considered as part of the annual review. Any recommendations regarding the addition or deletion of a program will be coordinated with Commonwealth workforce needs as identified in the targeted industry clusters and meetings with industry representatives. The list of approved course of study, including any revisions as a result of the annual review, will appear on the New Economy Technology Scholarship Application for the 2002-2003 academic year.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 01-1227. Filed for public inspection July 6, 2001, 9:00 a.m.]

Availability of 2001-2002 Innovative Learning and Workforce Development Funding for Agricultural Programs

Applications for FT 2001-2002 Innovative Learning and Workforce Development Funding for Agricultural Programs are invited.

Project Period: July 1, 2001 to June 30, 2002

Maximum Amount Per Application: \$30,000

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers and area school districts with programs in agriculture.

2. Applications Deadline

Applications are due August 10, 2001, by 5 p.m.

3. How to apply

The Department of Education has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding on-line. The grant application will be available on PDE's website under the Vocational Education subheading at pde.psu.edu/voced/. Individuals not able to submit their applications using the E-Grant system must appeal this requirement by writing to Dr. John C. Foster, Director, Bureau of Career and Technical Education, 333 Market Street, Sixth Floor, Harrisburg, PA 17126-0333.

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Career and Technical Education, Division of Special Program Services, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, e-mail: jbonchalk@state.pa.us.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 01-1228. Filed for public inspection July 6, 2001, 9:00 a.m.]

Availability of 2001-2002 Innovative Learning and Workforce Development Funding for Technical Programs

Applications for FT 2001-2002 Innovative Learning and Workforce Development Funding are invited.

Project Period: July 1, 2001 to June 30, 2002

Maximum Amount Per Application: \$50,000

1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers and area school districts with career and technical programs.

2. Applications Deadline

Applications are due August 10, 2001, by 5 p.m.

3. How to apply

The Department of Education has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding on-line. The grant application will be available on PDE's website under the Career and Technical Education subheading at pde.psu.edu/voced/. Individuals not able to submit their applications using the E-Grant system must appeal this requirement by writing to Dr. John C. Foster, Director, Bureau of Career and Technical Education, 333 Market Street, Sixth Floor, Harrisburg, PA 17126-0333.

4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Career and Technical Education, Division of Special Program Services, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, E-mail: jbonchalk@state.pa.us

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 01-1229. Filed for public inspection July 6, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The 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.

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 before 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 before 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA-0062235	D. C. East, Inc. d/b/a Best Value Inn I-80 & Rt. 93 Drums, PA 18222	Sugarloaf Township Luzerne County	Unnamed tributary to Nescopeck Creek (5D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084115	All American Travel Plazas, Inc. Clarks Ferry Auto/Truck Plaza P. O. Box 302 Bethel, PA 19507	Dauphin Reed Township	Haldeman Island Channel of Susquehanna River/6C	Yes
PA0083267	Butler Manufacturing Co. 400 N. Weaber Street Annville, PA 17003-1103	Lebanon Annville Township	UNT Quittapahilla Creek/7D	Yes

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

PA0104493, Industrial Waste. **Weyerhaeuser Choicewood**, R. D. 2, Campbell Road, Titusville, PA 16354.

This proposed facility is located in Oil Creek Township, **Crawford County**.

Description of Proposed Activity: treatment discharge of untreated industrial wastewater (boiler blowdown) and stormwater.

The receiving stream, Pine Creek, is in watershed 16-E and classified for: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 60.36 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of n/a 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>
Flow	XX				
CBOC ₅			XX		
COD			XX		
Oil and Grease			XX		
Nitrate plus Nitrite Nitrogen			XX		
TSS			XX		
Dissolved Oxygen			XX		
pH			XX		

The proposed effluent limits for Outfall 201 based on a design flow of 0.00003 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>
Flow	XX				
Total Suspended Solids			31	60	77.5
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 002 based on a design flow of n/a 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>
Flow	XX				
CBOD ₅			XX		
COD			XX		
Oil and Grease			XX		
Nitrate plus nitrite nitrogen			XX		
TSS			XX		
Dissolved Iron			XX		
pH			XX		

The proposed effluent limits for Outfall 003 based on a design flow of n/a 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>
Flow	XX				
CBOD ₅			XX		
COD			XX		
Oil and Grease			XX		
Nitrate plus nitrite nitrogen			XX		
TSS			XX		
Dissolved Iron			XX		
pH			XX		

The proposed effluent limits for Outfall 004 based on a design flow of n/a 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>
Flow	XX				
CBOD ₅			XX		
COD			XX		
Oil and Grease			XX		
Nitrate plus nitrite nitrogen			XX		
TSS			XX		
Dissolved Iron			XX		
pH			XX		

The proposed effluent limits for Outfall 005 based on a design flow of n/a 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>
Flow	XX				
CBOD ₅			XX		
COD			XX		
Oil and Grease			XX		
Nitrate plus nitrite nitrogen			XX		
TSS			XX		
Dissolved Iron			XX		
pH			XX		

XX—Monitor and report.

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

The EPA Waiver is in effect.

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA NonWaived Permit Applications

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

PA #0060241, Industrial Waste, **Laird Technologies, Inc.**, Shelding Way, P. O. Box 650, Delaware Water Gap, PA 18327-0136.

This proposed facility is located in Delaware Water Gap Borough, **Monroe County**.

Description of Proposed Activity: Treated wastewater discharge from a metal stamping and finishing operation.

The receiving stream, Cherry Creek, is in the State Water Plan watershed #1E and is classified for: CWF. The nearest downstream public water supply intake for City of Easton is located on Delaware River over 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.108 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>
Oil and Grease			7.9	15.9	
Total Dissolved Solids			2,000	2,500	
pH			6—9 Std. Units		

The proposed effluent limits for Outfall 101 based on a design flow of 0.045 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>
Cadmium			0.10	0.20	
Total Chromium			0.50	1.0	
Copper			0.50	1.0	
Lead			0.27	0.54	
Nickel			1.0	2.0	
Silver			0.24	0.43	
Zinc			1.48	2.61	
Total Cyanide			0.65	1.0	
Amenable Cyanide			0.32	0.86	
Total Toxic Organics				2.13	
Total Suspended Solids			30.0	60.0	
pH			6—9 Std. Units		

Outfalls 002, 003 and 004 are stormwater only. No effluent limitations.

PA-0060526, Industrial Waste, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397.

The proposed facility is located in Forest City Borough, **Susquehanna County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge treated process wastewater into the Lackawanna River.

The receiving stream, Lackawanna River, is in the State Water Plan watershed 5A and it is classified for trout stocking fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Borough Water Authority is located on Susquehanna River is 80 miles below the point of discharge.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply considered during the evaluation is the Danville Borough Water Authority on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.115 MGD.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0
Total Aluminum	1.28	2.56
Total Iron	2.0	4.0
Total Manganese	1.0	2.0
pH	6—9	

The EPA waiver is in effect.

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

Application No. PA 0008893, SIC Code 1320, Industrial Waste, **Westvaco Corporation (Tyrone Mill)**, 1600 Pennsylvania Avenue, Tyrone, PA 16686.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Bald Eagle Creek in Watershed 11-A, in Tyrone Borough, **Blair County**.

The receiving stream is classified for trout stocking, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

Interim

The proposed effluent limits for Outfall 001 for a design flow of 10.1 MGD are:

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum (mg/l)</i>
Flow		Monitor and Report	
pH		Within 6 to 9 (S.U.) at all times	
Background Temperature		Monitor and Report	
Instream Temperature		Monitor and Report	
Temperature	XXX	87°F	XXX

Final

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum (mg/l)</i>
Flow		Monitor and Report	
pH		Within 6 to 9 (S.U.) at all times	
Instream Temperature		Monitor and Report	

Individuals may 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.

PA No. 0009164, Industrial Waste SIC Code 3312, **Standard Steel, Division of Freedom Forge Corporation**, 500 North Walnut Street, Burnham, PA 17009.

This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of proposed activity: Discharge of treated process wastewater, contact and noncontact cooling water and stormwater to Kishacoquillas Creek.

The receiving stream, Kishacoquillas Creek, is in Watershed 12-A and classified for trout stocking fishery.

The proposed effluent limits for Outfalls 002, 003, 005 and MP 401 based on a design flow of 12.03 MGD are:

<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>
pH			6 to 9	
Discharge Total Suspended Solids	XXX	XXX	Monitor and Report	
Intake Total Suspended Solids	XXX	XXX	Monitor and Report	
Net Total Suspended Solids	XXX	XXX	15	30
Discharge Oil and Grease	XXX	XXX	Monitor and Report	
Intake Oil and Grease	XXX	XXX	Monitor and Report	
Net Oil and Grease	XXX	XXX	10	20

The proposed effluent limits for Outfall MP 402 based on a design flow of 0.008 MGD are:

<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>
pH			6 to 9	
Vinyl	XXX	XXX	Monitor and Report	
TCE	XXX	XXX	Monitor and Report	

The proposed effluent limits for Outfall 500 are:

<i>Cumulative Thermal Discharge Period</i>	<i>Allowable Heat Rejection Rate (10⁶ BTU/day)</i>
January	2,060
February	1,872
March	5,244

<i>Cumulative Thermal Discharge Period</i>	<i>Allowable Heat Rejection Rate (10⁶ BTU/day)</i>
April	5,970
May	6,000
June	5,450
July	4,075
August	2,547
September	2,119
October	2,055
November	1,880
December	1,798

Individuals may 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 0088587, SIC Code 3443, Industrial Waste, **Containment Solutions, Inc. (Containment Solutions Plant)**, 201 North Fifth Avenue, Lebanon, PA 17046.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Quittapahilla Creek (via storm sewer) in Watershed 7-D, in Lebanon City, **Lebanon County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located in South Hanover Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH		from 6.0 to 9.0 inclusive	
Total Residual Chlorine	Monitor & Report	Monitor & Report	XXX

Individuals may 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.

Application No. PA 0088692, **Frey Dairy Farms, Inc.**, 2646 River Road, Conestoga, PA 17516-9326.

Frey Dairy Farms, Inc. has submitted an application for an Individual NPDES permit for an existing Concentrated Animal Feeding Operation (CAFO) known as Frey Dairy Farm, located at 2646 River Road, Conestoga, PA in Manor Township, **Lancaster County**.

The CAFO is situated near Wisslers Run in Watershed 7-J, which is classified for high quality cold water fishery. The CAFO is designed to maintain an animal population of approximately 2,480 animal equivalent units (AEUs) consisting of 2,200 dairy cows. Manure is collected in manure storage lagoons. The total capacity of the manure storage facilities is 7.5 million gallons, including 2 feet of freeboard. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the 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 the determination may be appealed to the Environmental Hearing Board.

Application No. PA 0088838, Industrial Waste, **Wenger's Feed Mill, Inc.**, 101 West Harrisburg Avenue, Rheems, PA 17570.

This proposed facility is located in Lykens Township, **Dauphin County**.

Description of proposed activity: new discharge of wastewater associated with the operation of a water softener, dealkalizer and boiler.

The receiving streams, Mahantango and Wiconisco Creeks, are in Watershed 6-C and classified for cold water fishery. The proposed effluent limits for Outfall 001 based on a design flow of 0.002 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow (mgd)	Monitor & Report	Monitor & Report	XXX	XXX
pH (S.U.)		From 6.0 to 9.0 inclusive		
Temperature (°F)	XXX	Varies by Month	XXX	XXX
Osmotic Pressure	XXX	XXX	350	700
Dissolved Iron	0.035	0.070	2.1	4.2
Total Copper	0.001	0.002	0.06	0.12
Total Zinc	0.008	0.016	0.5	1.0

In addition to the effluent limits, the permit contains the following major special condition:

° Chemical additive usage requirements.

Individuals may 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.

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

PA0026522, Sewage, **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2902.

This application is for Renewal of an NPDES permit to discharge treated sewage from New England Sewage Treatment Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Monongahela River, 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 Western Pennsylvania Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 1.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.0	4.5		6.0
Fecal Coliform				
(5-1 to 10-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0027464, Sewage, **Pleasant Hills Authority**, 410 East Bruceton Road, Pittsburgh, PA 15236.

This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant Hills Wastewater Treatment Plant in South Park Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lick Run, which are classified as a trout stock 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 Pennsylvania-American Water Company, Becks Run Intake.

Outfall 001: existing discharge, design flow of 5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-30)	1.5	2.3		3.0
(11-1 to 4-30)	2.5	3.8		5.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Mercury	Not detectable using EPA Method 245.1 or 245.2, or equivalent, as approved by the Department.			
Free Cyanide	0.005			0.0125

The EPA waiver is not in effect.

PA0034762, Sewage, **Avonworth School District**, 1324 Roosevelt Road, Pittsburgh, PA 15237-1063.

This application is for renewal of an NPDES permit to discharge treated sewage from Avonworth Elementary School STP in Ohio Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to unnamed tributary of Bear Run, which are classified as a trout stock 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 ARCO Co., BV Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 0.018 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0092274, Sewage, **Unity Township Municipal Authority**, 1106 Beatty County Road, Latrobe, PA 15650.

This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant Unity STP in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Sewickley Creek, which are classified as a high-quality cold 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 Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.95 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	10	15		20
(11-1 to 4-30)	15	23		30
Suspended Solids	20	30		40
Ammonia Nitrogen (5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	4.5	6.8		9.0
Phosphorus	3	4.5		6
Nitrite/Nitrate	Monitor and Report			
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217301, Sewage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707.

This application is for renewal of an NPDES permit to discharge treated sewage from Jerome Wastewater Treatment Plant in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Quemahoning Creek, which are classified as a cold 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 Saltsburg Municipal Water Works located on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.17 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.3		27.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS
CONTROLLED INDUSTRIAL WASTE AND SEWAGE
WASTEWATER**

**APPLICATIONS UNDER THE 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).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before 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. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 3901401, Sewerage, **Hanover Township**, 2202 Grove Road, Allentown, PA 18109.

This proposed facility is located in Hanover Township, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of the replacement of an existing pump station that was installed in 1971. The existing station connects to an existing 8" diameter forcemain that will be utilized by the new pump station. The existing gravity conveyance system, which feeds the pump station, includes connections of a townhouse development, a trailer park, a hotel and some minor commercial establishments. The existing flows to the pump station are 60,000 GPD. Design for future conditions included the addition of a commercial business park located at the top of the watershed that at buildout will generate an additional 20,000 GPD. The existing forcemain connects to the Willowbrook Interceptor, which in turn connects to the Catasauqua Wastewater Treatment Plant for ultimate treatment.

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

WQM Permit No. 3101401, Sewerage, **Pleasant Hills Campground**, Box 86, Heston, PA 16647-086.

This proposed facility is located in Penn Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/Operation of 3800 GPD sewage treatment plant to serve the campground.

WQM Permit No. 3801404, Sewerage, **Millcreek/Richland Joint Sewer Authority**, 2 North Race Street, Richland, PA 17087.

This proposed facility is located in Millcreek Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to construct a sewer extension to the Newburg Village Subdivision.

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

Application No. 4945-A2—Sewerage—**Rochester Area Joint Sewer Authority**, 300 West Park Street, Rochester, PA 15074. Application for the modification and operation of an interceptor Sewer line Replacement to serve Lacock Run located in Rochester Borough, **Beaver County**.

Application No. 6301404—Sewerage—**McGuffey School District**, P. O. Box 431, Claysville, PA 15323. Application for the construction and operation of a sewage treatment plant to serve the McGuffey Middle/High School located in Buffalo Township, **Washington County**.

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

WQM Permit No. 6201407, Sewerage, **Raymond A. Graves**, 169 Scott Run Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No. 1001409, Sewerage, **Frank A. Jr. and Melissa A. Blaine**, 171 North Balph Avenue, Pittsburgh, PA 15202.

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

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

NPDES Stormwater Individual Permit

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 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 before 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 Department 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.

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10S104	PennDOT, District 5-0 1713 Lehigh St. Allentown, PA 18103-4727	Monroe County Smithfield & Middle Smithfield Townships	Delaware River WWF, MF Bushkill HQ-CWF Marshalls Creek HQ-CWF Pond Creek HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U153	Kishbaugh Development, LLC P. O. Box 80 Effort, PA 18330	Northampton County Bushkill Township	Bushkill Creek HQ-CWF

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

NPDES Permit PAS10 P027, Stormwater. **Louis G. Hurst, Arborgate, LTD**, 950 Kercher Avenue, Myerstown, PA 17067-2191 has applied to discharge stormwater associated with a construction activity located in Jackson Township, **Lebanon County** to Tulpehocken Creek (TSF).

Lebanon County Conservation District: 2120 Cornwall Rd., Suite 5, Lebanon, PA 17042, (717) 272-3908 Ext. 3.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10P027	Louis G. Hurst Arborgate, LTD 950 Kercher Avenue Myerstown, PA 17067-2191	Jackson Township Lebanon County	Tulpehocken Creek (TSF)

NPDES Permit PAS10 Y072, Stormwater. **Stephen R. Gruber**, 3658 Burkins Road, Street, MD 21154 has applied to discharge stormwater associated with a construction activity located in Springfield Township, **York County** to Seaks Run (HQ-CWF).

York County Conservation District: 118 Pleasant Acres Rd., York, PA 17402, (717) 840-7430.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Y072	Stephen R. Gruber 3658 Burkins Road Street, MD 21154	Springfield Township York County	Seaks Run (HQ-CWF)

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

NPDES Permit PAS10X097, Stormwater. **Pat DeCesare, Inc.**, 4241 William Penn Highway, Murrysville, PA 15668 has applied to discharge stormwater associated with a construction activity located in Murrysville, Westmoreland County to UNT Haymakers Run/HQ-CWF.

Westmoreland County Conservation District: R. R. 12, Box 202B, Donohoe Center, Greensburg, PA 15601.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10X097	Pat DeCesare, Inc. 4241 William Penn Highway Murrysville, PA 15668	Westmoreland County Murrysville	UNT Haymakers Run/ HQ-CWF

SAFE DRINKING WATER

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

Permit No. 3601509, Public Water Supply.

Applicant **Penny Farm Mobile Home Park**

Municipality **Drumore Township**

County **Lancaster**

Responsible Official **Lee E. Mummau, Owner**
7971 Bennett Branch Road
Mt. Airy, MD 21771

Type of Facility **Public Water Supply**

Consulting Engineer **James R. Fisher, P.E.**
Fisher Engineering Inc.
18 C S 7th Street
Akron, PA 17501

Application Received Date **April 20, 2001**

Description of Action **The addition of new Well Nos. 1A and 2 to supply an existing mobile home park and the installation of a nitrate removal system.**

Permit No. 0701502, Public Water Supply.

Applicant **Bellemead Townhouses**

Municipality **Antis**

County **Blair**

Responsible Official **Donald S. Grace, Owner**
1427 Princeton Road
Altoona, PA 16602

Type of Facility **Public Water Supply**

Consulting Engineer **Randolph S. Bailey, P.E.**
Goodkind & O'Dea, Inc.
101 Noble Boulevard
Carlisle, PA 17013

Application Received Date **May 8, 2001**

Description of Action **Installation of a direct pressure filtration system and a tank for contact time.**

Permit No. 0101508, Public Water Supply.

Applicant **Mountain View Mobile Home Park**

Municipality **Reading Township**

County **Adams**

Responsible Official **David J. Rimmel, General Partner**
20 Erford Rd.
Suite 215
Lemoyne, PA 17043

Type of Facility **Public Water Supply**

Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received Date	May 21, 2001
Description of Action	Applicant seeks a Construction Permit for Well No. 4 to be operated at a rate of 15 gallons per minute. Existing Well No. 1 will be abandoned. Treatment will be provided by existing filtration and disinfection equipment.
Permit No. 3601502, Public Water Supply.	
Applicant	Immergut Pretzel Shop
Municipality	Leacock Township
County	Lancaster
Responsible Official	Henry Zook, Owner 3535 Old Philadelphia Pike Intercourse, PA 17534
Type of Facility	Public Water Supply
Consulting Engineer	Stephen R. Morse, P.E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185
Application Received Date	February 5, 2001
Description of Action	Installation of a GAC system to remove MTBE from the source water.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and

approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office before the notice appears. If information concerning this acknowledgment 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 of Environmental Protection has received the following Notices of Intent to Remediate:

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PPG Slurry Lagoon (SL)/Solid Waste Disposal Area (SWD) Former, North Buffalo Township/Cadogan Township, **Armstrong County**. John J. Mahfood Key Environmental Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of Borough of Ford City, P. O. Box 112, Ford City, PA 16226 and PPG Industries, Inc., P. O. Box 2009, 4325 Rosanna Drive, Building C, Allison Park, PA 15101-2009) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX, PAHs, TAL Metals + Cyanide, TCL VOCs, TCL SVOCs. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Kittanning Leader Times* and *Valley News Dispatch* on May 21, 2001.

World Class Processing Corporation, Borough of Ambridge, **Beaver County**. Rod Shaver, ALTECH Environmental Consulting Ltd., 12 Banigan Drive, Toronto, Ontario, Canada M4H1E9 (on behalf of World Class Processing Corporation, 21 Century Drive, Ambridge, PA 15003) has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on May 9, 2001.

Washington & Jefferson College, City of Washington and Borough of East Washington, **Washington County**. Pat Pontoriero, Harding ESE, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Carnegie, PA 15106 (on behalf of Washington & Jefferson College, 60 South

Lincoln Street, Washington, PA 15301) has submitted a Notice of Intent to Remediate soil contaminated with lead, heavy metals, BTEX, PHCs, PAHs, solvents and Arsenic. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Washington Observer-Reporter* on May 23, 2001.

Boutronics Corporation, Greensburg, **Westmoreland County**. J. Christopher Hartigan, The Fourth River Company, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Boutronics Corporation 3000 Lillian Drive, Murrysville, PA 15668) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Greensburg Tribune Review* on June 10, 2001.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Baker's Auto Service, 716 West Grand Street, City of New Castle, **Lawrence County**, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, BTEX, PAHs, Solvents, Benzene and Arsenic. The applicant proposes to remediate the site to meet the Special Industrial Area Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *New Castle News* on March 9, 2001.

Country Fair Store #61, 1449 West 8th Street, City of Erie, **Erie County** and Michelle Montague, P.G. of Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412, has submitted a Notice of Intent to Remediate groundwater to a site specific standard and the soil to a Statewide health standard or to use a special industrial area standard contaminated with Lead, Heavy Metals, PAHs and Solvents. A summary of the Notice of Intent to Remediate as reported to have been published in the *Erie Times News* on June 18, 2001.

Lord Corporation Erie Facility North Parking Lot, 12th Street and Greengarden Boulevard, City of Erie, **Erie County** has submitted a Notice of Intent to Remediate groundwater contaminated with Solvents. The applicant proposes to remediate the site to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Times Newspaper* on June 13, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 301333. Waste Recovery Solutions, Inc., 343 King Street, Myerstown, PA 17067, Jackson Township, **Lebanon County**. Application is for increase in weekly volume/residual waste processing. The application was administratively complete by the Southcentral Regional Office on June 20, 2001.

Comments concerning the application should be directed to Keith Kerns, Program Manager, Waste Manage-

ment Program, DEP, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (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.

Applications Submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate or Close Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 101565. Waste Management of Pennsylvania, Inc., 2097 Duss Avenue, Ambridge, PA 15003. Ambridge Transfer Station, 2097 Duss Avenue, Ambridge, PA 15003. An application for a Permit Renewal of a municipal waste Transfer Station in Ambridge Borough, **Beaver County** was received in the Regional Office on June 21, 2001.

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.

Notice is hereby given that 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 identi-

fied. TDD users may contact DEP 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—143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

40-399-036A: Johns Manville International (Valmont Industrial Park, 600 Jaycee Drive, Hazleton, PA 18201) for modification of an insulation foam process (blowing agent) in Hazle Township, **Luzerne County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Contact: David Aldenderfer, Program Manager, (570) 327-3637.

41-318-047: Reynolds Iron Works, Inc. (157 Palmer Industrial Road, Williamsport, PA 17701) for construction of a steel parts surface coating operation in Woodward Township, **Lycoming County**.

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

65-00622: General Carbide Corporation (P. O. Box C, Greensburg, PA 15601) for modification of a spray dryer at the Greensburg Plant in Greensburg, **Westmoreland County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0104A: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) for the increase of production on Production Line Nos. 1, 2 and 3 at their facility in Oxford Borough, **Chester County**. This facility makes bakery products. The production increase will result in an increase of 24.99 tons per year of volatile organic compounds (comprising mostly of ethanol), making the facility a Title V facility. Particulate matter emissions will also increase by 0.58 ton per year. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

40-313-029C: Gemark Service Corp. (99 Stevens Lane, Exeter, PA 18643) for modification of precious metal recovery systems in Exeter Borough, **Luzerne County**. This facility is a non-Title V facility. This modification will allow the company to operate six wash tanks at the full capacity. A packed bed scrubber will control NaOH emissions from these tanks. Expected NaOH emissions from the tanks will be 0.72 ton per year. The company will monitor the pH and flow rate of the scrubbing liquid to assure proper operation of the scrubber.

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

06-03029A: Yuasa Battery, Inc. (2901 Montrose Avenue, Reading, PA 19605) for the construction of a lead/acid battery assembly line controlled by a fabric collector in Laureldale Borough, **Berks County**. The source is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants. The source will have the potential to emit 0.66 ton of lead per year. The plan approval will include monitoring, testing, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements

06-03112A: Birdsboro Alloying, Inc. (200C Furnace Street, Birdsboro, PA 19508) for a secondary aluminum smelting facility in Birdsboro Borough, **Berks County**. The chip dryer will be controlled by an afterburner, while the rotary furnace will be controlled by a fabric collector. The chip dryer is subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Source Categories. The facility will have a potential to emit 24 tons per year of sulfur oxides, 11 tons per year of nitrogen oxides and 22 tons per year of volatile organics. 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.

21-05040A: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) for the construction of a 52" Telsmith cone crusher, a Telsmith triple deck screen and associated conveyors at the Shippensburg Quarry located in Southampton Township, **Cumberland County**. This crusher is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. PM₁₀ emissions are estimated to be 1 ton per 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.

34-05001A: Triangle Pacific Corp. (P. O. Box 146, Thompsettown, PA 17094) for the construction of a new spray paint booth. Permit conditions will cap the new spray booth VOC emissions to 15 tons per year based on any consecutive 12-month period. The source is subject to 25 Pa. Code §§ 129.52 and 129.101—129.107. 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.

36-02133A: Allegheny Energy Resources, Inc. (301 Fifth Avenue, Room 307, McKeesport, PA 15132) for the installation of an enclosed ground flare that controls emissions from the Chester County Solid Waste Authority's Lanchester Landfill located in Caernarvon Township, **Lancaster County**. Emissions of Nitrogen Oxides and Volatile Organic Compounds are estimated to be 24.43

and 2.13 tons respectively. The enclosed flare will act as a backup to a landfill gas purification plant located at the same location. The Plan Approval and Operating Permit will contain record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-03124: Crest Trucking Equipment Company, Inc. (1363 Bowmansville Road, P. O. Box 555, Bowmansville, PA 17507) for a surface coating equivalency determination and the installation of a new spray coating booth at the facility located in Brecknock Township, **Lancaster County**. 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.

34-303-002B: Jay Fulkroad & Sons Company (R. R. 1 Box 3060, McAlisterville, PA 17049) for the construction of an asphalt plant located in Fayette Township, **Juniata County**. The plant is controlled by a fabric collector. The emission of VOCs is estimated to be 15 tons per year. This asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels. 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Contact: David Aldenderfer, Program Manager, (570) 327-3637.

55-303-003A: Meckley's Limestone Products, Inc. (R. R. 1, Box 1682, Herndon, PA 17830) for modification of their existing batch asphalt concrete plant in Franklin Township, **Snyder County**, said modification consisting of firing reprocessed oil in the plant's rotary dryer.

The information provided by the applicant indicates that the modification to the existing batch asphalt concrete plant will have the potential to increase volatile organic compound and hazardous air pollutant emissions by an insignificant amount. A preliminary review of the information submitted by the applicant indicates that the batch asphalt concrete plant will meet all applicable air quality requirements. Based on this finding, the Department proposes to approve the application and issue a plan approval for the modification. If compliance with all applicable regulatory requirements and plan approval conditions is demonstrated following the modification, the Department intends to administratively amend Operating Permit 55-303-003 to incorporate the conditions established in the plan approval.

In order to ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval:

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the asphalt concrete plant shall be fired only on virgin #2 fuel oil or reprocessed oil, neither of which shall contain sulfur in excess of 0.5% by weight. The reprocessed oil fired in the asphalt concrete plant shall not contain contaminants in excess of the limitations specified:

<i>Contaminant</i>	<i>Limitation</i>
arsenic	5 ppmw
cadmium	2 ppmw
chromium	10 ppmw
lead	100 ppmw

<i>Contaminant</i>	<i>Limitation</i>
Total halides	1,000 ppmw
PCBs	Non detectable

Additionally, the heat content of the reprocessed oil shall not be less than 136,000 BTU per pound and the flash point shall not be less than 100°F.

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the batch asphalt concrete plant shall not emit particulate matter into the outdoor atmosphere at a rate in excess of 0.02 grains per dry standard cubic foot of exhaust, nor shall it emit visible air contaminants such that the opacity of the emissions is equal to or greater than 10% at any time.

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the batch asphalt concrete plant shall not be operated more than 6,000 hours during any 12 consecutive month period.

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12 the asphalt concrete plant shall not be used to dry stone, other than when the plant is simultaneously producing asphalt concrete; process recycled asphalt pavement; produce asbestos-containing asphalt material; decontaminate or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the plant's fabric collector shall be equipped with instrumentation to continuously monitor differential pressure across the collector. The air compressor supplying air to the plant's fabric collector shall be equipped with an air dryer and an oil trap. The company shall keep on hand a sufficient quantity of spare fabric collector bags.

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the company shall not accept for use in the asphalt concrete plant any shipment of reprocessed oil for which the arsenic, cadmium, chromium, lead, total halides, PCB, sulfur and BTU contents and flash point are unknown or which fails to meet any of the required limitations.

- A sample of each load of reprocessed oil delivered to the asphalt concrete plant shall be taken at the time of delivery to the plant.

- The company shall submit an annual report to the Department containing reprocessed oil delivery data, as well as identifying the arsenic, cadmium, chromium, lead, total halides, PCB, BTU and sulfur contents and flash point of each load of reprocessed oil delivered to this asphalt concrete plant. The report for each calendar year shall be due no later than March 15 of the following year.

- The following analytical techniques and methods or equivalent techniques and methods as the Department may choose to substitute, shall be used by the Department in determining compliance with the required limitations:

<i>Contaminant/ Property</i>	<i>Analytical Technique/Method</i>
arsenic	atomic absorption
cadmium	atomic absorption
chromium	atomic absorption
lead	atomic absorption
total halides	ASTM D-808
PCBs	H ₂ SO ₄ extraction/GC with electron capture

<i>Contaminant/ Property</i>	<i>Analytical Technique/Method</i>
sulfur	ASTM D-93
flash point	ASTM D-1552

- Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12 under no circumstances shall any waste oil generated onsite be fired in the plant's rotary dryer.

- The company shall maintain comprehensive, accurate records of the number of hours that the batch asphalt concrete plant operates each month, as well as the quantity of each type of fuel used each month.

18-00011A: Croda, Inc. (P. O. Box 178, Mill Hall, PA 17751-0178) for construction of 15 volatile organic compound-containing storage tanks in Bald Eagle Township, **Clinton County**. Croda, Inc. is a major facility which has been issued a Title V operating permit (18-00011).

The tanks may potentially emit 3.48 tons per 12 consecutive month period of volatile organic compounds and 0.37 ton per 12 consecutive month period of hazardous air pollutant emissions. A preliminary review of the information submitted by the applicant indicates that the tanks will meet all applicable air quality requirements including the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval to construct the 15 storage tanks. Additionally, if the Department determines that the tanks are operating in compliance with all applicable plan approval conditions and regulatory requirements, the conditions established in the plan approval will be incorporated into the Title V operating permit via administrative amendment in accordance with 25 Pa. Code § 127.450.

In order to ensure compliance with all applicable standards, the Department proposes to place the following conditions in the respective plan approval:

- The volatile organic compound emissions from the 15 storage tanks shall never exceed 3.48 tons per 12 consecutive month period. Additionally, the hazardous air pollutant emissions from the tanks shall never exceed 0.37 ton per 12 consecutive month period.

- Tank 496 shall be equipped with a pressure relief valve that complies with the provisions of 25 Pa. Code § 129.57.

- The company shall maintain comprehensive, accurate records of the identity of the contents of each tank and the throughput of each tank on a monthly basis.

- The 15 storage tanks are subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.110b—60.117b.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104, Contact:
Roger Fey, Chief, (215) 823-7584.*

01081. Rohm and Haas Co. (5000 Richmond Street, Philadelphia, PA 19137) for acceptance of Federally enforceable facility-wide emissions limits for Hazardous Air Pollutants (HAPs) below major source thresholds at their facility in the City of Philadelphia, **Philadelphia County**. The plan approval application established that based on throughput limits for the various HAP emitting processes at the facility, facility-wide HAP emissions were less than 10 tons per rolling 12-month period for each

individual HAP and less than 25 tons per rolling 12-month period for combined HAPs. On June 18, 2001, AMS issued a plan approval condition letter to Rohm and Haas establishing facility-wide emission limits of less than 10 tons per rolling 12-month period for each individual HAP and less than 25 tons per rolling 12-month period for combined HAPs. Process throughput limits and HAP control device monitoring requirements were established to assure compliance with the HAP emission limits. As a result of the HAP emission limits, the facility is not applicable to the requirements of 40 CFR 63 Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

06-03113: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for a Natural Minor Operating Permit for a nonmetallic mineral crushing plant in Robeson Township, **Berks County**. The Natural Minor 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, Contact: David Aldenderfer, Program Manager, (570) 327-3637.

47-399-015: TRW, Inc. (601 East Market Street, Danville, PA 17821) for operation of five hot forge presses upon which air cleaning devices were installed under Plan Approval 47-399-015 issued by the Department of Environmental Protection on February 27, 2001.

The air cleaning devices installed on each of the five presses consist of a cyclone and a mist eliminator operating in series. The air cleaning devices were installed to control visible air contaminant emissions which were previously being emitted from the presses in excess of the limitations specified in 25 Pa. Code § 123.41.

The Department of Environmental Protection has determined that the presses are being operated in conformance with all conditions contained in Plan Approval 47-399-015 as well as in compliance with all applicable requirements contained in 25 Pa. Code Article III including the visible air contaminant emission limitations of 25 Pa. Code § 123.41. The Department consequently intends to issue an operating permit for the presses.

The Department intends to place conditions in the operating permit to be issued which are intended to assure continued compliance with all applicable requirements as well as require appropriate monitoring and recordkeeping procedures to be employed. The following is a summary of these conditions:

1. The presses shall not be operated without the simultaneous operation of the air cleaning devices.

2. For each press, opacity observations shall be made once per day during the work week for the first 6 months following the installation of the air cleaning devices on that press, once per week for the next 6 months and once per month thereafter. Comprehensive accurate records shall be maintained of all opacity observations made. All records shall be retained for at least 5 years and shall be made available to the Department upon request.

41-303-008: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for operation of a drum mix asphalt concrete plant which was constructed under Plan Approval 41-303-008 issued by the Department on January 6, 2000.

The asphalt plant is located at 2801 Canfield Lane in Loyalsock Township, **Lycoming County**. The particulate matter emissions from the plant are controlled by a fabric collector. Stack testing performed on the plant in September and October 2000 resulted in demonstrated emission rates of 1.4 pounds per hour for particulate matter, 13.1 pounds per hour for nitrogen oxides, 11.5 pounds per hour for carbon monoxide and 3.4 pounds per hour for volatile organic compounds. The plant may, however, emit up to 39.05 tons of particulate matter, 54.91 tons of sulfur oxides, 54.38 tons of nitrogen oxides, 49 tons of carbon monoxide and 49.44 tons of volatile organic compounds per year.

The Department has determined that the respective asphalt plant was constructed and is operating, in conformance with all conditions contained in Plan Approval 41-303-008 as well as in compliance with all applicable requirements contained in 25 Pa. Code Article III including the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the asphalt plant.

The Department intends to place conditions in the operating permit to be issued which are intended to assure continue compliance with all applicable requirements as well as require appropriate monitoring and recordkeeping procedures to be employed. The following is a summary of these conditions:

1. The asphalt plant shall not emit particulate matter at a rate in excess of .02 grain per dry standard cubic foot, volatile organic compounds at a rate in excess of .0565 pound per ton of asphalt produced, nitrogen oxides at a rate in excess of .03 pound per ton of asphalt produced when the plant is firing natural gas and .075 pound per ton of asphalt produced when the plant is firing #2 fuel oil and carbon monoxide at a rate in excess of .056 pound per ton of asphalt produced when the plant is firing natural gas and .036 pound per ton of asphalt produced when the plant is firing #2 fuel oil.

2. The plant may only be fired on natural gas or virgin #2 fuel oil with a maximum sulfur content of .3% by weight.

3. The plant shall not produce more than 1.75 million tons of asphalt or burn more than 2.5 million gallons of fuel oil in any 12 consecutive month period.

4. The plant shall not process more than 25% recycled asphalt pavement at any given time nor shall it be used to decontaminate soil nor shall it be used to produce asbestos-containing asphalt nor shall it be used to dry stone other than when simultaneously producing asphalt.

5. The fabric collector shall be equipped with instrumentation to monitor the pressure differential across the collector. The associated air compressor shall be equipped with an air dryer and oil trap. Spare fabric collector bags shall be kept on hand.

6. Any open-topped truck loaded with dust from the plant's mineral filler silo truck loadout spout shall either be tarped during loading or the loadout spout shall be maintained at the minimum distance possible above the top of the material in the truckbed. Additionally, any truck containing dust or fines must be tarped before exiting the facility.

7. The seals and covers associated with the plant's product silos and drag conveyor shall be maintained such that fugitive air contaminant emissions are prevented.

8. Records shall be maintained of the tons of asphalt produced each month, the gallons of fuel oil burned each month, the tons of recycled asphalt pavement processed each month and, whenever recycled asphalt pavement is being processed, the percent of recycled asphalt pavement present in the mix. All records shall be retained for at least 5 years and shall be made available to the Department upon request. Fuel oil analyses and/or samples shall also be made available to the Department upon request.

9. If the amount of fuel oil burned in the plant ever exceeds 750,000 gallons in a 12 consecutive month period, the plant shall within 120 days thereafter be stack tested for nitrogen oxides and carbon monoxide while being fired on fuel oil.

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 before 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, 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. 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 previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which 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

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

17010104. Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine permit in Morris Township, **Clearfield County** affecting 55.9 acres. Receiving stream—unnamed tributaries to Moshannon Creek. Application received: June 8, 2001.

17010105. Moravian Run Reclamation Company, Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Knox Township, **Clearfield County** affecting 36.0 acres. Receiving stream—unnamed tributary to Carson Run and unnamed tributary to Potts Run. Application received: June 15, 2001.

17960114. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849-0186), renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 97.9 acres. Receiving stream—unnamed tributaries to Luthersburg Branch. Application received: June 7, 2001.

17010106. Moravian Run Reclamation Company, Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Woodward Township, **Clearfield County** affecting 286.7 acres. Receiving stream—unnamed tributaries to Upper Morgan Run, unnamed tributary to North Branch of Upper Morgan Run and an unnamed tributary to Goss Run. Application received: June 20, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

26010102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Saltlick Township, **Fayette County**, affecting 131.9 acres. Receiving streams: unnamed tributaries to Little Champion Creek to Champion Creek to Indian Creek to Youghiogheny River. Application received: June 13, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

33990113. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 50.1 acres. Receiving streams: unnamed tributary to Rose Run. Revision to include a post mining landuse change from forestland to

pastureland land occasionally cut for hay on lands of John W. Dinger. Application received: May 24, 2001.

Noncoal Applications Received

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

7973SM2C7. Better Materials Corporation (203 South 2nd Street, P. O. Box 196, Penns Park, PA 18943), correction to an existing quarry operation in Wrightstown Township, **Bucks County** affecting 156.9 acres, receiving stream—unnamed tributary to Neshaminy Creek. Application received June 13, 2001.

7475SM3A1C4. Keystone Cement Company (P. O. Box A, Route 329, Bath, PA 18014-0058) renewal of NPDES Permit #PA0612308 in East Allen Township, **Northampton County**, receiving stream—Monocacy Creek. Application received June 18, 2001.

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

08010809. Richard A. Voda (R. R. 1, Box 1469, Laceyville, PA 18623), commencement, operation and restoration of a Small Industrial Minerals (Stone, Flagstone) permit in Tuscarora Township, **Bradford County** affecting 1 acre. Receiving stream—tributary to Tuscarora Creek. Application received June 5, 2001.

53010802. R. Hess Equipment, Inc. (950 Johnson Road, Ulysses, PA 16948) commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Harrison Township, **Potter County** affecting 3 acres. Receiving stream—Cowanesque River. Application received June 6, 2001.

57012801. L & H Lumber Co., Inc. (R. R. 1, Box 1081, Forksville, PA 18616), application for upgrading existing permit number 57950801 to a 10,000 tons per year permit. The permit is located in Forks Township, **Sullivan County** and affects 2 acres. Receiving stream—Lick Creek, tributary to Little Loyalsock Creek. Application received June 13, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

10010306. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316). Commencement, operation and restoration of a sand and gravel operation in Worth Township, **Butler County** affecting 122.0 acres. Receiving streams: Slippery Rock Creek and unnamed tributaries to Black Run. Application to include land use changes from a premining land use of forestland to a post-mining use of pastureland/occasionally cut for hay and to change a portion of the premining land use of cropland to a post-mining land use of unmanaged water impoundment. Application received May 15, 2001.

2170-10010306-E-1. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316). Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 2 to Black Run in Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and unnamed tributaries to Black Run. Application received May 15, 2001.

2170-10010306-E-1. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057-8316). Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 9 to Black Run in Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and unnamed tributaries to Black Run. Application received 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 before 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 before 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

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

E66-127. Ronco Northeast, Inc., 3400 Agricultural Center Drive, St. Augustine, FL 32092, in Falls Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To maintain fill placed in 0.3 acre of wetlands and within the floodway of Buttermilk Creek, for the purpose of expanding an existing machine shop to include additional parking area, a propane filling station and a warehouse. The project is located northeast of the intersection of S. R. 0307 and S. R. 23, near the confluence of Buttermilk Creek and Beaver Creek (Ransom, PA, Quadrangle N: 20.0 inches; W: 11.0 inches).

E13-127. County of Carbon, Courthouse Annex, Jim Thorpe, PA 18229, in Borough of Summit Hill, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove existing structures and to construct and maintain a multi-span wooden pedestrian bridge across Mauch Chunk Creek (CWF) and 0.3 mile of elevated wooden walkways across wetlands within the Mauch Chunk Creek Watershed for the purpose of restoring a 3.5 mile section of trail along Mauch Chunk Lake (Nesquehoning, PA, Quadrangle N: 15.2 inches; W: 10.8 inches).

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

E21-323. William Cook, Silver Spring Township, 6475 Carlisle Pike, Mechanicsburg, PA 17050 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To construct a 14-foot long corrugated metal arch pipe extension to an existing concrete arch culvert having a clear span of 9-feet and a rise of 4.71-feet in Simmons Creek (WWF) for the purpose of widening the roadway located on Sunset Drive (T-597) near its intersection with Sample Bridge Road (T-596) (Wertzville, PA Quadrangle N:5.2 inches; W: 4.4 inches).

E36-715. Val Keene, Bart Township, 46 Quarry Rd, Quarryville, PA 17566 in Bart Township, **Lancaster County**, ACOE Baltimore District.

To relocate about 180 feet of the Meetinghouse Creek channel and to construct and maintain a box culvert having a span of 19 feet with an underclearance of 6 feet on Haiti Road located about 4,000 feet southwest of Georgetown Village (Gap, PA Quadrangle N: 9.5 inches; W: 12.68 inches).

E44-109. Richard Williams, Mifflin County, 1309 Bridge Street, New Cumberland, PA 17070 in Lewistown Borough, **Mifflin County**, ACOE Baltimore District.

To fill a scour hole with riprap and to maintain an existing bridge across the channel of Kishacoquillas Creek (TSF) at a point at Dorcas Street (Lewistown, PA Quadrangle N: 17.6 inches; W: 9.7 inches).

E44-110. Richard Williams, Mifflin County, 1309 Bridge Street, New Cumberland, PA 17070 in Decatur Township, **Mifflin County**, ACOE Baltimore District.

To fill scour holes with riprap and to construct a temporary cofferdam to make repairs to an existing concrete abutment and to maintain an existing bridge across the channel of Meadow Creek (CWF) at a point at T-321 (Alfarata, PA Quadrangle N: 4.4 inches; W: 10.8 inches).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-398. Mark Kellerman, 460 Moose Run Road, Bellefonte, PA 16823. Culvert replacing bridge, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 14.3 inches; W: 7.7 inches).

To remove an existing bridge and to construct and maintain a 6-foot diameter 30-foot long culvert pipe with riprap on the inlet and the outlet in Moose Run located 200 feet north of the northern off ramp of SR 220 at Milesburg. The project proposes to permanently impact 50 linear feet of Moose Run, which is classified as a Cold Water Fishery.

E19-216. Pennsylvania Department of Transportation, 715 Jordan Ave., Montoursville, PA 17754. Bridge Replacement, in Franklin Township, **Columbia County**, ACOE Baltimore District (Danville, PA Quadrangle N: 1.40 inches; W: 0.95 inch).

To 1) remove the existing bridge, 2) construct and maintain a single span prestressed concrete adjacent box beam bridge with a 68.5-foot normal span, a 10-foot minimum underclearance a 60° skew and a hydraulic opening of 650 square feet, 3) construct a temporary bridge with a clear opening of 7 feet high and 55 feet wide located 50 feet downstream of the existing bridge, 4) construct temporary cofferdams, across Moose Run located 200 feet south of the T-351 intersection with SR 0487, Sect. 039. This project proposes to temporarily impact 200 feet of the stream and permanently impact 50 feet of Moose Run that is classified as a High Quality—Cold Water Fishery.

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

E27-064, Industrial Timber and Land Company—Endeavor, 23925 Commerce Park, Beachwood, OH 44122. Stormwater Trap Upgrade, in Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 16.0 inches; W: 1.0 inch).

To rebuild/upgrade an existing stormwater trap located within 50 feet of East Hickory Creek (HQ-CWF) on Route 666 approximately 1 mile east of the intersections of Rt. 666 and Rt. 62.

E61-245, Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823. Franklin Access Area, in City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 1.2 inches; W: 9.6 inches).

To construct and maintain a 10' x 55' concrete fishing pier on an existing rock rip-rap deflector and to widen and maintain the existing concrete launching ramp to 20 feet in Allegheny River, located along the Allegheny River approximately 1 mile downstream of Hoge Island.

E62-379, National Fuel Gas Supply Corporation, P. O. Box 2081, Erie, PA 16512. Line D-M1, in City of Warren, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 14.1 inches; W: 0.3 inch).

To directionally drill an 8-inch diameter steel natural gas pipeline under the Allegheny River and under Ott Run (CWF) to supply natural gas to the United Refinery Company, located approximately 2,500 feet west of Glade Bridge on S. R. 0006.

E62-380, Allegheny Partners, LP, c/o Forest Investment Associates, P. O. Box 1474 Smethport, PA 16749. Wade Run Stream Crossing, in Pittsfield Township, **Warren County**, ACOE Pittsburgh District (Pittsfield, PA Quadrangle N: 5.8 inches; W: 5.1 inches).

To install and maintain two 77-inch wide by 52-inch high corrugated steel pipe arches providing an opening of 43.8 square feet (21.9 sq. ft. each) in Wade Run (perennial—CWF) for the reestablishment of an abandoned forest road for the purpose of conducting forest management activities. Proposed activities will also include the placement of large stone rip-rap along the banks and upon the upstream and downstream sides of the structure.

ENVIRONMENTAL ASSESSMENTS

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

EA02-009SW. U. S. Army Corps of Engineers, Pittsburgh District, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. Borough of Emsworth, Neville and Kennedy Townships, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing scour protection at the base of the Emsworth dams (both the main channel and the back channel of the Ohio River) and construct and maintain at both locations two sheet pile cut off walls, a 70 foot concrete stilling basin extension and 80 feet of stone protection below the extension. The scour protection work will be accomplished from a barge. A barge mooring facility will be constructed within a 6 acre lay down area, which is located on Neville Island, near the left dam abutment on the main channel dam. In addition, the 14 existing vertical lift gates and their electrical operating system will be removed and in their places, 14 vertical lift gates with a hydraulic cylinder system will be constructed and maintained. Also, cracks in the bulkhead storage areas will be repaired via pressure injection, concrete slabs will be replaced on the service bridge decks, concrete repairs will be made to the dam piers and rails supporting the service bridge, along with repainting of some structural components. The project site is located within the Ohio River (WWF) on either side of Neville Island (Emsworth, PA Quadrangle (Main Channel) N: 0.6 inch; W: 12.48 inches and (Back Channel) N: 0.14 inch; W: 14.43 inches).

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

EA24-005NW, Elk County Fisherman, HCR1 Box 199A, Ridgeway, PA 15853. Yonkers Run Limestone Channel Extension, in Jones Township, **Elk County**, ACOE Pittsburgh District (Glen Hazel, PA Quadrangle N: 19.25 inches; W: 9.10 inches).

To install and maintain limestone strips and a series of ten check dams within a 200 foot long by 3—5 feet wide segment of a perennial unnamed tributary to Yonkers Run (CWF) to remediate acid mine drainage.

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.

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 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).

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

NPDES Permit No. PAS212208, Industrial Waste, **Frank Casilio & Sons, Inc.**, 1035 Mauch Chunk Road, Bethlehem, PA 18016.

This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: the applicant has been issued permit to discharge stormwater from a ready-mix concrete production plant to the Little Lehigh Creek.

NPDES Permit No. PAS212209, Industrial Waste, **Frank Casilio & Sons, Inc.**, 1035 Mauch Chunk Road, Bethlehem, PA 18016.

This proposed facility is located in City of Bethlehem, **Northampton County**.

Description of Proposed Action/Activity: the applicant has been issued permit to discharge stormwater from a ready-mix concrete production plant to Monocacy Creek.

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

NPDES Permit No. PA0085430, Sewage, **Robin Hill Campground**, 149 Robin Hill Road, Lenhartsville, PA 19534.

This proposed facility is located in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 3-B.

NPDES Permit No. PA0082601 Amendment No. 1, Sewage, **James Decker, Jr.**, Hartslog Court, R. R. 7, Box 919, Altoona, PA 16601.

This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Crooked Creek in Watershed 11-B.

NPDES Permit No. PA0030643, Sewage, **Ship-pensburg Borough**, 111 North Fayette Street, Ship-pensburg, PA 17257-0129.

Final Notice is hereby given that the Department, after public notice, has on June 21, 2001 issued a National Pollutant Discharge Elimination System Permit.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Monthly Average	Instantaneous Maximum
Interim Antimony	Monitor & Report	XXX
Interim Mercury	Monitor & Report	XXX
Final Antimony	0.023	0.057
Final Mercury	0.000083	0.00021

Part C requirements for toxics are briefly listed as:

1. Water quality based effluent goals for antimony and mercury.

2. Requirements to submit the first phase of a toxics reduction evaluation within 2 years of permit issuance.
3. Conditions for future permit modifications.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

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

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

Permit No. 6301403, Sewerage, **Bessie Hazelbaker**, 533 South California Drive, Coal Center, PA 15423. Construction of Single Residence Sewage Treatment Plant located in West Pike Run Township, **Washington County** to serve Hazelbaker Residence.

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

WQM Permit No. 2001410, Sewerage, **Brad S. and Robyn S. Fuhrer**, 10643 Springboro Road, Springboro, PA 16435.

This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 6201405, Sewerage, **Jacob C. Barton**, R. R. 1, Box 95A, Grand Valley, PA 16420.

This proposed facility is located in Triumph Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 4301413, Sewerage, **Gary K. SeGall**, 470 Methodist Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed 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, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101302-1	Vacation Charters, LTD P. O. Box 592 1 Lake Drive Lake Harmony, PA 18624	Carbon	Kidder Township	Tobyhanna Creek HQ-CWF
PAS101318	Hickory Run, Inc. 750 Bethlehem Pike Ambler, PA 19002	Carbon	Penn Forest Township	Yellow Run Tributary to Stoney Creek HQ-CWF
PAS10N030	Covington Lakes Development R. R. 1, Box 1418 A Route 435 Gouldsboro, PA 18424	Lackawanna	Covington Township	Meadow Brook HQ-CWF
PAS10Q220	The Swain School, Inc. 1100 S. 24th St. Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF
PAS10Q221	PennDOT, District 5-0 1713 Lehigh St. Allentown, PA 18103	Lehigh	Lower Macungie Township	Little Cedar Creek HQ-CWF
PAS10Q222	Upper Macungie Township Board of Supervisors 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Breinig Run HQ-CWF
PAS10V034	Samall Associates, Inc. P. O. Box 927 Milford, PA 18337	Pike	Westfall Township	Unnamed tributary of the Delaware River HQ-CWF
PAS10V021-1	Sunrise Ventures, Inc. 3000 Sunrise Lake Milford, PA 18337	Pike	Dingman Township	Rattlesnake Creek HQ-CWF
PAS10V036	Hemlock Investors, Inc. 13900 Panay Way, R-104 Marina del Rey, CA 90292	Pike	Blooming Grove Township	McConnell Creek HQ-CWF
PAS10S033-R	Spectrum/Pinecrest, LLC P. O. Box 760 Pocono Pines, PA 18350	Monroe	Tobyhanna Township	Unnamed tributary to Upper Tunkhannock Creek HQ-CWF
PAS10S065-1	Stroudsburg Municipal Auth. 410 Stokes Ave. P. O. Box 237 E. Stroudsburg, PA 18301	Monroe	Hamilton, Stroud and Pocono Townships	Pocono, Sambo and Brodhead Creeks HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103712	Neil T. Raup PA Turnpike Com. Gateway Toll Plaza P. O. Box 67676 Harrisburg, PA 17106	Lawrence	Little Beaver/North Beaver Township	Honey Creek/ Little Fork North Beaver (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104105	East Resources, Inc. P. O. Box 279 51 Main Street Allegany, NY 14706	McKean	Hamilton Township	Meade Run (HQ-CWF)

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 Pennsylvania; (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.

List of NPDES and/or Other General Permit Types

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 NonExceptional 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 NonExceptional 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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Northampton County Freemansburg Borough	PAR10U158	Robert Ciccone P. O. Box 86 Bath, PA 18014	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Schuylkill County Kline Township	PAR105820	Kline Township Mun. Auth./Water System Francis A. Patton, Jr. 76 S. Kennedy Dr. P. O. Box 160 McAdoo, PA 18237	Catawissa CWF	Schuylkill County Conservation District (570) 622-3742
Reading City Berks County	PAR 10C371	Group One Properties Crossroads Corp. Center 4641 Pottsville Pike Suite E Reading, PA 19605	Schuylkill River (WWF)	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Allegheny County Monroeville	PAR10A087R-1	David L. Barcellino 5090 Old William Penn Highway Export, PA 15632	Turtle Creek/WWF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Allegheny County McCandless Township	PAR10A502	North Allegheny School District 200 Hillvue Lane Pittsburgh, PA 15237	UNT Pine Creek/ WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAR10A503	Carl H. Griffith 2414 Emma Lane Coraopolis, PA 15108	Montour Run/TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Glassport Borough Portvue Borough	PAR10A505	South Allegheny School District 2743 Washington Boulevard McKeesport, PA 15143	UNT Youghiogheny River/WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Deer Township	PAR10A509	The Links at Deer Run 2762 McMorran Road Gibsonia, PA 15044	Dawson Creek/ CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAR10A510	William Rogers 3625 Vango Avenue Munhall, PA 15120	UNT Monongahela River/WWF	Allegheny County Conservation District (412) 241-7645
Washington County Canton Township	PAR10W183	West Penn Wire 2833 W. Chestnut Street Washington, PA 15301	Chartiers Creek/ WWF	Washington County Conservation District (724) 228-6774
Washington County South Strabane Township	PAR10W184	Gary Sweat & Associates 101 Hillpointe Drive, Suite 120 Canonsburg, PA 15317	UNT Chartiers Creek/ WWF	Washington County Conservation District (724) 228-6774
Butler County Zelienople Borough Jackson Township	PAR10E148	Western Butler Co. Authority South Sewer Project P. O. Box 427 Zelienople, PA 16063	Glade Run and unnamed tributary (WWF)	Butler Conservation District (724) 284-5270
Lawrence County Union Township	PAR103747	David Chapin 2590 N. Shadow Ridge Lane Orange, CA 92867	Unnamed tributary to Shenango River (WWF)	Lawrence Conservation District (724) 652-4512
McKean County Smethport Borough	PAR104107	Hamlin Lake Restoration Smethport Borough P. O. Box 427 Smethport, PA 16749-0427	Marvin Creek (CWF)	DEP (814) 332-6942

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Borough of Elverson Chester County	PAR110009	Graco Children's Products P. O. Box 200 Elverson, PA 19520	Conestoga River and 7J Conestoga River Watershed	DEP Southeast Region Lee Park, Ste. 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Jackson Township Butler County	PAR508303	Seneca Landfill, Inc.— Transfer Station P. O. Box 1080 Mars, PA 16046	Unnamed tributary to Connoquenessing Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

NOTICES

3587

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Taylor Township Lawrence County	PAR238325	Reactive Metals and Alloys Corporation P. O. Box 366 West Pittsburg, PA 16160	Beaver Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Lawrence County	PAR208350	U. S. Can Company 1902 Old Butler Road New Castle, PA 16101	Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Lawrence County	PAR608335	New Castle Auto Wrecking, Inc. 2627 Ellwood Road New Castle, PA 16101	Big Run and unnamed feeder to Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR808361	Roadway Express, Inc. 1077 Gorge Boulevard Akron, OH 44310	Unnamed tributary to Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
West Pike Run Township Washington County	PAG046224	Bessie Hazelbaker 533 South California Dr. Coal Center, PA 15423	Hoods Hollow	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Spring Township Crawford County	PAG048736	Brad S. and Robyn S. Fuhrer 10643 Springboro Road Springboro, PA 16435	Unnamed tributary to Carr Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Triumph Township Warren County	PAG048734	Jacob C. Barton R. R. #1, Box 95A Grand Valley, PA 16420	Unnamed tributary of Gordon Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048390	James C. Palmer 2 Wright Road Warren, PA 16365	Hatch Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Pine Grove Township Warren County	PAG048403	Timothy J. and Amy L. Rossman R. R. #1, Box 1612-B Russell, PA 16345	Priest Hollow Branch of Akeley Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG048741	Gary K. SeGall 470 Methodist Road Greenville, PA 16125	Mathay Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-8 (SSN)</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Oakland Township Susquehanna County	PAG08-2204	TriBoro Municipal Authority	Jesse Colwell Farm Oakland Township Susquehanna County	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
<i>General Permit Type—PAG-12</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Cumberland Township Adams County	PAG123508	Mason Dixon Farm, Inc. 1750 Mason Dixon Road Gettysburg, PA 17325-1633	Rock / Marsh Creek— CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. 721.1—721.17).

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

Permit No. 3100505 MA, Minor Amendment, Public Water Supply.

Applicant	Alexandria Borough Water Authority
Municipality	Alexandria Borough
County	Huntingdon
Type of Facility	Changes in the treatment chemicals in the chemical feed systems. Replacement of SternPAC with Alum and AquaMag with Virchem.
Consulting Engineer	Mark V Glenn, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475
Permit to Operate Issued:	January 30, 2001

Permit No. 2201501 MA, Minor Amendment, Public Water Supply.

Applicant	United Water Pennsylvania
Municipality	Middle Paxton Township
County	Dauphin
Type of Facility	Repainting of the Forrest Hills Storage Tank
Consulting Engineer	R. Michael Gephart, P.E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued:	April 10, 2001
Permit No. 2201502 MA, Minor Amendment, Public Water Supply.	
Applicant	United Water Pennsylvania
Municipality	Hummelstown Borough
County	Dauphin
Type of Facility	Repainting of the Hummelstown Filtration Plant clearwells
Consulting Engineer	R. Michael Gephart, P.E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued:	April 10, 2001

Permit No. 2201503 MA, Minor Amendment, Public Water Supply.

Applicant United Water Pennsylvania
Municipality Swatara Township
County Dauphin
Type of Facility Repainting of the Oberlin Standpipe
Consulting Engineer R. Michael Gephart, P.E.
 United Water Pennsylvania
 4211 East Park Circle
 Harrisburg, PA 17111
Permit to Construct Issued: April 10, 2001

Permit No. 2201505 MA, Minor Amendment, Public Water Supply.

Applicant The Harrisburg Authority
Municipality Harrisburg
County Dauphin
Type of Facility The construction of two six million gallon circular concrete storage tanks to replace the existing Lower Reservoir in Reservoir Park.
Consulting Engineer David A Brinjac, P.E.
 Brinjac, Kambic & Assoc., Inc.
 114 N. 2nd St.
 Harrisburg, PA 17101
Permit to Construct Issued: June 22, 2001

Permit No. 3801503 MA, Minor Amendment, Public Water Supply.

Applicant City of Lebanon Authority
Municipality City of Lebanon
County Lebanon
Type of Facility Relocation of the ammonia feed point from the combined filter effluent to the clearwell effluent.
Consulting Engineer Gene C Koontz, P.E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100
Permit to Construct Issued: June 6, 2001

Permit No. 2200504, Public Water Supply.

Applicant Mountaindale Apartments
Municipality Susquehanna Township
County Dauphin
Type of Facility Operation of a Public Water Supply system including disinfection, softening system for manganese removal and Well No. 1 as a source of supply
Consulting Engineer Peter Lusardi, P.E.
 CET Engineering Services
 1240 N. Mountain Road
 Harrisburg, PA 17112
Permit to Operate Issued: June 6, 2001

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Ringgold Borough	P. O. Box 188 New Ringgold, PA 17960	Schuylkill

Plan Description: The Department has completed its review of the Act 537 Sewage Facilities Plan Revision (Official Plan) for the Borough of New Ringgold, Schuylkill County, revised January 2001. The Department has found that the Official Plan is acceptable and granted planning approval on June 15, 2001.

The Official Plan provides for the construction of a public sanitary sewer collection system and sewage treatment plant (STP) for the Borough. The STP will have a capacity of about 40,000 gallons per day and will discharge to the Little Schuylkill River. The Borough will adopt an Interim Comprehensive On-lot Disposal System Management Program, which will be used until the public sanitary sewer collection system and STP are constructed.

The Department's review of the Official Plan has not identified any significant environmental impacts from this proposal. Any required NPDES Permits or Water Quality Management Permits must be obtained in the name of the municipality or authority, as appropriate.

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>
Hopewell Township	2759 Raystown Road Hopewell, PA 16650	Bedford

Plan Description: The approved plan provides for the construction of a conventional gravity sewer collection and conveyance system and a 21,000 gpd recirculating sand filter wastewater treatment facility to serve the Sunnyside and Eichelbergertown areas. The treatment facility will discharge to the Raystown Branch of the Juniata River. The plan also provides for the construction of a conventional gravity sewer collection and conveyance system and a 105,000 gpd extended aeration wastewater treatment facility to serve the Yellow Creek, Cottles Corner and Tatesville areas. This treatment facility will discharge to Pipers Run. The plan also provides for the implementation of an on-lot sewage disposal system management program. 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.

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 nonresidential 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, contact the Environmental Cleanup Program Manager in the Department Regional Office after 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:

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Arco Chemical Company, Beaver Valley Plant (Over the Hill Tank Farm Area), Potter Township, **Beaver County**. ARCO Chemical Company, 3801 West Chester Pike, Newtown Square, PA 19073 and Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with heavy metals, BTEX, PHCs, PAHs and C8+HC. The report is intended to document remediation of the site to meet the Site Specific Standard.

Arco Chemical Company, Beaver Valley Plant (Central Plant/Styrene II Area), Potter Township, **Beaver County**. ARCO Chemical Company, 3801 West Chester Pike, Newton Square, PA 19073 and Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with heavy metals, BTEX, PHCs, PAHs and C8+HC. The report is intended to document remediation of the site to meet the Site Specific Standard.

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 *Penn-*

sylvania 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 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 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:

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Baker's Auto Service Site, 716 West Grand Street, City of New Castle, **Lawrence County**, has submitted a Baseline Remedial Investigation Report concerning remediation of soil and groundwater contaminated with Lead, BTEX, PAHs, Solvents, Benzene and Arsenic. The report demonstrated attainment of the Special Industrial Area Standard and was approved by the Department on June 12, 2000.

Country Fair Store #61, 1449 West 8th Street, City of Erie, **Erie County** and Michelle Montague, P.G. of Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412, has submitted a Baseline Remedial Investigation Report concerning remediation of soil and groundwater contaminated with Lead, Heavy Metals, PAHs and Solvents. The report demonstrated attainment of the Site Specific Standard, Statewide Health Standard and the Special Industrial Area Standard and was approved by the Department on February 6, 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.

**HAZARDOUS WASTE TRANSPORTER LICENSE
RENEWED**

Laidlaw Carriers Inc., 1179 Ridgeway Road, Woodstock, ON N4S 8P6. License No. **PA-AH 0624**. Effective June 21, 2001.

United Environmental Group, Inc., 241 Mcaleer Road, Sewickley, PA 15143. License No. **PA-AH 0431**. Effective June 19, 2001.

EQ Industrial Services, Inc., 36255 Michigan Avenue, Wayne, MI 48184. License No. **PA-AH 0615**. Effective June 18, 2001.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE
TRANSPORTER LICENSE**

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE
TRANSPORTER LICENSE RENEWED**

York Hospital, 1001 S. George Street, York, PA 17405. License No. **PA-HC 0017**. Effective June 21, 2001.

Carlucci Construction Company, Inc., 401 Meadow Street, Cheswick, PA 15024. License No. **PA-HC 0015**. Effective June 18, 2001.

**HAZARDOUS WASTE TREATMENT, STORAGE &
DISPOSAL FACILITIES**

Draft permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Northeast Region: Division of Municipal and Residual Waste, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Special Notice

Notice of intent to issue a hazardous waste permit under the resource conservation and recovery act and the hazardous and solid waste amendments of 1984 and opportunity for a public hearing.

DEP Draft Hazardous Waste Permit

<i>Permittee:</i>	World Resources Company, Inc.
<i>Permit No.:</i>	PAD981038227
<i>Facility:</i>	World Resources Company, Inc. Norwegian Township Schuylkill County

The Department intends to issue to World Resources Company, Inc. a Solid Waste Management Act Permit. This draft permit is to operate a hazardous waste facility located in Norwegian Township, PA.

Public Review, Public Comment, Public Hearing

The hazardous waste management regulations public notice and comment requirements (25 Pa. Code

§ 270a.80(2)) states: The Department gives public notice of the following actions: a draft permit is prepared under § 270a.10.

Section 270a.80(b) of 25 Pa. Code requires that the public be given 45 days to comment on the draft permit prepared under the Solid Waste Management Act. The comment period will begin on July 9, 2001, and will end on August 22, 2001. Any person interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the hazardous waste facility may be reviewed at the Department's Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact Robert C. Wallace at (570) 826-2511 for further information.

Further Information

All persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Attention: William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for August 23, 2001, at 7 p.m. The hearing will be held at the Mar-Lin Intermediate Unit 29. The public hearing will be held on the Department's draft permit for hazardous waste storage and processing.

Final Determination

When making a determination regarding the issuance of a hazardous waste permit to World Resources Company, Inc., the Department will consider all written comments received during the comment period and oral or written statements received during the public hearing (if requested), the requirements of the Hazardous Waste Regulations of 25 Pa. Code Chapters 260—270 and the Department's permitting policies.

Facility Description

The Norwegian Township facility of World Resources Company, Inc., located in Schuylkill County in Eastern Pennsylvania is a treatment and storage facility for selected metal finishing and the production of nonferrous and precious metal concentrate products from the recycling of electroplating wastewater treatment sludges which are also F006 hazardous waste. Concentrates are sold internationally to the smelting and refining industry as direct substitute for conventional metal ore concentrates.

**DETERMINATION OF APPLICABILITY FOR
MUNICIPAL WASTE GENERAL PERMITS**

Determination of Applicability for General Permit Approved 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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. WMGM001D001. Toro Energy, Inc., 4925 Greenville Avenue, Suite 1022, Dallas, TX 75206. General Permit Number WMGM001D001 for the

construction and operation of a landfill gas processing facility to utilize landfill gas, generated at the Pottstown Landfill, as an alternative energy source to be burned in industrial boilers at Occidental Chemical Corporation's facility in Lower Pottsgrove Township. The Department approved the determination of applicability on June 22, 2001.

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

Permits Withdrawn 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. 100020. IESI PA Bethlehem Landfill, IESI PA Bethlehem Landfill Corporation, 2335 Applebutter Road, Bethlehem, PA 18015. A major permit modification to increase the average daily volume from 750 tons per day to 900 tons per day and to increase the capacity by 72,000 cubic yards of this municipal waste landfill located in Lower Saucon Township, **Northampton County**. The application was withdrawn from the Regional Office on June 11, 2001.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-302-091GP: Quebecor World Atglen, Inc. (4581 Lower Valley Road, Atglen, PA 19310) on June 22, 2001, for a 350 HP Boiler in West Sadsbury Township, **Chester County**.

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

04-00034C: Engineered Polymer Solutions (372 Cleveland Avenue, Rochester, PA 15074) on June 15, 2001, was authorized to operate under GP-04-00034C for a Storage Tank at Valspar Coatings in Rochester Township, **Beaver County**.

04-00034D: Engineered Polymer Solutions (372 Cleveland Avenue, Rochester, PA 15074) on June 15, 2001, was authorized to operate under GP-04-00034D for a Storage Tank at Valspar Coatings in Rochester Township, **Beaver County**.

04-00034E: Engineered Polymer Solutions (372 Cleveland Avenue, Rochester, PA 15074) on June 15, 2001, was authorized to operate under GP-04-00034E for a Storage Tank at Valspar Coatings in Rochester Township, **Beaver County**.

04-00034F: Engineered Polymer Solutions (372 Cleveland Avenue, Rochester, PA 15074) on June 15,

2001, was authorized to operate under GP-04-00034F for a Storage Tank at Valspar Coatings in Rochester Township, **Beaver County**.

04-00034G: Engineered Polymer Solutions (372 Cleveland Avenue, Rochester, PA 15074) on June 15, 2001, was authorized to operate under GP-04-00034G for a Storage Tank at Valspar Coatings in Rochester Township, **Beaver County**.

04-00034H: Engineered Polymer Solutions (372 Cleveland Avenue, Rochester, PA 15074) on June 15, 2001, was authorized to operate under GP-04-00034H for a Storage Tank at Valspar Coatings in Rochester Township, **Beaver County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 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, Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0104: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) issued June 20, 2001, for operation of a Production Line No. 1 in Oxford Borough, **Chester County**.

23-0047B: Degussa Corp. (1200 West Front Street, Chester, PA 19013) on June 21, 2001, for operation of a Storage Silo and Filter Baghouse in City Of Chester, **Delaware County**.

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

45-315-004: Rock-Tenn Co. (P. O. Box 770, Delaware Water Gap, PA 18327) on June 18, 2001, for construction of a chemical additive delivery system in Smithfield Township, **Monroe County**.

64-322-001: Rosencrantz Corp. (Rosencrantz Landfill, 1815 South Wolf Road, Hillside IL 60162) on June 18, 2001, for installation of a landfill gas flare at the Rosencrantz Landfill site in Berlin Township, **Wayne County**.

48-318-131: Victaulic Co. of America (4901 Kesslerville Road, Easton, PA 18040) on June 14, 2001, for construction of two coating booths and associated air cleaning device in Palmer Township, **Northampton County**.

39-318-107: Hale Trailer Brake & Wheel, Inc. (5361 Oakview Drive, Allentown, PA 18104) on May 7, 2001, for construction of a paint spray booth and associated air cleaning device in Upper Macungie Township, **Lehigh County**.

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

22-05040: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on June 21, 2001, for modification of a drum mix asphalt plant controlled by a fabric collector at the Fiddler's Elbow Quarry located in Lower Swatara Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart Kb—Standards for Performance for Volatile Organic Liquid Storage Vessels.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

23-0016: PQ Corp. (1201 West Front Street, Chester, PA 19013) issued a plan approval extension on June 21, 2001, for operation of a Alternative Opacity Limit/Furnace in City Of Chester, **Delaware County**.

46-0144: USDA Eastern Regional Research Center (600 East Mermaid Lane, Wyndmoor, PA 19038) issued a plan approval extension on June 21, 2001, for operation of a Steam Boiler in Springfield Township, **Montgomery County**.

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

21-05041A: ADM Milling Co. (P. O. Box 3100, Camp Hill, PA 17011) issued a plan approval extension on May 5, 2001, to authorize temporary operation of a truck grain receiving station controlled by a fabric filter, covered under this Plan Approval until August 28, 2001, in Camp Hill Borough, **Cumberland County**.

67-317-033B: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) issued a plan approval extension on June 23, 2001, to authorize the temporary operation of a coffee roaster controlled by a cyclone and catalytic afterburner, at the York Roasting Plant, covered under this Plan Approval until October 20, 2001, in East Manchester Township, **York County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Contact: Kanu Patel, Facilities Permitting Chief, (717) 705-4702.

38-05011: Plain 'n Fancy Kitchens, Inc. (P. O. Box 519, Oak Street and Route 501, Schaefferstown, PA 17088) on June 15, 2001, for a Title V Operating Permit in Heidelberg Township, **Lebanon County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

03-0027A: Keystone Owners Group (1001 Broad Street, Johnstown, PA 15907) on June 14, 2001, for operation of Unit 1 and Unit 2 Coal Fired Boilers at Keystone Station in Plumcreek Township, **Armstrong County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

06-03106: Behringer Saws (721 Hemlock Road, Morgantown, PA 19543) on June 20, 2001, for a Natural Minor Operating Permit in Caernarvon Township, **Berks County**.

36-03030: D. M. Stoltzfus & Sons, Inc. (P. O. Box 84, Talmage, PA 17580) on June 20, 2001, for a Natural Minor Operating Permit at the Talmage Plant in Upper Leacock Township, **Lancaster County**.

36-03077: D. M. Stoltzfus & Sons, Inc. (219 Quarry Road, Peach Bottom, PA 17563) on June 20, 2001, for a Natural Minor Operating Permit at the Cedar Hill Quarry in Fulton Township, **Lancaster County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Contact: Roger Fey, Chief, (215) 823-7584.

95-033: Eastman Chemical Co. (7600 State Road, Philadelphia, PA 19136) on June 20, 2001. The Synthetic Minor operating permit issued October 3, 2000 and first amended March 7, 2001, has been administratively amended a second time to identify a facility name change to Eastman Chemical Company from McWhorter Technologies, Inc. and to identify facility and permit contact changes for their facility in City of Philadelphia, **Philadelphia County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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).

Coal Permits Issued

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

49851603R3. Split Vein Coal Company, Inc. (R. R. 1 Drawer 2, Paxinos, PA 17860), renewal of an existing coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream—none. Renewal issued: June 19, 2001.

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

17010102. Compass Coal Company (P. O. Box 169, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous surface mine permit in Chest Township, **Clearfield County** affecting 117.0 acres. Receiving stream—North Camp Run to Chest Creek to West Branch of the Susquehanna River. Application received: December 26, 2000. Permit issued: June 20, 2001.

17000108. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 14.7 acres. Receiving stream: not applicable for treatment facilities and sedimentation ponds. The permit requires the use of nondischarge alternative technology. Application received: September 14, 2000. Permit issued: June 21, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

03970103. Marquise Mining Corporation (3889 Menoher Boulevard, Johnstown, PA 15905). Permit revised to change the land use on the Wheatley Property from forestland and wildlife habitat to cropland at a bituminous surface mining site located in Kiskiminetas Township, **Armstrong County**, affecting 184 acres. Receiving streams: unnamed tributary to Sulphur Run, unnamed tributary to Long Run. Application received: April 13, 2001. Revision issued: June 18, 2001.

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.

03960104. Thomas J. Smith, Inc. (R. R. 1, Box 260-D, Shelocta, PA 15774). Renewal permit issued for continued commencement, operation and reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 155.6 acres. Receiving stream: Lindsay Run. Renewal application received: May 8, 2001. Permit issued: June 20, 2001.

65960110. LMM, Inc. (P. O. Box 517, Stoystown, PA 15563). Renewal permit issued for commencement, operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, affecting 48.9 acres. Receiving streams: unnamed tributary to Sewickley Creek and Hunters Run. Renewal application received: May 18, 2001. Permit issued: June 20, 2001.

63980103. Joseph Rostosky Coal Company (2578 Country Lane, Monongahela, PA 15063) Permit revised to add 2.7 acres to an existing bituminous surface mine located in California Borough, **Washington County**, now affecting 24.4 acres. Receiving streams: Pike Run to the Monongahela River. Application received: April 19, 2001. Revision issued: June 19, 2001.

03840106. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for reclamation only of a bituminous surface/auger mine located in East Franklin Township, **Armstrong County**, affecting 583.4 acres. Receiving streams: unnamed tributary to Allegheny River. Application received: May 7, 2001. Reclamation only renewal issued: June 25, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

10940101. Blackridge Associates, Inc. (R. R. 7, Box 375B, Kittanning, PA 16201) Renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Clay & Concord Townships, **Butler County** affecting 263.2 acres. Receiving streams: unnamed tributary to South Branch Slippery Rock Creek. Application received: April 2, 2001. Permit Issued: June 21, 2001.

10930105. Rosebud Mining Company (R. R. 9, Box 379A, Kittanning, PA 16201). Renewal of an existing bituminous strip operation in Bruin Borough and Parker Township, **Butler County**. This renewal is issued for reclamation only. Receiving streams: Bear Creek, South Branch Bear Creek and unnamed tributaries to South Branch Bear Creek. Application received: April 4, 2001. Permit issued: May 21, 2001.

16000101. Milestone Crushed, Inc. (521 South Street, P. O. Box 644, Clarion, PA 16214). Commencement, operation and restoration of a bituminous strip, limestone and sandstone removal operation in Richland and Licking Townships, **Clarion County** affecting 83.6 acres. Receiving streams: unnamed tributaries to the Clarion River. Application received: January 5, 2000. Permit issued: May 22, 2001.

10000104. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: unnamed tributary to Slippery Rock Creek. Application received: April 21, 2000. Permit issued: May 24, 2001.

Noncoal Permits Issued

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

52012801. Schmalzle Construction Company, Inc. (HC 8, Box 8686, Hawley, PA 18428), commencement, operation and restoration of a small sand and gravel quarry operation in Blooming Grove Township, **Pike County**, affecting 5.0 acres, receiving stream—Burchards Creek. Permit issued: June 20, 2001.

58010803. Mark Decker, Jr. (R. R. 2 Box 119AB, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in Springville Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued: June 21, 2001.

4875SM2A2C3. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0119563 in Dover Township, **York County**, receiving stream—Fox Run. Renewal issued: June 19, 2001.

7874SM1T2. BPB America, Inc. (P. O. Box 663, Pittston, PA 18640-0663), transfer of an existing quarry operation in Hanover Township, **Lehigh County** affecting 22.7 acres, receiving stream—none. Transfer issued: June 22, 2001.

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

08010807. Lawrence Lyons (R. R. 4, Box 191A, Montrose, PA 18801), commencement, operation and restoration of a Small Industrial Minerals (Bluestone/Graystone) permit in Herrick Township, **Bradford County** affecting 2 acres. Receiving stream—Willow Run, tributary to Cold Creek. Application received: March 28, 2001. Permit issued: June 21, 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.

62000801. Corry Peat Products Co. (515 Turnpike Road, Corry, PA 16407). Commencement, operation and restoration of a small noncoal topsoil operation in Columbus Township, **Warren County** affecting 5.1 acres. Receiving streams: Coffee Creek. Application received: October 31, 2000. Permit Issued: June 13, 2001.

25010801. Corry Peat Products Co. (515 Turnpike Road, Corry, PA 16407) Commencement, operation and restoration of a small noncoal topsoil operation in Corry Township, **Erie County** affecting 2.0 acres. Receiving streams: Hare Run. Application received: March 26, 2001. Permit Issued: June 13, 2001.

37982803. Atlantic States Materials of PA, Inc. (P. O. Box 146, Slippery Rock, PA 16057) Transfer of an existing small noncoal sand, gravel and topsoil operation from Bruce Sikora in Pulaski Township, **Lawrence County** affecting 5.0 acres. Receiving streams: Deer Creek. Application received: April 27, 2001. Permit Issued: June 20, 2001.

37002803. B & P Slag Corp. (133 East Wallace Ave., New Castle, PA 16101) Commencement, operation and restoration of a small noncoal sand, gravel and topsoil operation in Pulaski Township, **Lawrence County** affecting 6.0 acres. Receiving streams: Shenango River. Application received: December 5, 2000. Permit Issued: June 21, 2001.

Small Noncoal (Industrial Minerals) Permit—Final Bond Release

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

37950802. Mahoning Valley Sports Clay (151 Pine Hill Road, Carlisle, PA 17013). Final bond release for a small noncoal mining operation in North Beaver Township, **Lawrence County**. Restoration of 1.0 acre completed. Receiving streams: Mahoning River. Application received: April 25, 2001. Final bond release approved: June 1, 2001.

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—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.

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 §§ 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.)

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.

E13-126. Borough of Nesquehoning, 114 West Catawissa Street, Nesquehoning, PA 18240. Borough of Nesquehoning, **Carbon County**, Army Corps of Engineers Philadelphia District.

To repair and maintain an existing steel I-beam bridge, having a clear span of approximately 64 feet and an underclearance of approximately 9.8 feet, across Nesquehoning Creek. Work will include repairing the north abutment, replacing masonry plates and anchor bolts at beam bearings and overlaying the deck with latex modified mortar wearing surface. The project is located along Mermon Avenue, approximately 2,200 feet northeast of the intersection of S.R. 0209 and S.R. 0054 (Nesquehoning, PA Quadrangle N: 21.3 inches; W: 8.8 inches).

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

E50-202. Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Wheatfield Township, **Perry County**, ACOE Baltimore District.

To remove an existing 54-inch diameter, 45-foot long corrugated metal culvert and to construct and maintain a reinforced concrete box culvert having a clear span of 6.0 feet and a minimum underclearance of 4.0 feet, a length of 72.0 feet, with R-4 rock riprap at both the inlet and outlet ends of the culvert in an unnamed tributary to Little Juniata Creek (CWF) and to relocate about +/- 120 linear feet of stream channel by constructing about 100 linear feet of new channel upstream of the box culvert and about 70 linear feet of new channel downstream of the box culvert located on SR 2005, Segment 0020, Offset 1279 (Duncannon, PA Quadrangle N: 7.0 inches; W: 14.1 inches).

E67-694. North Codorus Township, R. D. 1 Box 1102, Spring Grove, PA 17362 in North Codorus Township, **York County**, ACOE Baltimore District.

To remove existing twin corrugated metal pipe arch culverts and to construct and maintain a 16-foot span by 5-foot, 8.5-inches rise corrugated pipe-arch culvert on Panther Hill Road crossing tributary No. 2 to the South Branch Codorus Creek (WWF). The purpose of the project is to reduce flooding over the gravel roadway located

(Seven Valleys, PA Quadrangle N: 17.0 inches; W: 6.4 inches).

E67-696. Conewago Township, 490 Coppenhaffer Road, York, PA 17404 in Conewago Township, **York County**, ACOE Baltimore District.

To (1) remove an existing single span concrete bridge; and (2) construct and maintain a single span precast concrete bridge with a clear span of 16 feet across Poplar Run (TSF) on SR 295 (Dover, PA Quadrangle N: 13.6 inches; W: 1.9 inches).

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

E53-356. DCNR, Bureau of Facility Design, P. O. Box 8451, Harrisburg, PA 17105-8451, in Wharton Township, **Potter County**, ACOE Baltimore District (Wharton, PA Quadrangle, N: 4.3-inches; W: 9.1-inches).

DCNR, Bureau of Forestry is proposing to a) remove existing structure, b) construct and maintain a prestressed concrete spread box beam structure with a clear span of 59.57 feet and a minimum underclearance of 3.15 feet in Bailey Run, c) temporarily construct and maintain four 4-foot diameter corrugated metal pipes and associated R-3 rock fill for a temporary road crossing, d) temporarily construct and maintain a concrete and sand bag diversion dike at the existing bridge site, all of which is located 2.8 miles west of the intersection of SR 0872 and Bailey Run Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E10-329, Jack and Denise Rice, 536 Osceola Street, Pittsburgh, PA 15224. Private Bridge Across Yellow Creek, in Lancaster Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 14.0 inches; W: 14.0 inches).

To construct and maintain a steel beam bridge having a clear span of 47.44 feet and an underclearance of 7 feet across Yellow Creek on a private driveway extending west from Yellow Creek Road approximately 0.3 mile north of Little Creek Road (S. R. 3025).

E10-333, Butler County, P. O. Box 1208, Butler, PA 16003-1208. Clay Avenue Across Breakneck Creek, in Mars Borough, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 12.7 inches; W: 1.2 inches).

To remove the existing bridge (County No. 133) and to construct and maintain a CON/SPAN precast concrete arch having a span of 28 feet and a rise of 10 feet across Breakneck Creek on Clay Avenue approximately 400 feet north of Brickyard Road.

E27-062, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Room 104, Harrisburg, PA 17125. State Correctional Facility at Marienville, in Jenks Township, **Forest County**, ACOE Pittsburgh District (Marienville East, PA Quadrangle N: 19.0 inches; W: 13.4 inches).

To fill a total of 7.7 acres of wetlands (PEM) and relocate approximately 2,750 feet of a tributary to Scott Run (HQ-CWF) for the construction of a prison southeast of S.R. 66 approximately 1 mile northeast of Marienville. Project includes the creation of a total of 8.0 acres of replacement wetland on site.

E33-202, Borough of Sykesville, 21 East Main Street, Sykesville, PA 15865. Sykesville Borough Sewer

Lines Across Stump Creek, in Borough of Sykesville, **Jefferson County**, ACOE Pittsburgh District.

To remove two of the seven sanitary sewer line stream crossings previously authorized by General Permit GP053399602 and to install and maintain the following structures across Stump Creek within the existing flood control project in the Borough of Sykesville, Jefferson County:

1. Eight-inch diameter ductile iron sanitary sewer line in a reinforced concrete slab encasement across Stump Creek immediately upstream of Station Street.

2. Eight-inch diameter and 6-inch diameter ductile iron sanitary sewer lines in a reinforced concrete slab encasement across Stump Creek approximately 395 feet downstream of Park Street.

E33-203, Young Township, 101 North Foundry Street, Punxsutawney, PA 15767. T-452 Across Elk Run, in Young Township, **Jefferson County**, ACOE Pittsburgh District (Punxsutawney, PA Quadrangle N: 19.5 inches; W: 12.7 inches).

To remove the existing bridge and to construct and maintain a corrugated metal box culvert having a 19.4-foot wide by 6.4-foot high waterway opening in Elk Run on T-452 approximately 600 feet east of S.R. 310 near Adrian Mines.

E43-295, Mercer County, 503 Mercer County Courthouse, Mercer, PA 16137-1242. Mercer County Bridge 2324 T-307 Across Bobby Run, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 12.4 inches; W: 12.35 inches).

To remove the existing County Bridge No. 2324 and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 32.3 feet and an underclearance of 7.5 feet on a 70 degree skew across Bobby Run on T-307 (Lynnwood Drive) approximately 0.1 mile north of S.R. 3004.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D48-148EA. Tom Doyle, DeLuca Homes, Inc., 842 Durham Road, Suite 200, Newtown, PA 19840. Hanover Township, **Northampton County**, ACOE Philadelphia District.

Project proposes to modify the existing Pointe Associates, Pond No. 2 Dam by extending the outlet pipes an additional 100 feet in order to align the roadways for the proposed Hanover Crossing development with previous developments. The dam is located across a tributary to Monocacy Creek (HQ-CWF) approximately 200 feet northeast of the intersection of Southland Drive and Bates Avenue (Catasauqua, PA Quadrangle N: 8.2 inches; W: 2.1 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-09-004	John Stinson Kirks Fuel Inc. 1859 Route 212 Pleasant Valley, PA 18951	Bucks	Springfield Township	1 AST storing #2 Fuel Oil 1 AST storing Kerosene	350,000 gallons 50,000 gallons

SPECIAL NOTICES

Submission Date for Recycling Program Development and Implementation Grants under Section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (Department) announces the availability of applications to municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act) (53 P. S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. Authorities are not eligible to apply for the grants, but may be sponsored by a municipality.

Applicants must be in compliance with the provisions of the Act and the implementing regulations in order to be eligible to receive grant funding. At a minimum, those communities mandated to recycle under the Act must have enacted an ordinance which includes, but is not limited to, the following:

a. A requirement for the separation of at least three materials from municipal solid waste (MSW) by residents of homes and apartments;

b. A requirement for the separation of leaf waste (as defined by the Act) from MSW by residents of homes and apartments;

c. A requirement for the separation of at least high-grade office paper, corrugated paper, aluminum and leaf waste from MSW by commercial, municipal and institutional establishments;

d. A curbside collection system for recyclable materials operating at least once per month;

e. Provisions to ensure compliance with the ordinance;

f. Provisions for the recycling of collected materials; and

g. A prohibition on burning recyclable materials, including leaf waste as defined by the Act, which are collected under the recycling program.

In addition, mandated municipalities must conduct a recycling education program which notifies all persons occupying every residential, commercial, municipal and institutional establishment within its borders of the requirements of the ordinance. This must be conducted at least once every 6 months.

For communities not mandated to recycle, a no-burning ordinance must be in place covering those materials they are targeting for collection (including leaf waste as defined by the Act). All applicants must be in compliance concerning the annual reporting of materials recycled and any previous grant contract provisions. County applicants should be in compliance with planning and other county-related provisions of the Act.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered finan-

cially distressed by the Department of Community and Economic Development under the Financial Distressed Communities Act are eligible for 100% of approved costs. No application requesting more than \$2 million in grant funding will be accepted.

The following categories of recycling projects will be given funding priority:

1. Projects bringing communities newly mandated to recycle as determined by the 2000 Federal census into compliance with the Act;

2. Projects that, when implemented, will increase the amount of recyclable material recovered from any previous year;

3. Projects in which the level of recycling education exceeds the requirements of section 1501(d) of the Act for all persons occupying residential, commercial, institutional and municipal premises;

4. Projects implemented by a municipality in which the affected community is mandated to participate; and,

5. Intergovernmental cooperative projects.

Projects eligible for grant funding are those which divert the following recyclable materials from municipal solid waste: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, plastics, source separated food scraps and leaf and yard wastes.

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; developing of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables, transport recyclables to processing facilities or markets and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 103(h); and, the costs associated with educating the public on recycling program requirements, including the development and publication of printed and audio-visual educational materials, advertisements, the development of Internet "Recycling Home Pages" and school or special event programs. Composting projects and programs will be considered to be recycling projects or programs accordingly. A municipality must retain sole ownership of equipment or facilities funded by the grant.

Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be pro-rated according to its recycling use. Funding for certain leaf and yard waste collection equipment may

be limited according to its seasonal use. Funding for wood chippers will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Potential applicants must contact the appropriate DEP Regional Planning and Recycling Coordinator to schedule a preapplication conference to discuss application requirements and program particulars. Applications will be returned to municipalities which fail to schedule preapplication conferences. Grant application forms are available from Department Regional offices.

Grant applications must be received or postmarked by 3 p.m. October 4, 2001. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate Department Regional Office and one copy submitted to the appropriate County Recycling Coordinator. All grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of the Act and the availability of moneys in the Recycling Fund.

Inquiries concerning this notice should be directed to Todd Pejack, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization of Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

[Pa.B. Doc. No. 01-1230. Filed for public inspection July 6, 2001, 9:00 a.m.]

Notice of Additional Public Meeting/Hearing and Extension of Public Comment Period on Draft Antidegradation Guidance

The Department of Environmental Protection (DEP) is holding a series of public meetings/hearings on its draft Antidegradation Implementation Guidance. This document describes procedures proposed for use in administering the antidegradation component of Pennsylvania's Water Quality Standards as required under the Federal Clean Water Act. The Guidance was developed by DEP's Bureau of Water Supply and Wastewater Management and is available on the DEP website at www.dep.state.pa.us (directLINK "Water Quality Assessment and Standards") or can be obtained by contacting Mary Houghton at DEP Office of Water Management, Bureau of Water Supply and Wastewater Management, Division of Water Quality Assessment and Standards, Rachel Carson State Office Building, 10th Floor, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637, mhoughton@state.pa.us.

The purpose of the Antidegradation Program is to protect existing and designated uses of all surface waters and to protect existing quality of High Quality (HQ) and Exceptional Value (EV) waters. This implementation guidance provides a general description of the program and its legislative history, an explanation of existing and designated uses and presents discussion on the following topics:

- 1) Processing of petitions, evaluations and assessments to change a designated use;
- 2) Qualifying as High Quality or Exceptional Value waters;
- 3) Protection of High Quality and Exceptional Value waters including nondischarge alternatives, nondegrading discharge alternatives and minimum technology-based standards (Antidegradation Best Available Combination of Technologies);
- 4) Social or Economic Justification needed to lower water quality;
- 5) Nonpoint source controls; and
- 6) Public participation during implementation of antidegradation requirements.

Previously scheduled and announced public meetings/hearings include the following:

- | | |
|----------------------------|--|
| July 17, 2001
6:30 p.m. | Conley Resort Inn
740 Pittsburgh Road
Butler, PA
(724) 586-7711 |
| July 18, 2001
6:30 p.m. | Clarion Inn
13015 Ferguson Valley Road
Burnham, PA
(717) 248-4961 |
| July 19, 2001
6:30 p.m. | Days Inn
1151 Bulldog Drive
Allentown, Pa.
(610) 395-3731 |

In addition to the listed public meetings/hearings, a fourth session is now scheduled for the following location:

- | | |
|-----------------------------|---|
| August 1, 2001
6:30 p.m. | Department of Environmental
Protection
Rachel Carson State Office Building
Auditorium, 2nd Floor
400 Market Street
Harrisburg, Pa.
(717) 787-9637 |
|-----------------------------|---|

The public meeting will begin at 6:30 p.m. and will be followed by a public hearing that will begin no later than 7:30 p.m. During the public meeting, DEP will provide a short summary of the guidance and answer questions. The hearing will offer an opportunity for formal testimony.

Persons wishing to present oral testimony at the hearing are requested to contact Mary Houghton at least 1 week in advance of the hearing to reserve a time slot. Oral testimony is limited to 10 minutes for each witness and each organization is limited to one witness. Witnesses are requested to submit three written copies of their testimony to the chairperson at the hearing.

Written comments may be submitted in place of or in addition to oral testimony and should include the name, address and telephone number of the person submitting them. Written comments will be accepted by regular or electronic mail at the addresses listed above. Comments submitted by facsimile or voice mail will not be accepted.

The comment period is extended through August 8, 2001, and comments or testimony received by that date will be considered in the formulation of final guidance for the Antidegradation Program, which will be announced in the *Pennsylvania Bulletin*.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 (ADA) should contact Mary Houghton at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654 5988 (voice) to discuss how DEP may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-1231. Filed for public inspection July 6, 2001, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following projects:

Project No. DGS A 251-583—District Office Renovations, PennDOT District Office Building, Harrisburg, Dauphin County, PA. Construction Cost: \$1,020,930. The scope of work includes, but is not limited to, renovations to the first and second floor of the District Office Building shall include: HVAC, Data Wiring, Electric, Lighting, restrooms, relocation of interior walls, flooring and ceilings.

Project No. DGS A 251-634—Building Addition, PennDOT District Office Building, Montoursville, Lycoming County, PA. Construction Cost: \$1,498,000. The scope of work includes, but is not limited to, a 16,850 sq. ft. second story addition to the building to include office areas, restrooms, conference rooms and training rooms. Also included are: HVAC system; emergency generator with associated switchgear; renovation of existing restrooms; floor tiles; ADA access; partitions and lighting.

Project No. DGS 416-8—Campus Safety and Grounds Improvements, Scranton State School for the Deaf, Scranton, Lackawanna County, PA. Construction Cost: \$1,920,000. The scope of work includes, but is not limited to, bathroom upgrade, repair/replace heater and window/door replacement in the O'Donnell Building. Replace roof on Jones Corridor and Boiler Room; bathroom, ceiling and lighting repair to High School Building. Expand/update fire alarm system and reinforce/install new floor from Dormitory to Infirmary. Also provide containment of Meadow Brook Creek.

Project No. DGS 657-10—Welcome Center, Delaware Water Gap Welcome Center, Smithfield Township, Monroe County, PA. Construction Cost: \$8,400,000. The scope of work includes, but is not limited to, demolition of existing facility to provide area for new building, parking area and picnic facilities. The Center will be approximately 10,000 sq. ft. building, including a common lobby area; men's and women's restroom facilities; private ADA facility; vending/telephone area and staff office/break area/locker/restroom areas.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS A 251-583, DGS A 251-634 DGS 416-8 and DGS 657-10. Project Programs are available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department's Home Page at www.dgs.state.pa.us. Copies of the Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 103, 18th & Herr Streets, Harrisburg, PA 17125 telephone (717) 783-8468, or via e-mail by addressing a request to: pbianchi@state.pa.us.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 103, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections website of the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: pbianchi@state.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resume(s) of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as

the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, July 27, 2001, and addressed to the Selections Committee, Department of General Services, Room 103, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

(g) In accordance with Act 57 of 1998, where the amount of Base Construction Allocation (Construction Cost) is in excess of or equal to \$20 million the fee to be paid to the design professional and the terms of the contract between the design professional and the Department shall be negotiated.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-1232. Filed for public inspection July 6, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Request for Exceptions; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Belle Reve
404 East Harford Street
Milford, PA 18337

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.12(b) (relating to elevators):

Belle Reve
404 East Harford Street
Milford, PA 18337

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the 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 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 aide 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. 01-1233. Filed for public inspection July 6, 2001, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Revised Prevailing Wage Act Debarment

The following contractor had been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (43 P. S. §§ 165-1—165-17). Notice of the debarment was published at 30 Pa.B. 406 (August 5, 2000) and 31 Pa.B. 593 (January 27, 2001). By order of the Pennsylvania Prevailing Wage Appeals Board, the date of this 3-year debarment was modified as follows:

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Ferguson Electric, Inc. (Fed. ER Tax ID No. 6-0839579)	112 Northwest Drive Plainville, CT 06062	September 8, 1997

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 01-1234. Filed for public inspection July 6, 2001, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the ninth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this date.			
AGING			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	March 2002, as proposed.	This regulation is being reviewed for consolidation with regulations from DPW and DOH with the intent to publish as part of regulations to be proposed as Adolescent and Adult Part-Day Licensing Regulations. Review is also occurring as a result of passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 15 Protective Services For Older Adults	December 2001, as final.	This regulation is being reviewed as a result of the passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. The proposed amendments were published as proposed rulemaking in the <i>Pennsylvania Bulletin</i> on November 27, 1999. Second and third drafts of amendments were prepared based on comments received and second and third rounds of meetings were held with stakeholders. The Final Rulemaking package will be completed by July-01.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	October 2002, as proposed.	Review is continuing as part of a Departmental evaluation in response to Executive Order 1996-1. The review will be coordinated with the Adult Residential Facilities initiative being led by the Office of Licensing and Regulatory Management, Department of Public Welfare.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	September 2002, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. The completion of any proposed changes is dependent on the promulgation of final adult protective services regulations.	Robert Hussar (717) 783-6207

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
AGRICULTURE			
Agricultural Conservation Easement Purchase Program	August 2001, as proposed.	Act 138 of 1998 and Act 14 of 2001 amended the Agricultural Area Security Law. The regulations at 7 Pa. Code Chapter 138e must be revised to implement these statutory changes.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	July 2001, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. §§ 20.1—20.18) is the statutory basis for this regulation.	Lenchen Radle (717) 772-3234
Agricultural Security Areas	October 2001, as proposed.	This regulation will revise the current regulation at 7 Pa. Code Chapter 138 to address revisions to the statute on which that regulation is premised: the Agricultural Area Security Law (3 P. S. §§ 901—915).	Raymond Pickering (717) 783-3167
Maple Products	September 2001, as proposed.	This regulation is required by the Maple Products Act (3 Pa. C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides	September 2001, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Charles Bruckner (717) 787-9089
Harness Racing Commission	December 2001, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions, which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Land application of soil and groundwater contaminated with agricultural chemicals	October 2001, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and will be addressed as the regulation proceeds.	Phillip M. Pitzer (717) 772-5206

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Fruit Tree Improvement Program	November 2001, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609
Certification of Virus-Tested Geraniums	September 2001, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609
Dog Law	September 2001, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Dog Law—Lifetime Licenses	July 2001, as proposed	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. We are amending 7 Pa. Code §§ 21.51—21.57 to allow the Department to implement the use of micro-chipping for lifetime dog licenses.	Richard Hess (717) 787-4833
Domestic Animals	December 2001, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, DVM (717) 772-2852
Aquaculture Development	October 2001, as proposed.	The Aquacultural Development Law requires the Department to develop an "Aquaculture Development Plan" through regulation.	Leo Dunn (717) 783-8462
Pseudorabies Disease 7 Pa. Code Chapter 10	September 2001, as proposed.	The planned revisions of this chapter will assist the Department in attaining "Pseudorabies-free" status under the joint Federal-State Industry Pseudorabies Eradication Program, and will bring the current regulation into greater conformity with the requirements of the Domestic Animal Law.	John Enck, DVM (717) 772-2852

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>BANKING</i>			
Continuing education regulations for residential first mortgage lender and broker industry.	December 2001, as final.	The Mortgage Bankers and Brokers Act ("MBBA") is Act 90 of 1989, and has been amended by Act 131 of 1998. Amended section 4(e) of the MBBA provides that the Secretary of Banking shall delineate the requirements for continuing education regulations for licensees (i.e., mortgage bankers, mortgage brokers, and loan correspondents) by regulation within three years of the effective date (February 19, 1999) of the amendments to the MBBA. Therefore, continuing education regulations are required to be promulgated by February 19, 2002.	Carter D. Frantz (717) 787-1471
<i>BUDGET</i>			
Fiscal Notes 4 Pa. Code Chapter 7, Subchapter R	August 2001, as final.	Section 612 of the Administrative Code of 1929, as amended, 71 P. S. § 232, provides the authority for the Office of the Budget to promulgate regulations regarding the preparation of fiscal notes. The modified regulation prescribes the process agencies must implement to ensure a fiscal note is written for each proposed, final, and final-omitted regulation.	Pamela F. Cross (717) 787-5311 Ext. 3070
<i>COMMUNITY & ECONOMIC DEVELOPMENT</i>			
Industrialized Housing and Components 12 Pa. Code Chapter 145	Fall 2001, as proposed.	The regulation will further clarify and strengthen the Department's and third party's role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.	Jill B. Busch (717) 720-7314
Certified Provider	Fall 2001, as proposed.	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the Department.	Jill B. Busch (717) 720-7314
<i>COMMISSION ON CRIME AND DELINQUENCY</i>			
Constables' Education and Training Board— New Chapter 431 to Title 37 Pa. Code	August 2001, as final	To implement the authority of Act 1994-44, 42 Pa.C.S.A. §§ 2944—2948, as to program content and administration of basic training and continuing education, standards for qualification to carry firearms in the performance of constable duties, and qualification for schools and instructors.	Stephen Spangenberg (717) 705-3693 ext. 3040

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Deputy Sheriffs' Education and Training Board—Amendments to 37 Pa. Code Chapter 421	November 2001, as final	To amend existing regulation to further increase hours of basic training that were increased by Statement of Policy in 2000. Proposed pursuant to the Deputy Sheriffs' Education and Training Act, 71 P. S. §§ 2105—2106, this rulemaking would add law enforcement-related duties to the basic training curriculum.	Stephen Spangenberg (717) 705-3693 l ext. 3040
Bureau of Victims' Services, Victims Compensation Division (formerly Crime Victim's Compensation Board)—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 211	September 2001, as proposed.	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by section 4 of Act 1997-57; and citation changes resulting from Act 1998-111 and its relocation of the Crime Victims Act from Title 71 of Purdon's Statutes Title 18. The act at 18 P. S. § 11.312(3) gives the Bureau of Victims' Services the authority, subject to the approval of PCCD, to promulgate regulations to carry out the purposes of the act as it relates to compensation. Also to be revised are monetary ceilings that are obsolete due to inflation and restrictions that are antiquated or that limit flexibility in carrying out the statutory purposes.	Lynn Shiner (717) 783-5153 ext. 3210
Commission on Crime and Delinquency—Amendments to 37 Pa. Code Chapter 401 (General Provisions), Chapter 405 (Grant Management) and Chapter 407 (Administrative Proceedings)	November 2001, as final-omitted.	To update existing regulations to reflect current operations and eliminate language that is obsolete due to operational or statutory change.	Gerard Mackarevich (717) 705-0888 ext 3034
CONSERVATION & NATURAL RESOURCES			
Conservation of Native Wild Plants	December 2001, as proposed.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin (717) 783-3227
State Parks Rules and Regulations	October 2001 as proposed.	This revision to state parks rules and regulations will take place after extensive public outreach. Updates are necessary to reflect changes for more efficient operations, increase opportunities for public recreation, and an effort to improve visitor services and to promote good stewardship of public parks. Eight statewide regional public meetings were held in the summer of 2000 to begin to gather input on possible regulatory changes. Parks also conducted roundtable discussions. Legal basis for these regulations is Act 18 of 1995.	Gary Smith (717) 783-3303
State Forest Picnic Area Rules and Regulations	December 2001, as proposed.	General State Forest rules and regulations were updated in 1998. Chapter 23 pertaining to State Forest Picnic Areas needs to be updated and revised to conform with Title 17 general regulation changes.	Bill Slippey (717) 783-7941

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>CORRECTIONS</i>			
Revisions to regulations governing the Department, 37 Pa. Code Chapters 91 and 93.	Fall 2001, as final.	The purpose of the revisions is to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	John S. Shaffer, Ph.D. (717) 975-4998
Revisions to the regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Winter 2001, as proposed.	The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law.	William M. Reznor (717) 975-4876
<i>EDUCATION</i>			
22 Pa. Code Chapter 155—Board of State College and University Directors—Personnel Chapter 161—School Administrators Handbook Chapter 181—Mentally Retarded Exceptional Children Chapter 251—Postsecondary Education Planning Commission—Rules & Regulations Chapter 329—Computation of Subsidy	August 2001, as final-omitted.	Chapter 155—This chapter was issued under Section 2 of the Act of February 1970 (P. L. 24, No. 13) (24 P. S. § 20-2002) (Repealed). It was adopted June 12, 1975, 5 Pa. B. 1548. Chapter 161—Statutory authority for this chapter is 71 P. S. § 352. Chapter 181—Taken from the <i>PA Bulletin</i> (Vol. 3, No. 39-9/15/73, p. 2069), the authority was contained in the Act of January 14, 1970, P. L. (1969) 468 (24 P. S. § 13-1372). Chapter 251—The Postsecondary Education Planning Commission, formerly known as the 1202 Commission and also known as the 1203 Commission, was authorized by 20 U.S.C., Section 1143 and established by the Governor upon recommendation of the State Board of Education through its resolution of March 15, 1974. Chapter 329—This chapter provided procedures for calculating the instruction subsidy described in Sections 2502, 2502.5 and 2502.6 of the School Code.	Ernest Helling (717) 787-5500
Pupil Personnel Services, Attendance and Students 22 Pa. Code, Chapters 7, 11, 12	November 2001, as proposed.	These regulations define the elements of student services programs, delineate the rights and responsibilities of students and establish provisions regarding school attendance. Specific revisions are necessary to make the regulations consistent with current statute and court decisions as well as current practices in student services. These regulations are promulgated under the authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Special Education Services and Programs 22 Pa. Code, Chapter 14 and 22 Pa. Code, Chapter 342	June 2001, as final.	These regulations are necessary to establish procedures for the identification of students who are in need of special education services and programs and to set forth requirements and procedures for the delivery of those services and programs. The revisions of these current regulations will focus on current federal and state law regarding special education services and programs to ensure compliance, consistent and accurate terminology and application of existing provisions. These regulations will be published as a single regulation, Chapter 14. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) (24 P. S. § 1-101—26-2606-B).	Peter Garland (717) 787-3787
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42	September 2001, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	September 2001, as final-omitted.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators. Since these revisions will be technical to incorporate a statutory change, they will be promulgated as final rulemaking with the public comment phase omitted.	Peter Garland (717) 787-3787
Charter School Services and Programs for Children With Disabilities 22 Pa. Code, Chapter 711	June 2001, as final.	The proposed regulations are promulgated to facilitate compliance with Federal statute, regulation and court decrees that apply in the Commonwealth to children with disabilities. The purposes of proposed Chapter 711 are to develop procedures for special education in charter schools and adopt by reference applicable Federal regulations. These regulations will be promulgated under the authority of the Charter School Law, 24 P. S. § 17-1701-A et seq. 1949, March 10, P. L. 30, No. 14, Article XVII-A, § 1701-A, added 1997, June 19, P. L. 225, No. 22, § 1.	Dale Baker (717) 705-2343
Charter School Services, General Provisions	September 2001, as proposed.	These regulations will clarify a number of provisions to the Charter School Law, which have been the subject of questions from charter school applicants and school districts. These regulations will be promulgated under the authority of the Charter School Law, 24 P. S. § 17-1701-A et seq. 1949, March 10, P. L. 30, No. 14, Article XVII-A, § 1701-A, added 1997, June 19, P. L. 225, No. 22, § 1.	Dale Baker (717) 705-2343

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Academic Standards (Science & Technology, Environment & Ecology) 22 Pa. Code, Chapter 4	November 2001, as final.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on academic standards. When initially promulgated in 1999, Chapter 4 contained academic standards in reading, writing, speaking and listening, and mathematics. Additional sets of standards were anticipated. This revision to Chapter 4 seeks to establish academic standards in Science and Technology, and Environment and Ecology.	Peter Garland (717) 787-3787
Academic Standards (Civics and Government, Economics, Geography and History; Arts and Humanities; Family and Consumer Science; Health, Safety and Physical Education) 22 Pa. Code, Chapter 4	December 2001 as proposed.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning, and assessment based on academic standards. These additional sets of standards will revise Chapter 4 by their inclusion. These regulations are promulgated under the authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
General Provisions—State Board of Private Licensed Schools 22 Pa. Code, Chapter 73	September 2001, as final.	The proposed revisions to the regulations of the State Board of Private Licensed Schools will amend Section 73.1 (Definitions) to add a new definition of the term "Seminar" and modify the current definition of the term "Nonresident" and amend Section 73.151 relating to fees to allow the Board to raise sufficient revenue to offset its projected expenditures for fiscal year 2000-01 and 2001-02. These regulations are promulgated under the authority of the Private Licensed Schools Act, Act 174 of 1986 (1986, Dec. 15, P. L. 1585, No. 174, § 1, effective Jan. 1, 1987)(24 P. S. §§ 6501—6518).	Sharon Lane (717) 783-8228
General Vocational Education Standards 22 Pa. Code, Chapter 339	September 2001, as proposed.	Educational institutions offering vocational programming have evolved substantially since their inception. Many of the standards defining and governing those institutions were conceived over 30 years ago. A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18 on Vocational Education and section 2502.8 on Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the <i>Pennsylvania Code</i> , section 4.32(a).	John C. Foster (717) 787-5530
22 Pa. Code, Chapter 191	August 2001, as final.	A new chapter in Pa. Code 22 will provide for procedures for calculating state subsidies for the National School Lunch and School Breakfast programs. These procedures are necessary to incorporate provisions of Act 16 of May 3, 2000, amending the Public School Code of 1949 (P. L. 30, No. 14)(24 P. S. § 1337.1)	Pat Birkenshaw (717) 783-6556

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
22 Pa. Code, Chapters 233 and 237 Professional Standards and Practices Commission By-laws; Definitions	January 2001, the Commission began reviewing the current policy statements and regulations and will propose amendments to ensure conformity with the amend-ments of the Act.	The statements of policy and regulations defining specific terms are issued under the Professional Educator Discipline Act (24 P. S. § 2070.1 et seq.), which was recently amended by HB 2189 or Act 123 of 2000.	Carolyn Angelo (717) 787-6576
22 Pa. Code, Chapter 21 School Facilities	November 2001, as proposed.	Proposed revisions to State Board of Education regulations on school facilities.	Carle Dixon Earp (717) 787-5480
<i>EMERGENCY MANAGEMENT AGENCY</i>			
4 Pa. Code Chapter 118 "Reductions of Major Water Use in the Delaware River Basin Drought Emergency Area"	August 2001, as final.	Needed to improve and streamline administration of regulations.	Mark Goodwin (717) 651-2010
4 Pa. Code Chapter 119 "Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency"	August 2001, as final.	Needed to improve and streamline administration of regulations.	Mark Goodwin (717) 651-2010
4 Pa. Code Chapter 120 "Local Water Rationing Plans"	August 2001, as final.	Needed to improve and streamline administration of regulations.	Mark Goodwin (717) 651-2010
4 Pa. Code Chapter 119a "Philadelphia Drought Water Emergency Plan"	August 2001, as final.	Regulations are outdated and no longer needed.	Mark Goodwin (717) 651-2010
<i>ENVIRONMENTAL HEARING BOARD</i>			
25 Pa. Code Chapter 1021	Fall 2001, as proposed.	The Environmental Hearing Board (Board) and its Procedural Rules Committee (Rules Committee) are proposing new rules and amendments to the Board's existing rules of practice and procedure relating to the following: 1) electronic filing and service of legal documents; 2) withdrawal of appearance by counsel; 3) number of copies of documents to be filed with the Board; 4) attachment of proposed orders to motions and responses; 5) discovery; 6) reconsideration; and 7) composition of the certified record on appeal to the Commonwealth Court. In addition, the Board is proposing a reorganization of its rules of practice and procedure in order to make the rules more user-friendly for practitioners before the Board. In addition, the Board and Rules Committee are considering revisions to rules relating to the following: 1) dispositive motions; 2) applications for award of attorney's fees and costs; and 3) special actions. The Board and Rules Committee intend to propose regulations relating to one or more of these subjects during the year 2001 or 2002. The legal basis for these regulations is section 5 of the Environmental Hearing Board Act (35 P. S. § 7515).	George J. Miller (610) 896-9836

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ENVIRONMENTAL PROTECTION			
Stream Redesignations— Little Bush Kill, et al. Clean Streams Law	December 2001, as final.	This stream redesignation package includes five streams or portions thereof that were evaluated for redesignation as High Quality (HQ) or Exceptional Value (EV) Waters. The Little Bush Kill (Pike Co.) was evaluated in response to a petition from Bushkill Falls. West Penn Township (Schuylkill Co.) petitioned for redesignation of Lizard Creek. Smithtown Creek (Bucks Co.) was studied as a result of a petition from the Smithtown Creek Watershed Association. The Pennsylvania Fish and Boat Commission (PFBC) requested evaluations of Oswayo Creek (Potter Co.) and Browns Run (Warren Co.). Minor corrective amendments are also included for Buck Hill Creek (Monroe Co.) and Slate Run (Lycoming Co.).	Bob Frey, (717) 787-9637
Stream Redesignations— Class A Wild Trout Streams Clean Streams Law	September 2001, as proposed.	Nearly 70 streams were evaluated in response to a request from the PFBC under Section 93.4b of DEP's antidegradation regulations, which includes in subsection (a)(2)(ii) that a surface water designated as a Class A wild trout stream by the PFBC following public notice and comment qualifies for HQ designation. DEP independently reviewed the trout biomass data in the PFBC reports for these streams to ensure that the Class A criteria were met. A 45-day public comment period will be recommended.	Bob Frey, (717) 787-9637
Stream Redesignations Clean Streams Law	Dates undetermined.	DEP has an ongoing program to evaluate streams for possible redesignation in the Water Quality Standards in Chapter 93. Evaluations are undertaken in response to petitions to the EQB as well as requests from the PFBC or DEP staff. DEP publishes a notice of assessment in the <i>Pennsylvania Bulletin</i> and local newspapers and requests technical information on each stream. A list of evaluations undertaken or needed and the status of each one can be found on the Bureau of Water Supply and Wastewater Management web page on DEP's website at www.dep.state.pa.us . Following completion of a draft evaluation report, and if a redesignation is proposed, the recommendations will be presented to the EQB as proposed rulemaking either individually or as part of a group of streams.	Bob Frey, (717) 787-9637

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Stream Redesignations— Oysterville Creek, et al. Clean Streams Law	November 2001, as proposed.	This stream redesignation package includes nine streams or segments that were evaluated for redesignation as HQ or EV Waters. Brinton, Wylie and Renwick Runs (Chester and Delaware Cos.) were evaluated in response to a petition from the Birmingham Township Recreation, Parks and Open Space Committee. Oysterville Creek and a portion of the West Branch Perkiomen Creek (Berks Co.) were petitioned by the Berks County Conservancy and District Township. Two private citizens submitted a rulemaking petition for Trout Run (York Co.). Another private citizen petitioned for the redesignation of an unnamed tributary to Chester Creek (Delaware Co.). Rambo Run (York Co.) was evaluated in response to a request from the PFBC. The lower reaches of Cove Creek (Bedford Co.), previously petitioned by Friends of Cove Creek, was restudied based on DEP's recent change to the Percent Dominant Taxon biological metric used in HQ/EV evaluations. A 45-day public comment period will be recommended.	Robert Frey, (717) 787-9637
Chapter 93—Great Lakes Initiative (GLI) Federal Clean Water Act	September 2001, as proposed.	The proposed regulatory amendment to Section 93.8a(j) (relating to requirements for the Great Lakes System) consists of the elimination of the words "except Subpart C" in the current GLI to provide consistency with the federal guidance promulgated by USEPA on November 15, 2000, for the Great Lakes System. The proposed rulemaking will provide greater protection for the Great Lakes System by eliminating the use of mixing areas for discharges of toxic and persistent chemicals known as bioaccumulative chemicals of concern (BCCs). Examples of BCCs are mercury, PCBs and dioxin. The Water Resources Advisory Committee (WRAC) is reviewing the proposal. A 30-day public comment period will be recommended.	Carol Young, (717) 783-2952
Chapter 96—Water Quality Standards Implementation Clean Streams Law	November 2001, as proposed.	Chapter 96 is proposed for amendment to make the application of the sulfate and chloride criteria consistent with that already provided for total dissolved solids, nitrate, phenol and fluoride under Section 96.3(d). WRAC will review the draft proposal.	Carol Young, (717) 783-2952

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 109—Safe Drinking Water Amendments (Public Notification/Consumer Confidence Report) Safe Drinking Water Act	July 2001, as proposed.	This proposal will incorporate into DEP's Safe Drinking Water regulations recently-adopted federal initiatives, including the provisions of the Federal Consumer Confidence Report (CCR) Rule, revisions to the Public Notification (PN) regulations, and minor changes to the Lead and Copper Rule. The CCR and PN rules expand and clarify requirements that deal with the public's right to know what is in the water they receive from a regulated public water supplier. The proposal also includes several technical changes to address differences between state and federal regulations at 40 CFR 141 which involve primacy concerns. In addition, the proposal will require regulated entities to submit self-monitoring test data electronically to the Department. The Small Water Systems Technical Assistance Center (TAC) and WRAC reviewed drafts of the proposal. A 30-day public comment period will be recommended.	Jeffrey Gordon, (717) 772-4018
Radionuclides Rule Safe Drinking Water Act	February 2002, as proposed.	This proposal will amend Chapter 109 to incorporate the provisions of the recently-published federal Radionuclides Rule, which establishes a new Maximum Contaminant Level (MCL) for uranium and retains the current existing MCLs for gross alpha, combined radium-226/228 and beta and photon activity and establishes new monitoring requirements. The Radionuclides Rule applies to community water systems and does not include radon. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski, (717) 772-4018
Filter Backwash Recycling Rule Safe Drinking Water Act	February 2002, as proposed.	This proposal will amend Chapter 109 to incorporate the provisions of the recently-promulgated Federal Filter Backwash Recycling Rule, which governs the recycling of the filter backwash water within the treatment process of public water systems (PWSs). The Rule applies to all PWSs that use a surface water source or groundwater under the direct influence of surface water, utilize direct or conventional filtration and recycle spent filter backwash water, sludge thickener supernatant or liquids from dewatering processes. The EPA anticipates publishing the final rule in the near future. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski, (717) 772-4018

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 105—Dam Safety and Waterway Management Clean Streams Law; Dam Safety and Encroachments Act	January 2002, as proposed.	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits, simplify the application fee schedule, and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) is thoroughly reviewing the issues. The Agricultural Advisory Board (AAB) will also be briefed on developments. The date for EQB consideration of a proposed rulemaking remains tentative at this time pending WetPAC's deliberations.	Ken Reisinger, (717) 787-6827
Chapter 250—Land Recycling Program Amendments Land Recycling and Environmental Remediation Standards Act; Solid Waste Management Act	September 2001, as final.	These amendments clarify the existing regulations and update several provisions to reflect current science. The revisions are necessary to provide clear direction to those undertaking the cleanup of a contaminated site and the cleanup standards they must meet. DEP worked with the Cleanup Standards Scientific Advisory Board (CSSAB) in developing these amendments.	Dave Hess, (717) 783-7816
Storage Tank and Spill Prevention Program—Integration of Act 2 Provisions Land Recycling and Environmental Remediation Standards Act	September 2001, as final.	These amendments integrate the provisions of the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995) into Chapter 245 (Administration of the Storage Tank and Spill Prevention Program). The rulemaking changes definitions in Subchapter A for consistency between the two programs. Subchapter D incorporates procedures for selecting and attaining one or more of the Act 2 remediation standards into the corrective action process for regulated storage tanks, eliminating language that was based on implementation of the Department's Groundwater Protection Strategy, which was in effect when Subchapter D was adopted in 1993. DEP worked with the Storage Tank Advisory Committee (STAC) in developing these amendments.	Charles Swokel, (717) 783-7509
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act	May 2002, as proposed.	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997. The amendments have been identified through implementation of the program over the past five years. In addition, a general review of Chapter 245—which is necessary to obtain state program authorization for the underground storage tank program from the USEPA—occurred in the past year, and this review identified other potential revisions. STAC will review the draft amendments.	Ray Powers, (717) 772-5551

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Household Hazardous Waste Collection and Disposal Small Business and Household Pollution Prevention Program Act; Solid Waste Management Act	July 2001, as final.	This rulemaking further clarifies the household hazardous waste regulations in Chapters 261a, 271 and 272, makes the language consistent with that used in the Small Business and Household Pollution Prevention Program Act, and ensures that waste collected as part of a household hazardous waste program is properly managed as hazardous waste rather than as part of the municipal waste stream. SWAC reviewed the draft final rulemaking.	Tom Hyatt, (717) 787-8686
Provisions for the Management of Safe Fill Solid Waste Management Act; Clean Streams Law; Land Recycling and Environmental Remediation Standards Act	September 2001, as proposed.	This proposal would revise Chapter 287 of the residual waste regulations to address the unrestricted use of uncontaminated soil, including rock and stone, as safe fill provided that the soil has not been subject to a spill or release and there are no visible staining, odors or other sensory nuisances associated with the soil. The current definition of "clean fill" would be replaced with a new definition for "safe fill." The proposal will also include permit-by-rule requirements allowing restricted use of contaminated soils resulting from urbanization, pesticide use in fruit orchards, historic fill materials and Act 2 remediated soils.	William Pounds, (717) 787-7381
Amendments to the Hazardous Waste Regulations Solid Waste Management Act; Clean Streams Law	September 2001, as proposed.	Minor modifications are proposed to the hazardous waste amendments that were finalized on May 1, 1999, to address changes in the Federal regulations since that time and for EPA approval as a Federally authorized program. The modifications include minor "housekeeping" issues such as exceptions to the blanket substitution of DEP for USEPA where the Federal authority cannot be delegated to a state. Other changes include correcting typographical errors and adding clarification or consistency in certain sections. SWAC reviewed a draft of the proposal. A 30-day public comment period will be recommended.	Rick Shipman, (717) 787-6239
Architectural and Industrial Maintenance (AIM) Coatings Air Pollution Control Act	October 2001, as proposed.	The Pennsylvania Ozone Stakeholder Working Groups recommended that DEP consider a number of additional emission reduction strategies, including lower limits on the volatile organic compound (VOC) content of architectural and industrial maintenance (AIM) coatings, to address the ground-level ozone air quality problem in Pennsylvania. In addition, the states in the Ozone Transport Region (OTR) have evaluated a number of VOC and oxides of nitrogen (NOx) control strategies and developed draft model regulations that will help the states address the emission reduction shortfalls identified by EPA. This proposal will set specific VOC content limits (in grams/liter) for 47 AIM coating categories and require compliance by January 1, 2005. Compliance with these new limits would be reached through either reformulating products or substituting products with compliant coatings that are currently on the market. The Air Quality Technical Advisory Committee (AQTAC) is reviewing the proposal.	Terry Black, (717) 787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Portable Fuel Containers Air Pollution Control Act	September 2001, as proposed.	The states in the OTR have evaluated a number of VOC and NOx control strategies and developed draft model rules to help states address the emission reduction shortfalls identified by EPA. This proposal will apply to all portable fuel containers and/or spouts except: 1) containers with a capacity of less than or equal to one quart; 2) rapid re-fueling devices with capacities greater than or equal to 4 gallons, provided they are designed for use in officially sanctioned off-road motorcycle competitions; and 3) safety cans and portable marine fuel tanks that operate in conjunction with outboard engines. The proposal includes design specifications for portable fuel containers and/or spouts that are intended to significantly reduce the possibility of gasoline spillage, thereby reducing emissions. AQTAC reviewed a draft of the proposal. A 60-day public comment period and three public hearings will be recommended.	Terry Black, (717) 787-9495
Consumer Products Air Pollution Control Act	September 2001, as proposed.	This proposal is also in response to the Pennsylvania Ozone Stakeholder Working Groups' recommendation to address the ground-level ozone problem in Pennsylvania as well as the OTR attempts to address the emission reduction shortfalls identified by EPA. This proposal will set specific VOC content limits for approximately 80 consumer product categories, and it will apply more stringent VOC content limits than the Federal rule. The compliance date for the limits would be January 1, 2005. Manufacturers would ensure compliance with the limits by reformulating products and substituting products with compliant products that are currently available. The proposal will include some flexibility options. AQTAC reviewed a draft of the proposal. A 60-day public comment period and three public hearings will be recommended.	Terry Black, (717) 787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Emission Limits for Heavy-Duty Highway Diesel Vehicles Air Pollution Control Act	July 2001, as proposed.	This proposal will adopt California regulations to require 2005 and 2006 model year heavy-duty highway diesel engines to meet the same standards in effect for model years 2002 through 2004. The 2002—2004 standards resulted from consent decrees signed by the U.S. Department of Justice, the EPA and the California Air Resources Board (CARB) with seven of the largest heavy-duty diesel engine manufacturers who violated certification regulations. The consent decrees require the manufacturers to meet new lower emission standards by October 1, 2002, for the two-year period. EPA has proposed supplemental standards and test procedures for 2004 and later model year engines, but will not be able to require them until model year 2007. Adopting the California regulations by Pennsylvania and other states will create a de facto national standard that would maintain the lower emission standards for 2005 and 2006 model year engines. AQTAC reviewed a draft of the proposal. A 60-day public comment period and three public hearings will be recommended.	Arleen Shulman, (717) 787-9495
Small Sources of NOx Air Pollution Control Act	November 2001, as proposed.	The states in the OTR have evaluated a number of NOx control strategies and developed draft model regulations that will help address the emission reduction shortfalls identified by EPA for three ozone nonattainment areas. This proposal would achieve NOx reductions from small sources that are not included in the Chapter 145 NOx reduction program. Many portions of the draft model regulation developed by the OTR are based on states' Reasonably Available Control Technology (RACT) rules. The 1994 Southeast Pennsylvania Stakeholders Working Group also recommended similar controls on a subset of these sources. AQTAC will review a draft of the proposal.	Dean Van Orden (717) 787-9495
Open Burning of Recyclable Waste Air Pollution Control Act	October 2001, as proposed.	This proposal will revise the open burning provisions of Section 129.14(c) to prohibit the burning of leaves, yard wastes and other recyclable materials in areas that have curbside recycling programs. AQTAC will review a draft of the proposal.	Terry Black, (717) 787-9495
Solvent Cleaning Operations Air Pollution Control Act	September 2001, as final.	This rulemaking resulted from recommendations of the Southwest and Southeast Ozone Stakeholder Working Groups that DEP adopt programs to reduce VOC emissions from degreasing operations. A stakeholder group consisting of degreaser manufacturers and operators, solvent suppliers and environmental groups met several times over an eight-month period to develop the proposal. The rulemaking establishes additional requirements for solvent cleaning operations and new requirements for operations not presently regulated by the provisions of Section 129.63. AQTAC reviewed the draft final amendments.	Terry Black, (717) 787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of NO _x from Cement Kilns and Stationary Internal Combustion Engines Air Pollution Control Act	October 2001, as proposed.	This proposal establishes a program to limit the emissions of NO _x from cement kilns and large stationary internal combustion engines. These provisions are proposed to be included in Chapter 145 (Interstate Ozone Transport Reduction). These regulations were previously proposed as part of an earlier rulemaking, but are being re-proposed for additional public comment. NO _x emission reductions are needed to help achieve ozone health-based standards in the eastern United States. AQTAC will review a draft of the proposal.	Dean Van Orden, (717) 787-9495
New Source Review Air Pollution Control Act	Contingent on EPA action.	The Department's existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits (ERCs). The Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft new source review (NSR) regulations a number of mechanisms related to generation and use of ERCs and the use of an "area wide" plant-wide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996; however, EPA has not yet issued final rules. With the uncertainty of the nature of the final rules, the Department cannot proceed with revisions of the existing trading regulations until the final EPA rule is promulgated.	Terry Black, (717) 787-9495
Amendments to Radiological Health Chapters 221, 227 and 228 Radiation Protection Act	September 2001, as final.	This rulemaking contains minor changes to Chapter 221 to clarify requirements for X-ray use in the healing arts and to improve consistency with federal regulations. A new section on Radiation Safety Requirements for X-ray Calibration Systems is added to Chapter 227. A change to Chapter 228 modifies the radiation monitoring requirements to better accommodate existing equipment. RPAC reviewed the draft final rulemaking.	Steve Williams, (717) 783-9730
Amendments to Radiological Health Chapter 218, Fees Radiation Protection Act	September 2001, as final.	This rulemaking contains a revised fee structure for registrations, licenses, and inspections of radiation-producing machines and radioactive material. Current fees no longer cover the registration, licensing and inspection costs required by regulation. In addition, DEP's responsibilities will expand to include more complex licensing and inspection when Pennsylvania becomes an Agreement State. With Agreement State status, DEP will assume responsibility for licensing and oversight of decommissioning of a number of sites formerly licensed by the NRC. Authority for actual cost recovery is established in these amendments. RPAC reviewed the draft final rulemaking.	Ray Urciuolo, (717) 783-9730

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapters 86-88 and 90—Coal Mine Permits/Road Requirements Surface Mine Conservation and Reclamation Act; Coal Refuse Disposal Control Act; Clean Streams Law	July 2001, as proposed.	This proposal modifies Chapters 86, 87, 88 and 90 for clarity and consistency with federal regulations. The proposed changes relate to criteria for approval/denial of coal mine permits and to requirements concerning coal mine roads at surface coal mines and coal refuse disposal operations. The Mining and Reclamation Advisory Board (MRAB) reviewed a draft of the proposal. A 30-day public comment period will be recommended.	Nevin Strock, (717) 787-6842
Chapter 207—Underground Noncoal Mines General Safety Law	September 2001, as proposed.	This proposal consolidates the regulatory provisions implementing Section 2(f) of the General Safety Law, which regulates worker safety in noncoal mines, into Chapter 207 (Noncoal Mines). Most of these provisions were promulgated by the Department of Labor and Industry over 30 years ago and are found at Title 34, Pennsylvania Code, Chapter 33. DEP's Chapter 207 addresses the use of explosives at noncoal mines and has not been amended since its adoption in 1972. The amendments address effective safety practices in noncoal mines based on changes in the industry and DEP's administration of the program. The proposal incorporates by reference the U.S. Mine Safety and Health Administration's (MSHA) regulations found at 30 CFR Part 57 and adds provisions to address certification of foremen as well as the licensing and duties of blasters. A 30-day public comment period will be recommended.	Richard Stickler, 724-439-7469
GENERAL SERVICES			
Responsibility 4 Pa. Code Chapter 60	September 2001, as proposed.	This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures.	Gary F. Ankabrandt (717) 783-1982
Instructions to Bidders 4 Pa. Code, Chapter 61	September 2001, as proposed	This Chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility, which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	September 2001, as proposed	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa Code, Chapter 65	September 2001, as final	The legislation creating the State Art Commission was sunsetted.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	September 2001, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
HEALTH			
Testing Blood and Alcohol Specimens Taken From Persons Who Die as a Result of a Vehicle Accident. 28 Pa. Code §§ 29.21 and 29.22	October 2001, as proposed.	The amendments to existing regulations will update testing procedures and make the regulations consistent with the authorizing statute. Pursuant to the section 3749 of the Vehicle Code, 75 Pa. C.S. § 3749, and Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31).	Kenneth E. Brody (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	September 2001, as final-omitted.	Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. (717) 783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals. 28 Pa. Code § 101.1 et seq.	January 2002, as proposed.	The amendments to existing regulations will update the licensure standards for general and special hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. (717) 783-2500
Cancer Treatment Centers	No publication anticipated within the next six months.	Pursuant to Act 172 of 1992, which amended the Health Care Facilities Act, 35 P. S. § 448.101 et seq., the Department must license cancer treatment centers that provide radiation therapy on an ambulatory basis.	Carol Somerset-Griffie (717) 783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	September 2001, as final.	The amendments to existing regulations will make them consistent with current public health practices for the control of communicable and other reportable conditions. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac (717) 783-2500
School Health Immunization 28 Pa. Code § 23.83	September 2001, as final.	The amendments to existing regulations will add to the list of immunizations required for school entry and for entry into the seventh grade consistent with recommendations by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Pursuant to the Public School Code of 1949, 24 P. S. §§ 1-101, 13-1303a; the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1, 521.16; the Administrative Code of 1929, 71 P. S. §§ 51,532(g), 541(b), and 541(c.1); and the Hepatitis Prevention Act, 35 P. S. §§ 630.1 and 630.2.	Yvette M. Kostelac (717) 783-2500
Reporting of Certain HIV Test Results, CD4 T-Lymphocyte Counts Below a Certain Level, and Perinatal Exposure of Newborns to HIV 28 Pa. Code §§ 27.1—27-2, 27.21—27.22, 27.32, 27.32a—27.32d	January 2002, as final	The amendments to existing regulations will add reporting of certain HIV test results, CD4 T-lymphocyte counts below a certain level, and perinatal exposure of newborns to HIV to the list of diseases, infections and conditions reportable to the Department of Health. The amendments will specify who is required to report these conditions and how the reporting is to be done. The amendments will also require all clinical laboratories to report all reportable diseases, infections and conditions to the Department electronically. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. § 521.1—521.21.	Yvette M. Kostelac (717) 783-2500
Environmental Health Assessment 28 Pa. Code § 17.1 et seq.	No publication anticipated within the next 6 months.	The amendments to existing regulations will facilitate the transfer of authority for certain environmental regulations from the former Department of Environment Resources to the Department of Health. Pursuant to 71 P. S. § 532 and 71 P. S. § 1340.101 et seq.	Grace R. Schuyler (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Public Bathing Place Lifeguard Requirements 28 Pa. Code § 18.1; § 18.42	September 2001, as proposed.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Grace R. Schuyler (717) 783-2500
Special Supplemental Food Program for Women, Infants and Children (WIC Program) 28 Pa. Code § 1101.1 et seq.	September 2001, as proposed.	The amendments to existing regulations will bring the State regulations into compliance with changes in the Federal regulations (7 C.F.R. § 246) published December 29, 2000, relating to vendor selection criteria, training requirements, monitoring requirements and compliance investigations, and the vendor appeals process.	Karin Simpson Gutshall (717) 783-2500
Health Facility Licensure/Hospices 28 Pa. Code § 651.1 et seq.	October 2001, as proposed.	These new regulations will provide standards for the licensing and regulation of hospices. They will, at a minimum, contain standards set forth in regulations for hospices certified as providers under the Medicare Program. Pursuant to Act 95 of 1998, amending the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	Tanya Leshko (717) 783-2500
Hearing Aid Sales and Registration/Continuing Education 28 Pa. Code § 25.201 et seq.	August 2001, as proposed.	The amendments to existing regulations will include continuing education requirements for hearing aid fitters, provide for 30-day money back written guarantees on hearing aids, and revise certification fees for consistency with the statute. Pursuant to Act 153 of 1998, amending the Hearing Aid Sales Registration Act, 35 P. S. § 6700-101 et seq.	Tanya Leshko (717) 783-2500
Head Injury Program 28 Pa. Code §§ 4.1-4.14 et seq.	July 2001, as final.	These new regulations will facilitate the implementation of this program. Pursuant to the Emergency Medical Services Act, 35 P. S. § 6934(e).	Tanya Leshko (717) 783-2500
Newborn Screening 28 Pa. Code § 28.1 et seq.	November 2001, as final.	The amendments to the existing regulations will add four diseases to the list of required diseases for which newborns must be screened. The amendments will also prescribe the manner by which specimens are to be collected and tested. Pursuant to the Newborn Child Testing Act, 35 P. S. §§ 621—625	Stephanie Michel-Segnor (717) 783-2500
Narcotic Treatment Standards 28 Pa. Code §§ 701 and 715.	August 2001, as final.	The amendments to existing regulations will repeal 4 Pa. Code § 263, transfer regulations to Title 28, and amend and update narcotic treatment, including methadone treatment standards. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690-101—1690.115.	Keith Fickel (717) 783-2500
Prevention Activities 28 Pa. Code §§ 701 and 713. (rescission)	October 2001, as final.	Existing regulations imposing standards for approval of drug and alcohol prevention activities will be repealed. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690-101—1690.115.	Keith Fickel (717) 783-2500
Drug and Alcohol Facility Physical Plant Standards 28 Pa. Code §§ 705.1-705.29.	August 2001, as final.	The amendments to existing regulations will establish uniform standards for all residential and non-residential services. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690.101—1690.115.	Keith Fickel (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
No regulations being developed or considered at this date.			
INSURANCE			
Stock Ownership Statements, 31 Pa. Code, Chapter 21, §§ 21.1—21.103	Winter 2001, as proposed.	Amend to update requirements relating to Stock Ownership Statements consistent with NAIC model language.	Peter J. Salvatore, (717) 787-4429
Proxies, Consents and Authorizations, 31 Pa. Code, Chapter 23, §§ 23.1—23.96	Winter 2001, as proposed.	Amend to update requirements relating to Proxies, Consents and Authorizations consistent with NAIC model language.	Peter J. Salvatore, (717) 787-4429
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	Fall 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Cancellations and Refusal to Renew Homeowners Insurance, 31 Pa. Code, Chapter 59, §§ 59.1—59.13	Winter 2001, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies, 31 Pa. Code, Chapter 61, §§ 61.1—61.14	Winter 2001, as proposed.	Modify regulation consistent with the statute (40 P. S. §§ 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore, (717) 787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	Fall 2001, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, (717) 787-4429
Charter Amendments, 31 Pa. Code, Chapter 65, §§ 65.21—26	Winter 2001, as proposed.	Amend to eliminate outdated, unnecessary provisions relating to minimum capital and surplus requirements pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28	Fall 2001, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, (717) 787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—9	Summer 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—91	Fall 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Annuity Disclosure, (NEW Chapter 83a)	Summer 2001, as proposed.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities.	Peter J. Salvatore, (717) 787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Fall 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	Winter 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Requirements for All Policies and Forms, 31 Pa. Code, Chapter 89, §§ 89.1—89.5, 89.11, 89.17 and 89.21—89.23 and new General Filing Requirements and General Contents of Forms §§ 89a.1—89a.6	Fall 2001, as final.	Changes will be promulgated regarding the deregulation of rates and forms filings for accident and health insurance, as a result of Act 159 of 1996. Changes will be made pursuant to the health care provisions of the Federal Health Insurance Portability and Accountability Act of 1996. Life, annuities and property and casualty general filing requirements are being combined in the new regulation.	Peter J. Salvatore, (717) 787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62	Fall 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Long-Term Care Insurance, 31 Pa. Code, Chapter 89, §§ 89.901—89.921	Summer 2001, as proposed.	Repeal current regulation and adopt new regulation based on NAIC model regulation.	Peter J. Salvatore, (717) 787-4429
Separate Accounts for Principle and Interest Guarantees, 31 Pa. Code, Chapter 90a, §§ 90a.1—90a.31	Winter 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1—115.8	Fall 2001, as proposed.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. §§ 1601—1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Licensing requirements are being proposed to be added to this regulation.	Peter J. Salvatore, (717) 787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Summer 2001, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Fall 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall 2001, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, (717) 787-4429
Privacy of Consumer Financial Information, 31 Pa. Code, Chapter 146a, §§ 146a.1—146a.44	Summer 2001, as final.	NEW. This regulation is intended to implement the privacy provisions required by the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.).	Peter J. Salvatore, (717) 787-4429
Privacy of Consumer Health Information, 31 Pa. Code, Chapter 146b	Summer 2001, as proposed	NEW. This regulation is intended to implement the health provisions in accordance to the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) and the Department of Health and Human Services (HHS).	Peter J. Salvatore, (717) 787-4429
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1—148.4	Fall 2001, as proposed.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians.	Peter J. Salvatore, (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Continuing Care Providers, 31 Pa. Code, Chapter 151, §§ 151.1—151.14	Fall 2001, as proposed.	Amend to be consistent with 1996 statutory amendments relating to the order of distribution of assets in insolvencies and to provide for the voluntary surrender of a certificate of authority.	Peter J. Salvatore, (717) 787-4429
Health Maintenance Organizations, 31 Pa Code, Chapters 301, §§ 301.1—301.126	Winter 2001, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, (717) 787-4429
Underground Storage Tank Indemnification Fund—Fee Regulation, 25 Pa. Code, Chapter 971, §§ 971.1—971.4	Fall 2001, as final.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 973 and 975 into a new regulation, Chapter 977.	Peter J. Salvatore, (717) 787-4429
Underground Storage Tank Indemnification Fund—Fee Collections Regulation, Chapter 973, §§ 973.1—973.12	Fall 2001, as final.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 971 and 975 into a new regulation, Chapter 977.	Peter J. Salvatore, (717) 787-4429
Underground Storage Tank Indemnification Fund—Voluntary Heating Oil Tank Program, 25 Pa. Code, Chapter 975, §§ 975.1—975.6	Fall 2001, as final.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 971 and 973 into a new regulation, Chapter 977	Peter J. Salvatore, (717) 787-4429
Underground Storage Tank Indemnification Fund—Claims Regulation, 25 Pa. Code, (NEW Chapter 977)	Fall 2001, as final.	Requires underground storage tank owners be in compliance with certain leak detection standards in order to obtain claims coverage from the Underground Storage Tank Indemnification Fund. The proposed regulation establishes requirements for owners to file such claims. This will combine most of 25 Pa. Code, Chapters 971, 973 and 975.	Peter J. Salvatore, (717) 787-4429
LABOR AND INDUSTRY			
Workers' Compensation Bureau, Workers' Compensation Judges, and Workers' Compensation Appeal Board regulations at 34 Pa. Code Chapters 131, 121, and 111.	December 2001, as final.	These rules have not been updated in many years; they need to reflect the changes in the law and practice of workers' compensation. Final form expected to be submitted to Secretary of L&I & IRRC by December 2001	Thomas J. Kuzma (717) 783-4467
Underground Storage Facilities	July 2002, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	James Varhola (717) 787-3329
Dry Cleaning	Will be addressed through Act 45 regulations. (See Act 45 regs below.)	Dry Cleaning Law, Act of December 19, 1990, P. L. 1327, No. 214, 35 P. S. 1270.1 et seq. This proposal will regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister (717) 787-3323
Elevators and Lifting Devices	Will be addressed through Act 45 regulations. (See Act 45 regs below.)	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	James Varhola (717) 787-3329

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Asbestos Occupations Accreditation and Certification	September 2001, as proposed.	Act of December 19, 1990, P. L. 05, No. 194, 64 P. S. §§ 2101—2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396
Uniform Construction Code (UCC) regulations. Act 45 of 1999.	December 2001, as proposed.	Act 45 of 1999, providing for a uniform statewide building code, requires the Dept. of L&I to promulgate regulations. Because this measure in effect repealed the Dry Cleaning Law, Elevator Law and Fire & Panic Act, the regulations pursuant to each (including those for Personal Care Homes), will be addressed through regulations for Act 45. Personal Care Home regs, previously submitted to OGC, were withdrawn and provisions not addressed in Act 45 regs will be addressed through legislative measure.	Edward L. Leister (717) 787-3323
Unemployment Compensation Regulations, Title 34. Labor & Industry Regulations	Fall 2001, as final.	It was published as a proposed rule making. We received one public comment & one comment from IRRC. Currently we are in the process of reviewing these comments.	Jeri Morris (717) 787-6337
<i>MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND</i>			
No regulations being developed or considered at this date.			
<i>MILITARY AND VETERANS AFFAIRS</i>			
No regulations being developed or considered at this date.			
<i>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</i>			
See Public School Employees' Retirement System.			
<i>PROBATION AND PAROLE</i>			
No regulations being developed or considered at this date.			
<i>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</i>			
22 Pa. Code Chapter 213	August 2001, as proposed.	This proposal is being made to conform the Board's regulations with the policy adopted by the Board at its December 2, 1998 meeting allowing actuarial debt reduction for purchases of service.	Frank Ryder (717) 720-4733
<i>PUBLIC WELFARE</i>			
Child Protective Services Law 55 Pa. Code Ch. 3490	December 2001, as final.	This regulation incorporates the amendments to the Child Protective Services Law as a result of Act 127 of 1998. The major changes include: convening of an investigative team for the investigation of suspected child abuse; increased communication between county agencies and law enforcement officials; increased requirements for multi-disciplinary teams; increasing the length of time unfounded reports are retained; and expanded reporting requirements by county agencies to law enforcement officials.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Day Care Services 55 Pa. Code Chs. 3271, 3281, 3291	August 2001, as proposed.	This regulation is proposed in response to Governor's Executive Order 1996-1 and to strengthen health and safety requirements in the regulation. The regulation will impact child day care centers, group day care homes and family day care homes. 55 Pa. Code, Chapter 3300, Specialized Day Care Service for Children with Disabilities, will be rescinded in order to comply with the provisions of the Americans With Disabilities Act.	Tom Vracarich (717) 783-2209
Adolescent and Adult Part Day Regulations 28 Pa. Code Chs. 704 and 709 (Subchapters C, H and I) (3 facility types) Staffing Requirements for Drug and Alcohol Treatment Facilities Standards for Licensure of Freestanding Treatment Facilities 55 Pa. Code Ch. 2390 Vocational Facilities 55 Pa. Code Chapter 2380 Adult Training Facilities 55 Pa. Code Chapter 5200 Psychiatric Outpatient Clinics 55 Pa. Code Chapter 5210 Partial Hospitalization 6 Pa. Code Chapter 11 Older Adult Daily Living Centers	March 2002 as proposed.	DPW, DOH and PDA are consolidating nine sets of regulations into one chapter of regulations. Each agency will retain its statutory authority. Regulations will include common administrative standards and common health and safety standards for all facilities included, as well as unique program standards for each facility type.	Tom Vracarich (717) 783-2209
Adult Residential Regulations 28 Pa. Code Chapters 704 and 709 (Subchapters C and E) (2 facility types) Staffing Requirements for Drug and Alcohol Treatment Facilities Standards for Licensure of Freestanding Treatment Facilities 55 Pa. Code Chapter 6500 Family Living Homes 55 Pa. Code Chapter 5310 Community Residential Rehabilitation Services for the Mentally Ill 55 Pa. Code Chapter 5320 Long Term Structured Residence 55 Pa. Code Chapter 2620 Personal Care Home Licensing Also (no current regs.—regulated under Article X): Residential Treatment Facilities for Adults Residential Crisis Intervention	April 2002, as proposed.	DPW, DOH and PDA are consolidating eight sets of regulations into one chapter of regulations. Each agency will retain its statutory authority. Regulations will include common administrative and health and safety standards for all facilities included, as well as unique program standards for each facility type.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of County Children and Youth Programs 55 Pa. Code Ch. 3130	December 2002, as proposed.	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the final form federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include: Permanency Hearings and the matters to be determined; requirements related to reasonable efforts including aggravated circumstances, contrary to the welfare and best interests; and redefining permanency goals for children.	Tom Vracarich (717) 783-2209
Subsidized Child Day Care Eligibility 55 Pa. Code Ch. 3040	October 2001, as proposed.	This regulation is proposed in order to clarify existing regulations relating to eligibility requirements for day care subsidy.	Tom Vracarich (717) 783-2209
Planning and Financial Reimbursement Requirements for County Children and Youth Social Service Programs 55 Pa. Code Ch. 3140	December 2001, as proposed.	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the final form federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include: Permanency Hearings and the matters to be determined; requirements related to reasonable efforts including aggravated circumstances, contrary to the welfare and best interests; and redefining permanency goals for children.	Tom Vracarich (717) 783-2209
Medical Assistance Estate Recovery 55 Pa. Code Ch. 258	September 2001, as final.	This regulation will codify the department's collection practices to recover correctly paid ma from the estates of certain deceased recipients age 55 or older who receive Medical Assistance for nursing facility care, home and community based services, and related hospital prescription drug services. Changes effective August 15, 1994 and are the result of OBRA' 93, Act 1994-49, and Act 1995-20.	Tom Vracarich (717) 783-2209
Continuation of Medical Assistance Throughout Pregnancy 55 Pa. Code Chs. 140, 181	March 2002, as proposed.	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Workfare/Community Service 55 Pa. Code Chs. 166, 275	February 2002, as proposed.	The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Real Property Liens 55 Pa. Code Chs. 101, 121, 177, 183, 257, 297	June 2002, as proposed.	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257, regarding Reimbursement. Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Criminal History 55 Pa. Code Chs. 125, 133, 141	June 2002, as proposed.	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35—Provisions Effective March 3, 1997 55 Pa. Code Chs. 105, 125, 133, 140, 141, 145, 151, 153, 165, 168, 177, 178, 181, 183, 187, 255	September 2001, as proposed.	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Support Rights 55 Pa. Code Ch. 187	February 2002, as proposed.	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Annuity Rule 55 Pa. Code Ch. 178	March 2002, as proposed	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Intentional Program Violations 55 Pa. Code Chs. 255, 275, 501	July 2001, as final-omitted	This regulation incorporates federal mandates by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services that individuals found to have committed an intentional program violation is subject to an immediate disqualification penalty regardless of the individual's current eligibility status for benefits. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client groups.	Tom Vracarich (717) 783-2209
Food Stamp Disqualification Penalties 55 Pa. Code Ch. 501	March 2002, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Employment Requirements for Two-Parent Households: Definition of Unemployment 55 Pa. Code Chs. 153, 178	December 2001, as proposed	This regulation codifies the provision in the current Temporary Assistance for Needy Families (TANF) State Plan that DPW is revising the definition of unemployment so that working parents who meet financial eligibility requirements and are otherwise eligible may receive TANF until their income exceeds eligibility limits or they exhaust their 60 months of TANF. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Family Violence Option 55 Pa. Code Ch. 187	December 2001, as proposed.	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification, and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Lump Sum Income (Cash) 55 Pa. Code Ch. 183	August 2001, as proposed.	This regulation codifies provisions to specify that lump sum is considered income in the month of receipt and a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
OBRA '90 55 Pa. Code Chs. 140, 178, and 181	April 2002, as proposed.	This regulation codifies changes resulting from OBRA '90 that affect the SSI program and, therefore, the SSI-related program in the areas of income and resources. OBRA '90 also provides a mandatory change to the post-eligibility requirements for institutionalized Medicaid eligibles who will have their VA pension reduced to \$90 but that will now not be counted in determining cost of care. Thus, SSI and Medicaid recipients will be positively impacted. The reduction that veterans will contribute toward cost of care will increase Federal/state costs but will not affect service delivery. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
20% Hardship Exemption for TANF 55 Pa. Code Ch. 141	September 2001, as proposed.	This regulation codifies provisions that extend TANF beyond 60 months to up to 20% of the average monthly caseload based on hardship or domestic violence issues. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Increases in Payment for Burial and/or Cremation 55 Pa. Code Ch. 285	January 2002, as proposed.	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment — TANF, General Assistance, State Blind Pension, or Supplemental Security Income — may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chs. 1101, 1121, 1123, 1147, 1241	March 2002, as final-omitted.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC), which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Assistance Case Management Services 55 Pa. Code Ch. 1239	March 2002, as final-omitted.	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
General Assistance Restructure—Act 1994-49 55 Pa. Code Chs. 1101, 1121, 1149	January 2002, as final-omitted.	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinue Coverage—Infertility 55 Pa. Code Chs. 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	January 2002, as final-omitted.	This final regulation codifies Act 1994-49 provisions that discontinues payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chs. 1157, 1165	March 2002, as final-omitted.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Pharmaceutical Services Drug Coverage 55 Pa. Code Ch. 1121	January 2002, as final-omitted.	This regulation provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
\$150 Deductible for General Assistance Recipients 55 Pa. Code Ch. 1101	January 2002, as final-omitted.	This regulation implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early Intervention Services 55 Pa. Code Chs. 4225, 4226	July 2002, as final.	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act (IDEA) and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Tom Vracarich (717) 783-2209
MH Wraparound 55 Pa. Code Ch. 1154	March 2002, as final-omitted.	This final regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Family Planning 55 Pa. Code Ch. 1101	January 2002, as final-omitted.	This final regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Physician Assistant/Midwife 55 Pa. Code Ch. 1141	January 2002, as final-omitted.	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Ch. 1150	October 2001, as final-omitted.	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
D&A Clinics 55 Pa. Code Ch. 1223	September 2001, as final-omitted.	This final regulation revises the enrollment policy for outpatient drug and alcohol clinics. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Capital Component Payment for Replacement Beds 55 Pa. Code Ch. 1187	July 2003, as proposed.	This regulation takes the policy as set forth in the Statement of Policy and promulgates it into the regulations. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Intergovernmental Transfer 55 Pa. Code Ch. 1187	October 2001, as final-omitted.	This regulation will extend the county nursing facility Transition Rates according to the Intergovernmental Transfer Agreement. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
New Definition of "Emergency Medical Condition" 55 Pa. Code Chs. 1101, 1141, 1150, 1221	January 2002, as final-omitted.	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Definition of Medically Necessary 55 Pa. Code Ch. 1101	January 2002, as proposed.	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Provision of Drug and Alcohol Treatment 55 Pa. Code Ch. 1223	January 2002, as final-omitted	This final regulation eliminates the need for the supervisory physician to perform a physical exam within 15 days following intake and before the provision of treatment. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Invoicing for Services 55 Pa. Code Ch. 1101	June 2002, as final-omitted.	This regulation revises the invoice submission requirements for nursing facilities. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Exceptional Payments for Durable Medical Equipment 55 Pa. Code Ch. 1187	October 2001, as final-omitted.	This regulation provides for payment for exceptional DME separate from and in addition to the case mix payment rate. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Disproportionate Share Incentive Payments	October 2001, as final-omitted.	This final regulation will increase the disproportionate share incentive payments to qualified nursing facilities effective for the periods January 1, 2000 through June 30th, 2003 only. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code Chapter 1187, § 1187.111(c). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
REVENUE			
Construction Contractors 61 Pa. Code §§ 31.11—31.16 and 46.11—46.17	November 2001, as proposed.	This proposal sets forth the rules relating to construction contractors as well as the Department's interpretation of Act 45-1998.	Douglas A. Berguson (717) 787-1382
Computer Software, Hardware and Related Transactions 61 Pa. Code § 31.33	November 2001, as final.	Pursuant to Act 7-1997, various types of computer services are no longer subject to sales and use tax on or after July 1, 1997. However, certain computer related transactions remain subject to tax. This regulation provides guidance concerning these transactions.	Douglas A. Berguson (717) 787-1382
Employer Returns and Other Withholding Provisions 61 Pa. Code §§ 113.2, 113.3, 113.3a, 113.3b, 113.3c, 113.4, 113.4a, 113.7 and 121.16	August 2001, as proposed.	The Department is proposing amendments to various withholding regulatory sections, including requiring an employer who is required to file 250 or more withholding statements, to forward to the Department the reconciliation statement with such withholding statements via electronic or magnetic media as specified in the instructions of the Department. In addition, § 121.16 is amended to delete language relating to the filing of a W-2 with Form PA-40 as evidence of taxes withheld.	Douglas A. Berguson (717) 787-1382
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	August 2001, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax-filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson (717) 787-1382
Master Settlement Agreement 61 Pa. Code §§ 71.31—71.33	February 2001, as final.	On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the Commonwealth. On June 22, 2000, Act 54-2000, known as the Tobacco Settlement Agreement Act, was signed into law. Pursuant to Act 54, the Department is proposing a regulation, which describes the responsibilities for participating and nonparticipating tobacco product manufacturers and cigarette stamping agents.	Douglas A. Berguson (717) 787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Partial Refunds For Bad Debts 61 Pa. Code §§ 33.3 and 33.5	August 2001, as final.	This regulation explains the application of section 247.1 of the TRC (72 P. S. § 7247.1) relating to partial refund of sales tax attributed to bad debts.	Douglas A. Berguson (717) 787-1382
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	November 2001, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas A. Berguson (717) 787-1382
Supplemental Unemployment Benefit Plan 61 Pa. Code §§ 101.1 and 101.6	August 2001, as final.	This regulatory amendment will provide an explanation of the meaning and scope of the exclusion from compensation in section 301(d)(vi) of the TRC (72 P. S. § 7301(d)(vi)) for employer or labor union payments for supplemental unemployment programs. The changes will address the tax treatment of programs offered to provide supplemental benefits to employees terminated from service as a result of layoff, workforce reduction, plant closings or other involuntary terminations.	Douglas A. Berguson (717) 787-1382
Support Offset and Other Personal Income Tax Provisions	September 2001, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas A. Berguson (717) 787-1382
Termination Pay, Severance Pay and Early Retirement Incentive Programs 61 Pa. Code §§ 101.1 and 101.6	August 2001, as final.	This regulatory change will clarify the taxation of termination pay, severance pay, early retirement incentive programs and programs offered by employers to provide benefits to employees in addition to those in qualifying retirement plans upon separation from service. This regulation also interprets section 301(d) of the TRC (72 P. S. § 7301(d)) to mean that Federal insurance benefits paid under the Railroad Retirement Act and guaranteed payments to a partner of a partnership for services to the partnership are excluded from compensation.	Douglas A. Berguson (717) 787-1382
Utility Gross Receipts Tax 61 Pa. Code §§ 160.21—160.43	November 2001, as final.	The Department is proposing this regulation to clarify the changes to the utility gross receipts tax brought about by utility deregulation (Act 138-1996) codified in Title 15 and Title 66. This regulation will also provide guidance and clarity to out-of-state businesses and the emerging industry.	Douglas A. Berguson (717) 787-1382
Vending Machines 61 Pa. Code § 31.28	September 2001, as final.	This regulation sets forth the Department's interpretation of Act 45-1998 as it relates to vending machines.	Douglas A. Berguson (717) 787-1382
SECURITIES COMMISSION			
Revisions to Licensing Regulations 64 Pa. Code § 301.020-§ 304.051	July 2001, as proposed.	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
Revisions to Advertising Regulations 64 Pa. Code § 606.031—§ 606.034	July 2001, as proposed.	The Commission plans to revise this regulation to conform to the requirements of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
"Delegation and substitution" 64 Pa. Code § 606.041	July 2001, as proposed.	The Commission plans to amend this regulation to update delegated authority within the Commission.	G. Philip Rutledge (717) 783-5130
Revisions to Certain Exemptions 64 Pa. Code § 202.093, § 202.095, 202.202	July 2001, as proposed.	The Commission plans to revise this rule to permit registered persons to receive sales commissions and to recognize use of federally covered advisers by the charity.	G. Philip Rutledge (717) 783-5130
STATE			
Corporation Bureau—UCC Filing Fees— 19 Pa. Code § 3.30.	Fall 2001, as final, proposed-omitted.	The Department is promulgating fee regulations to establish UCC filing fees at both the county and state level to assure UCC revenue equal to the amount collected by the counties in calendar year 2000 and the Department in fiscal year 1999-2000 as mandated by Act 18-2001. Statutory authority: 13 Pa.C.S. § 9525(d).	Leo Pandeladis (717) 783-2804
Deletion of Obsolete References	Winter 2001, through Public Notice. See, 15 Pa.C.S. § 133(a).	The Corporation Bureau would delete references by name to the Governor, Secretary of the Commonwealth and Director of the Corporation Bureau on its sample filing forms and in the docketing statement promulgated by the Department. Changes in administration render such references obsolete. Statutory authority: 15 Pa.C.S. § 133(a).	Ken Rapp (717) 787-1057
State Athletic Commission—General Revisions— 58 Pa. Code, Chapter 21. (16-17)	Fall 2001, as final.	Comprehensive revisions would reflect statutory changes to the Pennsylvania Athletic Code and changes in Commission procedures. Statutory authority: 5 Pa.C.S. § 101 et seq.	Greg Sirb (717) 787-5720
Navigation Commission for the Delaware River and Its Navigable Tributaries—General Revisions— 13 Pa. Code, Chapters 201—209. (16A-662)	Fall/Winter 2001 as final.	Comprehensive revisions would enhance navigational safety, eliminate obsolete regulations and reflect statutory changes. Statutory authority: 55 P. S. § 31 and 71 P. S. § 670.2(4).	L. Lawrence Boyle (717) 787-6458
State Architects Licensure Board—Examination Fees and Annual Filing Fee for Registered Architecture Firms— 49 Pa. Code, Chapter 9. (16A-416)	Fall 2001, as proposed.	This regulation would: eliminate national ARE examination fees; add a section adopting the national board examination; consolidate all examination requirements into one section; and as the result of adoption of the national board examination, delete any provisions related to, among other things, the processing of applications, scores and the conduct of examinations. The regulation also would provide for a filing fee for registered partnerships, professional associations, professional corporations or business corporations, which is permitted under the Architects Licensure Law, but has never been implemented. Statutory authority: Sections 8 and 13(h) of the Law, 63 P. S. §§ 34.8, 34.13(h).	Dorna Thorpe (717) 783-3397
State Board of Accountancy—General Revisions— 49 Pa. Code, Chapter 11. (16A-559)	Fall 2001, as proposed.	The regulations would repeal outdated and unnecessary requirements; clarify certain issues relating to examination, certification and practice; and make editorial changes. Statutory authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3(10)—(12).	Dorna Thorpe (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Auctioneer Examiners—Update of Application Fees—49 Pa. Code § 1.41. (16A-644)	Fall 2001, as final.	The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a)	Michelle Demerice (717) 783-3397
—Update of Examination Fees—49 Pa. Code § 1.41. (16A-645)	Fall 2001, as final-omitted.	The regulation would update the Board's examination fee. Statutory authority: Section 6(a) of the Act, 63 P. S. § 734.6(a)	
State Board of Barber Examiners —Sanitation/General Revisions—49 Pa. Code, Chapter 3. (16A-424)	Fall 2001, as final.	The Board proposes to revise and update its entire chapter and repeal antiquated provisions, particularly with regard to standards for disinfection and sanitation. Statutory authority: Section 15-A.4(b) of the Barber License Law, 63 P. S. § 566.4(b).	Sara Sulpizo (717) 783-3402
—Deletion of Examination Fees—49 Pa. Code, Chapter 3. (16A-425)	Fall 2001, as proposed.	This regulation would delete licensing examination fees. Statutory authority: Section 14 of the Law, 63 P. S. § 564.	
State Board of Certified Real Estate Appraisers —Experience Options for Certification, Duties of Supervising Appraiser—49 Pa. Code §§ 36.13 and 36.14. (16A-706)	Fall 2001, as proposed.	The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record-keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulations are consistent with standards established for state appraiser boards by the federal Appraiser Qualification Board (AQB). Statutory authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-4866
—Standards of Practice—49 Pa. Code § 36.51. (16A-7012)	Fall/Winter 2001, as proposed.	The regulation would require all certified general appraisers, residential appraisers and broker/appraisers to comply with the USPAP unless the Board has adopted supplemental practice standards. Statutory authority: Section 5(2) of the Act, 63 P. S. § 457.5(2).	
—Update of Application and Related Fees—49 Pa. Code § 36.6. (16A-7011)	Fall 2001, as final.	The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 9 of the Act, 63 P. S. § 457.9.	
—Continuing Education and Biennial Renewal Fee—49 Pa. Code §§ 36.6, 36.41, 36.261. (Number not yet assigned)	Fall/Winter 2001, as proposed.	The regulations would establish continuing education requirements for broker/appraisers pursuant to Act 103-2000; revise existing continuing education requirements for general and residential appraisers and certified Pennsylvania evaluators; and establish a biennial renewal fee for broker/appraisers. Statutory authority: Sections 5(6), 9 and 10(b) of the Real Estate Appraisers Act, 63 P. S. §§ 457.5(6), 457.9 and 457.10(b).	
—Act 48-1993 Civil Penalties—49 Pa. Code, Chapter 43b. (Number not yet assigned)	Fall 2001, as proposed.	The regulation would establish a schedule of Act 48-1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory authority: Section 5(a) of Act 48-1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Cosmetology —Update of Application Fees— 49 Pa. Code § 7.2. (16A-458)	Fall 2001, as final.	The regulation would amend the Board's fee schedule by revising fees to reflect the actual cost incurred by the Board to provide the following services: licensure of cosmetologist, manicurist or cosmetician; licensure of cosmetology, manicurist or cosmetician shop; licensure of cosmetology school, licensure by reciprocity; registration of cosmetology apprentice; approval of cosmetology school supervisor; change in cosmetology shop (inspection required); and re-inspection of cosmetology shop. New fees are added to include re-inspection of cosmetology school; certification of student or apprentice training hours; certification of examination scored; and verification of licensure, registration permit or approval. Statutory authority: Section 16(a) of the Beauty Culture Law, 63 P. S. § 522(a).	Sara Sulpizio (717) 783-7130
—Deletion of Examination Fees— 49 Pa. Code § 7.2. (16A-4510)	Fall 2001, as proposed.	The regulation would amend the Board's fee schedule by deleting references to examination fees, which are determined by contract. Statutory authority: Sections 11 and 16 of the Law, 63 P. S. §§ 517, 522.	
—General Revisions— 49 Pa. Code §§ 7.1-7.142. (16A-459) (Includes previous 16A-454 and 16A-457)	Spring 2002, as proposed.	The Board plans a comprehensive amendment to Chapter 7 to bring existing regulations up-to-date and to clarify requirements for sanitation and the provisions of advanced aesthetic services. Statutory authority: Section 11 of the Law, 63 P. S. § 517.	
—Act 48-1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (Number not yet assigned)	Fall 2001, as proposed.	The regulation would establish a schedule of Act 48-1993 civil penalties for violations of the Beauty Culture Law and the Board's regulations. Statutory authority: Section 5(a) of the Act, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Dentistry —Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia— 49 Pa. Code §§ 33.331-33.344. (16A-4610)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 33. (Number not yet assigned)</p> <p>—Update of Application Fee for Dental Radiology— 49 Pa. Code, Chapter 33. (16A-4611)</p> <p>—Act 48-1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (Number not yet assigned)</p>	<p>Fall 2001, as proposed.</p> <p>Spring 2002, as proposed.</p> <p>Fall 2001, as proposed.</p> <p>Fall 2001, as proposed.</p>	<p>This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and legislative concerns. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Section 3(o) of the Law, 63 P. S. § 122(o).</p> <p>This regulation would amend the Board's fee schedule to reflect the actual cost incurred by the Board to authorize applicants to perform radiologic services. Statutory authority: Section 3(o) of the Law, 63 P. S. § 122(o).</p> <p>The regulation would establish a schedule of Act 48-1993 civil penalties for violations of the Dental Law and the Board's regulations. Statutory authority: Section 5(a) of the Act, 63 P. S. § 2205(a).</p>	<p>Lisa Burns (717) 783-7162</p>
<p>State Board of Examiners of Nursing Home Administrators —Deletion of Examination Fees— 49 Pa. Code § 39.72. (Number not yet assigned)</p> <p>—Requirements for Admission to Examination— 49 Pa. Code § 39.5.(16A-627)</p>	<p>Fall 2001, as proposed.</p> <p>Fall/Winter 2001, as proposed.</p>	<p>This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p> <p>This regulation would update and revise the requirements for admission to the licensing examination. Statutory authority: Section 4(c) of the Act, 63 P. S. § 1104(c).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Examiners in Speech-Language and Hearing —Continuing Education— 49 Pa. Code, Chapter 45. (Number not yet assigned)</p> <p>—Assistant Regulations— 49 Pa. Code §§ 45.301—308. (Number not yet assigned)</p>	<p>Spring 2002, as proposed.</p> <p>Spring 2002, as proposed.</p>	<p>This regulation would establish continuing education requirements to comply with Act 71-2000. Statutory authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).</p> <p>This amendment would update the regulatory provisions pertaining to assistants. Statutory authority: Section 5(8) of the Act, 63 P. S. § 1705(8).</p>	<p>Clara Flinchum (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Funeral Directors —Update of Application/Certification/Verification/Reinsertion Fees— 49 Pa. Code § 13.12. (16A-482)</p> <p>—Unprofessional Conduct— 49 Pa. Code § 13.201, 202. (16A-483)</p> <p>—General Regulation Update— 49 Pa. Code § 13.1 et seq. —Advertising (16A-484) —Application (16A-485) —Facility (16A-486) —Qualifications (16A-487) —Supervisor (16A-488)</p> <p>—Continuing Education— 49 Pa. Code, Chapter 13. (Number not yet assigned)</p>	<p>Fall 2001, as final.</p> <p>Fall 2001, as proposed.</p> <p>Fall 2001, as proposed.</p> <p>Fall 2001, as proposed.</p>	<p>The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 18.1 of the Funeral Director Law, 63 P. S. § 479.18.1.</p> <p>The amendment would add to the Board's standards of practice and conduct. Statutory authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).</p> <p>These amendments would update the Board's regulation to reflect current regulatory practice. Statutory authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).</p> <p>This regulation is being promulgated to comply with Section 10(b) of the Law. Statutory authority: 63 P. S. § 479.10(b).</p>	<p>Cheryl Lyne (717) 783-3397</p>
<p>State Board of Landscape Architects —Update of Application Fees— 49 Pa. Code §§ 15.12, 15.57. (16A-615)</p> <p>—Establishment of Examination Fees— 49 Pa. Code § 15.12. (16A-616)</p>	<p>Fall 2001, as final.</p> <p>Fall 2001, as final-omitted.</p>	<p>The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided pursuant to Section 5 of the Landscape Architects' Registration Law, which requires the Board to adopt fees by regulation to match Board revenues with expenditures. Statutory authority: Section 5 of the Law, 63 P. S. § 905.</p> <p>The regulation would establish a new examination fee. Statutory authority: Section 4(2) of the Law, 63 P. S. § 904(2).</p>	<p>Shirley Klinger (717) 772-8528</p>
<p>State Board of Medicine —General Delegation— 49 Pa. Code, Chapter 16. (16A-4912)</p> <p>—Update of Fees— 49 Pa. Code §§ 16.13, 16.17, 18.303. (16A-4910)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 16. (16A-497)</p>	<p>Fall 2001, as proposed.</p> <p>Winter 2001, as final.</p> <p>Fall 2001, as proposed.</p>	<p>This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).</p> <p>The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 6 of the Act, 63 P. S. § 422.6.</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship.</p> <p>Statutory authority: Section 8 of the Act, 63 P. S. § 422.8.</p>	<p>Cindy Warner (717) 783-1400</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing —RN General Revisions— 49 Pa. Code §§ 21.1—21.126. (16A-516)	Fall 2001, as final.	This regulation would update or repeal outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7142
—Conscious Sedation— 49 Pa. Code § 21.14. (16A-5114)	Fall 2001, as proposed.	This regulation would embody the statement of policy on conscious sedation at 49 Pa. Code § 21.413(d). Statutory authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k).	
—Oral Orders— 49 Pa. Code §§ 21.14; 21.145. (16A-5115)	Fall 2001, as proposed.	This regulation would delete the prohibition on LPNs accepting oral orders in other than urgent circumstances. Statutory authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k), and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—CRNP Programs— 49 Pa. Code §§ 21.260—278, 286-289. (Number not yet assigned.)	Winter 2001, as proposed.	This regulation would establish requirements for CRNP education programs approved by the Board. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Update of CRNP Prescriptive Authority Fees— 49 Pa. Code § 21.253. (Number not yet assigned.)	Fall 2001, as proposed.	This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory authority: Section 11.2 of the Law, 63 P. S. § 221.2.	
—CRNP Prescriptive Authority Continuing Education— 49 Pa. Code § 21.253. (Number not yet assigned.)	Fall 2001, as proposed.	This regulation pertains to continuing education requirements associated with the prescriptive authority of CRNPs. Statutory authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k).	
State Board of Occupational Therapy Education and Licensure —General Revisions— 49 Pa. Code, Chapter 42. (16A-674)	Fall 2001, as final.	The Board proposes to revise its chapter by updating certain provisions and deleting outdated or redundant language. Statutory authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).	Lisa Burns (717) 783-1389
State Board of Optometry —General Revisions— 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528)	Fall/Winter 2001, as proposed.	The Board proposes general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).	Deb Smith (717) 783-7155
—Continuing Education— 49 Pa. Code, §§ 23.82, 23.83, 23.87. (16A-529)	Winter 2001, as proposed.	This regulation would amend the continuing education requirements of licensees. Statutory authority: Section 3(b)(12) and Section 4.1(b) of the Act, 63 P. S. §§ 244.3(b)(12), 244.4a.(b).	
State Board of Osteopathic Medicine —Sexual Misconduct— 49 Pa. Code, Chapter 25. (16A-539)	Fall 2001, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Pharmacy —Reference Library and Facsimile Machines— 49 Pa. Code, Chapter 27. (16A-549)</p> <p>—Technology Regulations— 49 Pa. Code, Chapter 27. (Number not yet assigned.)</p>	<p>Spring 2002, as final.</p> <p>Spring 2002, as proposed.</p>	<p>The proposal would amend pharmacy reference library requirements to reflect contemporary pharmaceutical practices and facsimile machine requirements to be consistent with recent changes in Federal law. Statutory authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).</p> <p>The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory authority: Sections 4(j) and 6(k)(1) and (9) of the Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).</p>	<p>Melanie Zimmerman (717) 783-7156</p>
<p>State Board of Physical Therapy —Physical Therapists— 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24. (16A-659)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 40. (16A-656)</p> <p>—Deletion of Examination Fees— 49 Pa. Code § 40.5. (16A-658)</p>	<p>Winter 2001, as proposed.</p> <p>Fall 2001, as proposed.</p> <p>Fall 2001, as final.</p>	<p>The regulation would correct and revise existing regulations regarding physical therapists. Statutory authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory authority: Sections 3, 5 and 10.2 of the Act, 63 P. S. §§ 1303, 1305 and 1310.2.</p> <p>This regulation would delete licensing examination fees. Statutory authority: Section 8 of the Act, 63 P. S. § 1308.</p>	<p>Bob Kline (717) 783-7134</p>
<p>State Board of Podiatry —Update of Application Fees and Deletion of Examination Fees— 49 Pa. Code, Chapter 29. (16A-444)</p> <p>—Update of Biennial Renewal Fees— 49 Pa. Code, Chapter 29. (16A-445)</p> <p>—Continuing Education— 49 Pa. Code, Chapter 29. (16A-446)</p>	<p>Winter 2001, as final.</p> <p>Fall/Winter 2001, as proposed.</p> <p>Fall/Winter 2001, as proposed.</p>	<p>This regulation would apportion costs of providing Board services to specific applicants and licensees and eliminates references to examination fees. Statutory authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p> <p>This regulation would increase the biennial license renewal from \$175 to \$395. Section 14(a) of the Act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period. Section 14(b) of the Act requires the Board to increase fees by regulation in the amount that adequate revenues are raised to meet the required enforcement efforts, when the fees established by the Board are inadequate to meet the minimum enforcement efforts required by the Act. Statutory authority: Sections 14(a) and (b) of the Act, 63 P. S. §§ 42.14(a), (b).</p> <p>This regulation would amend the current continuing education provision at 49 Pa. Code § 29.61 to include pre-approved course providers. Statutory authority: Section 9 and 9.1 of the Act, 63 P. S. §§ 42.9 and 42.9a.</p>	<p>Gina Bittner (717) 783-4858</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Psychology —Ethics Amendment— 49 Pa. Code § 41.59(b). (16A-639)</p> <p>—Computerized Examination— 49 Pa. Code §§ 41.41, 41.42. (16A-6310)</p> <p>—Deletion of Examination Fees— 49 Pa. Code § 41.12. (16A-6311)</p>	<p>Fall/Winter 2001, as proposed.</p> <p>Winter 2001, as proposed.</p> <p>Fall 2001, as final.</p>	<p>This regulation would amend the Board's continuing education regulations at Section 41.59(b) by clarifying that licensees must take ethics each biennial period and that extra ethics credits may only be counted toward the total needed rather than the ethics requirement for a future biennial period. Statutory authority: Section 3.2 of the Professional Psychologists Act, 63 P. S. § 1203.2(2).</p> <p>This regulation would update current regulations at Sections 41.41 and 41.42 to reflect changes associated with the computerization of the national and state examinations. Statutory authority: Section 3.2 of the Act, 63 P. S. § 1203.2(2).</p> <p>This regulation would delete licensing examination fees in Section 41.12. Statutory authority: Sections 3.2(1) and 3.2(3)(d) of the Act, 63 P. S. §§ 1203.2(1), 1203.3(d).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors —Licensure Regulations— 49 Pa. Code, Chapter 47. (16A-694)</p> <p>—Update of Existing Fees and Establishment of Fees for New Licensure Classes— 49 Pa. Code, Chapter 47. (16A-695)</p>	<p>Fall 2001, as final.</p> <p>Fall 2001, as proposed.</p>	<p>This regulation, regarding qualifications for licensure pursuant to Act 136-1998 amending Act 39-1987, would add Licensed Clinical Social Workers, Marriage and Family Therapists and Professional Counselors as new licensure classes. Statutory authority: Sections 1 to 20.2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1901— 1920.2.</p> <p>The regulation would update the schedule of fees for Licensed Social Workers and Continuing Education providers and establishes fees for Licensed Clinical Social Workers, Marriage and Family Therapists and Professional Counselors. Statutory authority: Section 18(c) of the Act, 63 P. S. § 1918(c).</p>	<p>Clara Flinchum (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons —Consignment Sales— 49 Pa. Code § 19.19. (16A-601)</p> <p>—General Revisions— 49 Pa. Code § 19.1 et seq. (16A-602)</p> <p>—Auction License— 49 Pa. Code § 19.21. (16A-603)</p> <p>—Display Requirements— 49 Pa. Code § 19.18. (16A-604)</p> <p>—Unlicensed Locations— 49 Pa. Code § 19.18. (16A-605)</p>	<p>Fall/Winter 2001, as final.</p> <p>Fall 2001, as final.</p> <p>Winter 2001, as proposed.</p> <p>Fall 2001, as proposed.</p> <p>Fall 2001, as proposed.</p>	<p>This regulation would set forth the standards by which dealers may engage in consignment sales. Statutory authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would update the Board's regulations consistent with the 1996 amendments to the Act. Statutory authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).</p> <p>This regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).</p> <p>This regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).</p> <p>This regulation would define the term "display" as used in the Act and to be consistent with the Commonwealth Court's holding in Spankey, permitting vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. While the substance of this regulation was originally submitted as part of 16A-604, it has since been separated into a distinct regulatory package. Statutory authority: Sections 2, 4(4) and (9), and 5(e) of the Act, 63 P. S. §§ 818.2, 818.4(4), 818.4(9), 818.5(e).</p>	<p>Teresa Woodall (717) 783-1697</p>
<p>State Board of Veterinary Medicine —Continuing Education Requirements— 49 Pa. Code § 31.15. (16A-5711)</p> <p>—Prescription Drugs— 49 Pa. Code § 31.21, Principle 8. (16A-5712)</p> <p>—Deletion of Examination Fees— 49 Pa. Code §§ 31.3, 31.11, 31.32, 31.35, 31.41. (16A-5713)</p>	<p>Fall 2001, as final.</p> <p>Fall/Winter 2001, as proposed.</p> <p>Fall 2001, as final.</p>	<p>This regulation would restrict licensees from obtaining more than 25 percent of their required continuing education credits from independent study courses. Statutory authority: Section 5(2) and (6) of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5(2), 485.5(6).</p> <p>This regulation would require veterinarians to meet specified standards regarding dispensing, packaging and labeling of prescription drugs and will mandate that veterinarians use only current, unexpired drugs. Statutory authority: Section 5(1) and (2) of the Act, 63 P. S. §§ 485.5(1), 485.5(2).</p> <p>This regulation would delete references to the fee charged by the national testing organization for the national licensure examination. The regulation would also clarify issues regarding the impact of past criminal history on applicants for licensure as animal health technicians. Statutory authority: Section 5(4) and (7) of the Act, 63 P. S. §§ 485.5(4), 485.5(7).</p>	<p>Bob Kline (717) 783-7134</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Real Estate Commission—General Revisions: Agency Disclosures—49 Pa. Code, Chapter 35. (16A-568)	Winter 2001, as final.	This regulation would implement the requirements of Act 112-1998 and Act 47-1999 pertaining to agency relationships. Statutory authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	Deb Sopko (717) 783-3658
—Education—49 Pa. Code, Chapter 35. (16A-561)	Fall/Winter 2001, as proposed.	This regulation proposes changes to the current pre-Licensure and continuing education requirements and adds distance education. Statutory authority: Section 404.1(a) of the Act, 63 P. S. §§ 455.404a.(a).	
—Act 48-1993 Civil Penalties—49 Pa. Code, Chapter 43b. (16-21)	Fall 2001, as proposed.	The regulation would establish a schedule of Act 48-1993 civil penalties for violations of the Real Estate Licensing and Registration Act and the Commission's regulations. Statutory authority: Section 5(a) of Act 48-1993, 63 P. S. § 2205(a).	
STATE EMPLOYEES' RETIREMENT SYSTEM			
Revisions to Definition Regulations: 4 Pa. Code § 241.1	July 2001, as proposed.	Delete. Adequately defined in statute; Amend to delete redundant language already in statute.	Sean Sanderson (717) 787-9657
Revisions to Membership, Credited Service, Class of Service, and Eligibility for Benefits Regulations: 4 Pa. Code §§ 243.2, 243.6, 243.9, 243.10, 243.13(a)	July 2001, as proposed.	Amend to eliminate language that contradicts statute; Delete. Repeats requirements already in statute.	Sean Sanderson (717) 787-9657
Revisions to Contribution Regulations: 4 Pa. Code §§ 245.2, 245.4	July 2001, as proposed.	Delete. Adds nothing useful to statutory provisions; Delete in order to simplify and improve the process to purchase service.	Sean Sanderson (717) 787-9657
Revisions to Administration, Funds, Accounts, and General Regulations: 4 Pa. Code §§ 249.4, 249.55, 249.57	July 2001, as proposed.	Amend to eliminate redundant, unnecessary, or archaic language; Delete. Repeats requirements already contained in statute.	Sean Sanderson (717) 787-9657
STATE POLICE			
Regulatory amendments to further adopt a cheating policy as part of the Municipal Police Officers Education and Training Commission regulations. Chapter 203	September 2001, as proposed.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers Education and Training Commission. The proposed amendments will further adopt a cheating policy.	Ronald E Plesco, Jr., Esq. (717) 772-0905
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	July 2001, as proposed.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Proposed package undergoing further review with the Department's legal counsel.	Sue Wilson (717) 787-4291
Permanent Registrations of Fleet Vehicles Chapter 60	December 2001, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Ann Marie Kessler (717) 787-3977

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
School Buses and School Vehicles Chapter 171	October 2001, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the public transportation community. The Department has prepared draft amendments based on recommendations received by the public transportation community. Proposed Regulatory package is being reviewed by the Department's legal counsel. Proposed Regulatory package will be sent to General Counsel by January 2002.	Mike Kistler (717) 772-2119
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	August 2001, as proposed.	The Department's Medical Advisory Board has approved proposed amendments to the medical standards licensure. The proposed regulation is being reviewed by the Department's Legal Counsel.	Mike Kistler (717) 772-2119
Liquid Fuels Tax Chapter 449	September 2001, as final.	The purpose of this change is to update the regulations for changes related to Act 58 of 1996 which created the Department of Community and Economic Development and for changes to the county and municipal codes advertising, bidding and contract awards.	Dick Zerbe (717) 787-2183
School Bus Drivers Chapter 71	October 2001, as proposed.	Creates standards to allow persons with certain medical conditions to become a school bus driver that were previously banned because of their medical condition. Through the standards and monitoring systems approved by the Medical Advisory Board in 2000, these persons do not pose a significant danger while driving. The proposed regulation is being reviewed by the Department's Legal Counsel.	Mike Kistler (717) 772-2119
Proportional Registration of Fleet Vehicles Chapter 63	December 2001, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Ann Marie Kessler (717) 787-3977
Flashing or Revolving Lights on Emergency and Authorized Vehicles Chapter 173	September 2002, as final.	Proposed amendments required complying with Act 151 of 1999.	Tom Zamboni (717) 783-9513
Administrative Practice and Procedure Chapter 491	July 2001, as final.	Establish standards to facilitate administrative review of Department decisions and proceedings before Department hearing officers	Robert H. Raymond (717) 787-5473
Outdoor Advertising Devices Chapter 445	July 2001, as final.	Establish standards to facilitate administrative review of Department decisions and proceedings before Department hearing officers	Robert H. Raymond (717) 787-5473
Shared-Ride Transportation Service Reimbursement Chapter 425	September 2001, as proposed.	Revised regulations are required due to the repeal of the original authorizing legislation and the enactment of revised authorizing legislation for the Shared-Ride Program for Senior Citizens.	Laverne Collins (717) 783-8025
Emission Inspection Chapter 177	July 2001, as final.	Amendments needed to address ongoing operational aspects of the emissions program. Working with legal to determine what is needed for an 8 county rollout.	Peter Gertz (717) 783-7016
Airport Rating and Licensing Chapter 471	September 2001, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Aviation Development Chapter 473	September 2001, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Local Real Estate Tax Reimbursement Chapter 477	September 2001, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Vehicles Required to Stop at Railroad Grade Crossings Chapter 103	July 2001, as proposed deletion.	Repeal—this regulation is no longer needed because of changes made in § 3342(d) of the Vehicle Code	Terry Garvie ((717) 787-2604)
Hold-Down and Tie-Down Devices for Junked Vehicles and Vehicle Hulks Chapter 181	December 2001, as proposed deletion.	Repeal—this regulation is no longer needed because of changes in Chapter 49 of the Vehicle Code.	Daniel Smyser (717) 787-7445
Engineering and Traffic Studies Chapter 201	August 2001, as proposed deletion.	Section 6105 of the Vehicle Code requires a regulation, but this chapter will be eliminated since it duplicates the Manual on Uniform Traffic Control Devices (MUTCD), which will be adopted by reference. Remaining required language will be placed in a new regulation to be promulgated in 2001.	Art Breneman (717) 787-3620
Work Zone Traffic Control Devices Chapter 203	August 2001, as proposed deletion.	Section 6123 of the Vehicle Code requires a regulation, but most of Chapter 203 is unnecessary when adopting the MUTCD. Remaining required language will be placed in a new regulation to be promulgated in 2001.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 211	August 2001, as proposed deletion	Section 6121 of the Vehicle Code requires a manual consistent with MUTCD. The size of the regulation will be drastically reduced, and will be proposed as Chapter 212 to eliminate confusion with the current chapter.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 212	August 2001, as proposed.	This chapter is being proposed to adopt the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) and to replace Chapters 201, 203 and 211. By adopting the MUTCD, the volume of the new regulation will be only about 5 percent of the combination of the three current regulations.	Art Breneman (717) 787-3620
Hazardous Materials Transportation Chapter 403	July 2001, as proposed.	Compatibility with Federal requirements—Current regulation requires an annual registration of all hazardous materials transporters. It has been determined that this registration is unnecessary and this requirement will be eliminated.	Daniel Smyser (717) 787-7445
Distribution of Highway Maintenance Funds Chapter 453	July 2001, as final.	The purpose of this rulemaking is to delete 67 PA Code CH 453. Chapter 453 is no longer needed because 75 Pa.C.S. § 9104 no longer requires the promulgation of standards and methodology for data collection in the form of regulations.	J. Michael Long (717) 705-8920
Vehicle Equipment & Inspection Chapter 175	September 2001, as proposed.	Current language is not flexible enough to accommodate changing industry practices and needs.	Kris Singer (717) 783-6823

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prequalification of Bidders Chapter 457	September 2001, as proposed.	Proposed changes developed as a reengineering effort. Notice of proposed rulemaking is currently on hold.	Fred Starasinic (717) 787-3733
Hold-Down and Tie down Devices for Metal Cargo and Logs Chapter 183	December 2001, as proposed deletion.	Repeal—this regulation is no longer needed because of changes made in Chapter 49 of the Vehicle Code	Daniel Smyser (717) 787-7445
Obstruction to Aircraft Chapter 479	September 2001, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself. It is necessary to more clearly define the requirements and to react to the operating environment.	Kathy Reitz (717) 705-1234
Interstate Motor Carrier Safety Requirements Chapter 229	December 2001, as proposed.	Needs to be amended to be compatible with the Federal Motor Carrier Safety Regulations.	Daniel Smyser (717) 787-7445
Intrastate Motor Carrier Safety Requirements Chapter 231	December 2001, as proposed.	Needs to be amended to be compatible with the Federal Motor Carrier Safety Regulations.	Daniel Smyser (717) 787-7445

[Pa.B. Doc. No. 01-1235. Filed for public inspection July 6, 2001, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Pennsylvania Health Care Cost Containment Council (Council) have been scheduled: Wednesday, July 11, 2001, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1:00 p.m.; Thursday, July 12, 2001, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who require accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 01-1236. Filed for public inspection July 6, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, June 21, 2001, and took the following action:

Regulations Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective June 21, 2001

Pennsylvania Emergency Management Agency #30-57: Philadelphia Drought Water Emergency Plan (deletes 4 Pa. Code Chapter 119a)

Regulations Approved:

Pennsylvania Emergency Management Agency #30-55: Reductions of Major Water Use (amends 4 Pa. Code Chapter 118)

Pennsylvania Emergency Management Agency #30-56: Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency Area (amends 4 Pa. Code Chapter 119)

Pennsylvania Emergency Management Agency #30-58: Local Water Rationing Plans (amends 4 Pa. Code Chapter 120)

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting Held
June 21, 2001

Pennsylvania Emergency Management Agency—Reductions of Major Water Use; Regulation No. 30-55

On October 24, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Emergency Management Agency (PEMA). This rulemaking amends 4 Pa. Code Chapter 118. The proposed regulation was published in the November 4, 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 30, 2001. The final-form regulation was submitted to the Commission on May 31, 2001.

This regulation creates a full time Commonwealth Drought Coordinator to act as an agent for PEMA. It also deletes references that limited the effective area of the regulation to the Delaware River Basin making the regulation applicable Statewide.

We have determined this regulation is consistent with the statutory authority of PEMA (35 Pa.C.S. § 7313) 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.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting Held
June 21, 2001

Pennsylvania Emergency Management Agency—Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency Area; Regulation No. 30-56

On October 24, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Emergency Management Agency (PEMA). This rulemaking amends 4 Pa. Code Chapter 119. The proposed regulation was published in the November 4, 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 30, 2001. The final-form regulation was submitted to the Commission on May 31, 2001.

This regulation expands the effective emergency area to include the complete service area of any public water supply agency whose source of water is located in the declared emergency area. Definitions have been added to clarify the meanings of athletic field, newly seeded and sodded grass, effective conservation, professional landscaper and irrigation contractor.

We have determined this regulation is consistent with the statutory authority of PEMA (35 Pa.C.S. § 7313) 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.

Approval Order

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting Held
June 21, 2001

Pennsylvania Emergency Management Agency—Local Water Rationing Plans; Regulation No. 30-58

On October 24, 2000, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Pennsylvania Emergency Management Agency (PEMA). This rulemaking amends 4 Pa. Code Chapter 120. The proposed regulation was published in the November 4, 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 30, 2001. The final-form regulation was submitted to the Commission on May 31, 2001.

The revisions to this regulation allow municipalities or the water supply agencies to institute water rationing if the bans on nonessential water uses affected through 4 Pa. Code Chapter 119 do not protect local water supplies.

We have determined this regulation is consistent with the statutory authority of PEMA (35 Pa.C.S. § 7313) 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. 01-1237. Filed for public inspection July 6, 2001, 9:00 a.m.]

Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P.S. § 745.5(d) and (g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-4910	State Board of Medicine Licensure, Certification, Examination And Registration Fees	06/21/01	05/21/03
	31 Pa.B. 2181 (April 21, 2001)		
10-166	Department of Health Reporting of AIDS, HIV Test Results, CD4T-Lymphocyte Counts and Perinatal Exposure of Newborns to HIV	06/21/01	05/21/03
	31 Pa. B. 2126 (April 21, 2001)		

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
10-164	Department of Health Drug and Alcohol Facilities and Services- Standards for Approval of Prevention and Intervention Activities	06/21/01	05/21/03
	31 Pa.B. 2124 (April 21, 2001)		
6-273	State Board of Education Academic Standards and Assessment	06/21/01	05/21/03
	31 Pa.B. 2136 (April 21, 2001)		

**State Board of Medicine
Regulation No. 16A-4910**

**Licensure, Certification, Examination and
Registration Fees**

June 21, 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 Medicine (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by May 21, 2003, the regulation will be deemed withdrawn.

1. Section 16.13. Licensure, certification, examination and registration fees.—Reasonableness; Clarity.

(a) Medical Doctor License

The existing renewal fee for a Graduate License is \$15. A typographical error in the proposed regulation lists the existing fee for renewal of this license as \$10. This fee is not being increased by this regulation. The typographical error should be corrected in the final-form regulation.

(c) Physician Assistant Certificate

This subsection contains a new fee for registration of additional supervisors. The House Professional Licensure Committee noted that this new fee was missing from the descriptions of fee changes in the Preamble. When the Board submits the final-form regulation, it should revise the Preamble to reflect this fee increase.

**Department of Health
Regulation No. 10-166**

**Reporting of AIDS, HIV Test Results, CD4
T-Lymphocyte Counts and Perinatal Exposure of
Newborns to HIV**

June 21, 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 Department of Health (Department) must respond to these Comments when it submits the final-form regulation. If the final-

form regulation is not delivered by May 21, 2003, the regulation will be deemed withdrawn.

1. Identification of the individual by name and address.—Need; Reasonableness; Protection of the public health, safety and welfare.

Sections 27.22(c)(2)(i) and 27.32(b)(1) require reports to include "The individual's name and the address, city, county and zip code of the individual's residence." Accordingly, the individual would be directly identified in reports to the Department's Bureau of Epidemiology and the Local Morbidity Reporting Office.

The Department claims that confidentiality will not be compromised. The Preamble states ". . . the confidentiality of the information reported under these proposed regulations will be strictly maintained by the Department and local health departments." The Department also explains in the Preamble that:

- This requirement is consistent with recommendations from the United States Center for Disease Prevention and Control (CDC), and with requirements in 34 other states;
- Confidential name based reporting allows the most accurate tracking of Human Immunodeficiency Virus (HIV) disease and increases the opportunity for intervention; and
- Confidential name based reporting is needed for Pennsylvania to qualify for the highest levels of HIV grant money through the Ryan White Comprehensive AIDS Resources Emergency Act.

We have received extensive comment in favor of and against name based reporting. Senators Harold F. Mowery, Jr. and Timothy F. Murphy, Chairperson and Vice Chairperson of the Senate Public Health and Welfare Committee (Senate Committee), submitted a joint letter in support of the regulation, including support of name based reporting, as long as sufficient anonymous testing is available.

Representative Dennis M. O'Brien, Chairperson of the House Health and Human Services Committee (House Committee) submitted a letter stating the House Committee believes unique identifiers should be used as the means of tracking this epidemic. The House Committee believes the use of names in reporting will deter people from being tested, and hence, infected people may never receive treatment. Senator Vincent Hughes, Minority Chairperson of the Senate Committee, expressed similar concerns that "names-based reporting will create an unnecessary risk of both reduced HIV testing and delayed treatment for those Pennsylvanians who are HIV+." Other commentators opposed to reporting the individual's name stated:

- This requirement will deter people from getting tested, and thus compromise treatment and prevention of HIV disease.
- A unique identifier, other than the individual's name and address, can meet all of the requirements and guidelines issued by federal funding agencies.

There are two concerns with including the individual's name and address in a report.

First, the Department should justify the need for the individual's name and address in the report and explain how these reports will be maintained.

Second, the Department should explain why a unique identifier would not accomplish the Department's objectives. Many supporters of name-based reporting also

recognize that it may deter some persons from being tested. Hence, they also support anonymous testing to augment the name-based reporting. However, the use of unique identifiers could reduce the need for anonymous testing and reduce delays in treatment and prevention.

2. Reporting electronically.—Protection of the public health, safety and welfare; Economic impact; Reasonableness; Clarity.

Sections 27.22(d)(1) and 27.32(c) and (d) require information to be reported electronically. How can the Department assure the confidentiality of information reported electronically?

Additionally, these sections and Section 27.32a(b) require electronic reporting in a manner specified by the Department. The Regulatory Analysis Form states that the Department will provide training and software.

Yet, the regulation does not specify how electronic reporting will be done or how security will be maintained. What equipment and software are reporters required to use? How much training is involved and how often is training offered? How much will this cost? Who will incur the cost, the Department or the reporters?

3. Coordination of amendments to Chapter 27.—Clarity.

In the May 27, 2000 *Pennsylvania Bulletin*, the Department published proposed amendments to 28 Pa. Code Chapter 27 titled "Communicable and Noncommunicable Diseases" (Proposed Rulemaking #10-156). Included in that rulemaking are amendments to the same sections and lists of diseases being amended by this rulemaking, including Section 27.1 (definitions of District office, LMRO and Local health department), and Sections 27.2, 27.21, 27.22 and 27.32. How will the Department coordinate the amendments in these two rulemakings into a final-form regulation?

4. Section 27.1. Definitions.—Clarity.

Local health department

The last sentence for the definition of "Local Health Department" is substantive. For clarity, this should be moved to the body of the regulation.

Perinatal exposure of a newborn to HIV

Commentators questioned this definition because it indicates a need for a substantive judgment by a clinician. What is the intent of "subjecting to risk of HIV infection" and who is qualified to make this judgment? As this term is used in Section 27.32, a broad range of individuals may be required to report. Substantive questions involving risk should not be addressed in a definition. Reporters who are qualified to make this determination should be identified in the substantive provisions of the regulation.

5. Section 27.2. Reportable diseases.—Clarity.

This section, as well as Sections 27.32(a)(1) and 27.32(b), reference Acquired Immune Deficiency Syndrome (AIDS) "as defined by the CDC case definition." A citation to the definition used by the CDC should be included.

6. Section 27.22. Reporting results indicative of certain infections or conditions by laboratories.—Reasonableness; Clarity.

Subsection (c)

Subsection (c)(2)(ix) is duplicative of the diseases required to be reported in Subsection (b). Subsection (b)

adds CD4 T-lymphocyte test results with certain counts to be reported. Subsection (c)(2)(viii) requires that the results of the test be reported. Therefore, subsection (c)(2)(ix) should be deleted.

Subsection (d)

Paragraphs (4) and (5) require test results to be reported within 5 days. Is 5 days sufficient time for the laboratories to report?

7. Section 27.32. Reporting AIDS, HIV, CD4 T-lymphocyte counts, and perinatal exposure of newborns to HIV by physicians, hospitals, persons or entities, who diagnose AIDS or who receive or provide HIV and CD4 T-lymphocyte test results.—Fiscal impact; Reasonableness; Need; Implementation procedures; Clarity.

Subsection (a)—Entities and persons required to report

This subsection requires a broad range of persons or entities to report AIDS diagnoses, HIV or CD4 T-lymphocyte test results to the state or local health department. There are five related concerns.

Entities and persons who receive or provide test results

First, the Department should carefully delineate the types of entities, facilities or persons who are required to report and are covered by Section 27.32d(a). The types of persons and entities covered by this section appear to be broad and vague. According to the Preamble, the intent is to cover "case management organizations, drug and alcohol abuse treatment facilities, mobile vans and small clinics that do not have a physician present on a continuous basis."

Yet, nothing in this section of the regulation indicates that it covers only these types of facilities. Section 27.32(a) identifies a reporter as: "A physician, hospital, or person or entity providing HIV services, who makes a diagnosis of AIDS or who receives HIV or CD4 T-lymphocyte test results or provides HIV or CD4 T-lymphocyte test results. . . ." [Emphasis added] Commentators raised several questions concerning the meaning and application of the phrase that appears above in bold type. It is also found in the title of Section 27.32 and in the text of Section 27.32d(a).

Various parts of this phrase such as "providing HIV services" could include a broad range of persons and entities. The same is true for the use of the words that would cover anyone "who receives" test results "or provides" test results to patients. For example, the phrase could include laboratory personnel. The Preamble states that this section "pertains to reporting by persons that are not laboratories," and Section 27.22 in this regulation sets forth reporting requirements for laboratories. However, nothing in Section 27.32 explicitly states that it does not cover a laboratory.

Licensed health care providers and facilities

Second, Subsection 27.32(a) may be duplicative of other reporting requirements in existing regulations. This proposed regulation amends the list of reportable diseases in Section 27.2 by clarifying the definition of AIDS and adding the three other conditions listed again in this section: HIV, CD4 T-lymphocyte test results below certain levels and perinatal exposure of newborns to HIV. Requirements pertaining to reportable diseases for physicians, hospitals, school nurses and other health care practitioners are currently set forth in existing regulations at Sections 27.21, 27.23, 27.24 and 27.25. Listing these conditions as reportable diseases and then creating

a new set of reporting requirements for them in Section 27.32 may create unnecessary confusion.

To prevent confusion, the Department should amend existing sections relating to mandated reporters, such as physicians and other licensed health care providers, to include the new reporting requirements for AIDS and the three related conditions. This is the same approach that the Department used for laboratories.

Making a diagnosis of AIDS

Third, Subsection 27.32(a) should be written to make it clear that only a physician may diagnose. As written, the subsection links a "hospital, or person or entity providing HIV services" to the words "makes a diagnosis." Commentators expressed concern that the regulation should be clear that only licensed physicians can diagnose a disease.

Responsible person

Fourth, the regulation should identify the persons who will be responsible for making reports for entities that provide HIV services. This section does not indicate who, within an entity, is responsible for making the report. In contrast, Section 27.22(a) states that a person who is in charge of a laboratory must report.

Fiscal impact of multiple reporters

Fifth, the fiscal impact and purpose of this requirement are unclear. For example, a social worker, homeless shelter staff member, mental health center staff member and laboratory director may all file reports on the same individual. What is the need for numerous reports of a single case? What are the costs to the private sector when multiple reporters prepare and file reports? What will be the costs of effectively processing data from thousands of reporters, eliminating duplicates and using the data to monitor, control and prevent disease?

Section 27.32(b)—Contents of report

Paragraphs (8) and (9)

Paragraphs (8) and (9) duplicate the list of reportable diseases in Subsection (a). Paragraphs (8) and (9) are not needed and should be deleted.

Paragraph (10)

Paragraph (10) requires the "probable mode of transmission" of the HIV virus as information included in the report to the Department. The Department plans to obtain this information from a report form that it will provide to reporters. However, the report form does not use the words "probable mode of transmission." To avoid confusion, the regulation should use words similar to the form.

Paragraph (14)

Paragraph (14) requires "other information the Department determines to be relevant." What "other information" will the Department consider to be relevant? If there is none, this phrase should be deleted. Otherwise, to facilitate compliance and improve clarity, this phrase should be replaced with the specific information required.

8. Section 27.32a. Confidential and anonymous testing.—Protection of the public safety and welfare; Need; Reasonableness; Implementation procedures; Clarity.

Subsection (a)—State-designated anonymous testing sites

This provision states that anonymous testing for HIV may only be provided at "State-designated anonymous testing sites." The House Committee and Senators Mowery, Murphy and Hughes expressed concern regard-

ing the availability of anonymous testing sites. Part of this concern is that the regulation does not describe the term "State-designated anonymous testing sites." The Department should address these concerns by explaining how it will insure both access to and availability of anonymous testing. For example, will the locations and hours of operation of these sites be publicized?

Subsection (b)—Reporting anonymous testing results

This subsection requires anonymous test results to be reported in accordance with Section 27.32 without a patient name. Section 27.32 also includes other identifying information such as the address of the individual's residence, date of birth, sex and race. If this information is required, how is it anonymous? Did the Department intend to include certain categories of information in Section 27.32? Why is this information required in an anonymous test?

9. Section 27.32c. Department authority to require complete reporting.—Clarity

We have two concerns. First, this section is unclear because it is one long sentence. It would be clearer if it were broken into two shorter sentences.

Second, it appears there is a typographical error. This section should be designated as 27.32c, rather than 37.32c.

10. Section 27.32d. Record audits.—Clarity.

Subsection (b) states that the Department may require "special reports of persons or entities required to report under this chapter." There are two concerns. First, what are "special reports"? Second, Subsection (b) is missing a word. For clarity, the word "to" should be inserted between the words "chapter" and "ensure."

Department of Health Regulation No. 10-164

Drug and Alcohol Facilities and Services— Standards for Approval of Prevention and Intervention Activities

June 21, 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 Department of Health (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by May 21, 2003, the regulation will be deemed withdrawn.

1. General.—Protection of the public health; Reasonableness.

This proposed regulation repeals the standards for approval of prevention and intervention activities for drug and alcohol facilities and services. We question the impact on the public health and the reasonableness of deleting these regulations without proffering any proposed regulations to take their place. Item #16 of the Regulatory Analysis Form states that a workgroup was convened to develop an alternative to the current regulations. However, the alternative is not discussed in the Preamble to the proposed regulation.

With the repeal of these regulations, how will the Department provide oversight of drug and alcohol prevention services and programs? The Department should also explain what alternative will be in place when the Department submits its final-form rulemaking.

**State Board of Education
Regulation No. 6-273**

Academic Standards and Assessments

June 21, 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 Education (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by May 21, 2003, the regulation will be deemed withdrawn.

Science and Technology

1. Section VII. Table of Contents.—Clarity.

The table of contents lists the general subject areas and the specific categories for the academic standards. The text of the regulation labels each category with a capital letter. However, the table of contents does not contain corresponding labels. For ease of reference, the categories listed under each standard in the table of contents should be labeled with the corresponding letter that accompanies each item within the text of the regulation. For example:

Unifying Themes 3.1.

- A. Systems
- B. Models
- C. Patterns
- D. Scale
- E. Change

2. Section VIII. Introduction.—Clarity.

Under the descriptor for Section 3.2. *Inquiry and Design*, there is a typographical error as published in the *Pennsylvania Bulletin*. In the second sentence, after the word “estimating” the period should be changed to a comma in the final-form regulation.

3. Section 3.1. Unifying Themes.—Clarity.

Standard 3.1.4.D. states, “Describe scale as a ratio (for example, pipe fittings).” The use of “pipe fittings” as an example is confusing. The Board should consider using “models” or “map scales” as examples to illustrate the concept.

4. Section 3.2. Inquiry and Design.—Clarity.

The standards in this section include experimental design. Therefore, the title of this section should be changed to “Inquiry and Experimental Design” to accurately reflect the content of these standards.

Standard 3.2.10.A. states “Know that science is limited to the study of observable aspects of the world and the universe.” The term “observable” could be interpreted to mean “directly visible.” Since not all scientific phenomena can be “seen” directly, (for example, molecular structure) the term “observable” should be defined in *Section IX. Glossary*.

Standard 3.2.10.C. contains a typographical error. In the first sentence, “to” should be changed to “of.”

5. Section 3.3. Biological Sciences.—Need; Clarity.

Standard 3.3.10.D. requires students to “Analyze evidence of fossil records, similarities in body structures, embryological studies and DNA studies that support or do not support the theory of evolution.” Standard 3.3.12.D. requires students to “Analyze the impact of new scientific facts on the theory of evolution.” We have two concerns.

First, the intent of these two standards is unclear. Numerous commentators have asserted that these standards will allow schools to teach “creationism” or “intelligent design” as part of the science curriculum. At the Senate Education Committee’s June 5, 2001 public hearing, and the House Education Committee’s June 6, 2001 meeting, a representative from the Board explained that these standards were not intended to permit the teaching of “creationism” or “intelligent design” in the public schools. They were intended to encourage critical thinking among students. However, the language in the regulation does not clearly convey the Board’s intent.

Second, we question why these two particular standards are necessary. Within Section 3.2. *Inquiry and Design*, there are two standards which appear to encompass the requirements in Standards 3.3.10.D. and 3.3.12.D. Standard 3.2.10.A. requires students to “Integrate new information into existing theories and explain implied results.” Standard 3.2.12.A. requires students to “Critically evaluate the status of existing theories.” These standards in Section 3.2. set forth the requirements for examination of new data and critical evaluation of existing scientific theories. Therefore, it appears that Standards 3.3.10.D. and 3.3.12.D., referenced above, duplicate certain standards in Section 3.2. and could be deleted.

6. Section 3.4. Physical Science, Chemistry and Physics.—Reasonableness; Clarity.

Standard 3.4.4.D. requires fourth graders to “Recognize the earth’s place in the solar system” and to explain “. . . time (for example, days, seasons) major lunar phases and eclipses.” Some commentators contend that these requirements are too abstract for fourth grade students to understand. The proposed regulation does not specify the depth of understanding of these concepts required in the fourth grade. The standards should be evaluated in relation to the developmental level of fourth graders, and the final-form regulation should specify the level of recognition and understanding required by these standards.

7. Section 3.5. Earth Sciences.—Reasonableness; Clarity.

Standard 3.5.7.C., relating to Meteorology for seventh graders, expects students to “Identify how cloud types, wind directions and barometric pressure changes are associated with weather patterns. . . .” Commentators have suggested that the comparable fourth grade standard should require students to at least identify the cloud types as a precursor to the standard for seventh grade. This approach would be consistent with the sequencing used among the grade levels throughout the standards. The Board should consider revising this standard accordingly.

Standard 3.5.4.D. requires fourth grade students to “describe locations of fresh and salt water” in or near Pennsylvania. Also, the tenth and twelfth grade standards require students to compare sources of water and analyze the historical development of water use in Pennsylvania. Commentators have stated that these standards should not be limited to bodies of water in Pennsylvania. Has the Board considered broadening the scope of these standards?

8. IX. Glossary.—Clarity.

In order to distinguish between the terms, the Board should define “evolution” and “theory of evolution” in this section. Additionally, the terms “law,” “fact,” “hypothesis” and “theory” should be defined.

Environment and Ecology**9. Section X. Table of Contents.—Clarity.**

In the *Pennsylvania Bulletin* version of the proposed rulemaking, the title prefacing this section contains a misspelling. The word “ecology” should be correctly spelled in the final rulemaking.

Consistent with the comment on the Table of Contents section for the “Science and Technology” standards, the categories listed under each standard in the table of contents should be labeled with the corresponding letter that accompanies each item within the text of the regulation. For example:

Watersheds and Wetlands 4.1

- A. Cycles
- B. Physical Factors
- C. Organisms and Ecosystems

10. Section 4.4 Agriculture and Society.—Conflict with existing regulations; Reasonableness; Clarity.

The standards under this section focus on “society’s needs,” “agricultural systems” and “technology.” There is no discussion of agriculture as a science.

Chapter 4 clearly establishes that planned instruction in the areas of Science and Technology and Environment and Ecology are to include “instruction about agriculture and agricultural science.” This explicit language is contained in Sections 4.21(f)(3) relating to science and technology at the elementary education level and (f)(4) relating to environment and ecology at the elementary education level and Sections 4.22(c)(3) relating to science and technology at the middle education level and (c)(5) relating to environment and ecology at the middle education level. Section 4.23(c)(3), relating to the planned instruction area of science and technology for high school education, also specifies “agricultural sciences.”

Despite the explicit language in Sections 4.21 through 4.23 of Chapter 4, the proposed regulation does not include “agricultural science” under the Environment and Ecology standards. Further there is no standard for “agriculture and agricultural science” under the Science and Technology standards. Given the significant role that agriculture plays in Pennsylvania’s economy, we urge the Board to more closely align the standards with the existing language in Chapter 4 by including “agricultural science” under the Science and Technology standards.

11. Section 4.8. Humans and the Environment.—Reasonableness.

The standard in 4.8.12.B. requires students to “analyze how technology has improved agricultural productivity.” This standard seems to be more consistent with the standards under Section 4.4.12 relating to “Agriculture and Society.”

12. Section XII. Glossary.—Clarity.

The terms, “risk management,” “consumer,” “shredder,” “decomposer,” “commodity,” “hazardous waste,” “environment,” “endangered species,” “extinct species” and “regulation” are used throughout the standards, but are not defined. The Board should define these terms in this section.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-1238. Filed for public inspection July 6, 2001, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-182	Insurance Department Insurance Holding Company Systems	06-26-01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-1239. Filed for public inspection July 6, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT**Capital Advantage Insurance Company; Request for Individual Conversion Policy; Filing No. CAIC-2001-3**

On June 22, 2001, Capital Advantage Insurance Company submitted for review and approval by the Insurance Department (Department) an individual accident and health insurance group conversion policy and related rates (Filing No. CAIC-2001-3).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filings are available for public inspection during normal working hours, by appointment, at the Department’s office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1240. Filed for public inspection July 6, 2001, 9:00 a.m.]

Capital Advantage Insurance Company; Request for PPO Approvals; Filing Nos. CAIC-2001-1 and CAIC-2001-2

On June 15, 2001, Capital Advantage Insurance Company submitted applications for review and approval by the Insurance Department and Department of Health of an insured nongatekeeper Preferred Provider Organization for the service area of Berks County (Filing CAIC-2001-1) and an ERISA-exemption certificate for the 21 counties of the Capital region in South Central Pennsylvania, (Filing CAIC-2001-2). These applications were submitted in accordance with the provisions of 31 Pa. Code Chapter 152 (relating to preferred provider organizations).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filings are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1241. Filed for public inspection July 6, 2001, 9:00 a.m.]

Capital Blue Cross; Security 65, Plans B, C and H Rate Increases; Filing No. 01-S

Capital Blue Cross requests to increase the rates for the Security 65 plans B, C and H. The proposed rate increases are 10.24% for Plan B, 8.81% for Plan C and 8.38% for Plan H. This rate change will produce an estimated additional annual income of \$6.2 million and will impact approximately 85,700 subscribers. An effective date of January 1, 2002, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1242. Filed for public inspection July 6, 2001, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Ancillary Provider Agreement; Filing No. 200135

On June 22, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200135 under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815), seeking approval of an Ancillary Provider Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Plan Corporation under the trade name of Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square,

Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1243. Filed for public inspection July 6, 2001, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Freestanding Ambulatory Surgery Facility Agreement; Filing No. 200130

On June 20, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200130 under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815), seeking approval of a Freestanding Ambulatory Surgery Facility Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Plan Corporation under the trade name of Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1244. Filed for public inspection July 6, 2001, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Freestanding Substance Abuse Provider Agreement; Filing No. 200131

On June 20, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200131 under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815), seeking approval of a Freestanding Substance Abuse Provider Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Plan Corporation under the trade name of Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1245. Filed for public inspection July 6, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield;
Home Health Agency Provider Agreement; Filing
No. 200132**

On June 20, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200132 under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815), seeking approval of a Home Health Agency Provider Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Plan Corporation under the trade name of Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1246. Filed for public inspection July 6, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield;
Hospice Provider Agreement; Filing No. 200133**

On June 20, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200133 under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815), seeking approval of a Hospice Provider Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Plan Corporation under the trade name of Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1247. Filed for public inspection July 6, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield;
Skilled Nursing Facility Provider Agreement; Filing
No. 200134**

On June 20, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200134 under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815), seeking approval of a Skilled Nursing Facility Provider Agreement in order to operate as a Hospital Plan Corporation and a Professional Health Plan

Corporation under the trade name of Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1248. Filed for public inspection July 6, 2001, 9:00 a.m.]

NewAlliance Health Plan; Rate Filing

On June 21, 2001, NewAlliance Health Plan submitted filing number A51160001 for approval by the Insurance Department. This filing requests approval of demographic rating factors to reflect the average age and industry of the employer group. This filing will affect employer groups within associations with 2—50 employees. The proposed effective date is October 1, 2001.

This filing is available for public inspection during normal working hours at the Harrisburg and Erie regional offices.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1249. Filed for public inspection July 6, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearing will be held in the Insurance Department's Regional Office in Pittsburgh, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of R. Michael Hogan; file no. 01-494-90435; Erie Insurance Exchange; doc. no. E01-06-022; August 9, 2001, at 2:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1250. Filed for public inspection July 6, 2001, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. This administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Barry W. Tabler; file no. 01-181-03546; Fireman's Insurance Company of Washington, D.C.; doc. no. P01-06-023; August 1, 2001, at 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial

action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-1251. Filed for public inspection July 6, 2001, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0910, 766 Route 113, Souderton, PA 18964-1032.

Lease Expiration Date: June 30, 2004

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space in Hilltown Township on Route 113.

Proposals due: July 13, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9670

Delaware County, Wine & Spirits Shoppe #2307, 170 Painters Crossing, West Chester, PA 19382-8310.

Lease Expiration Date: February 28, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within .75 of a mile of the intersection of Route 202 and Route 1, Chester or Delaware County.

Proposals due: July 20, 2001 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113.
Contact: James M. Bradley, (215) 482-9670.

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 01-1252. Filed for public inspection July 6, 2001, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board

will conduct a public hearing for Milk Marketing Area No. 3 on August 1, 2001, commencing at 8:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement, as set forth in section G of Official General Order No. A-910. The Board will also receive testimony and evidence relative to adjustments to announced Class II prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Area No. 3 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 12, 2001, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on July 12, 2001, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 23, 2001, each party shall file with the Board seven copies and serve on all other parties one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness being offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 27, 2001, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer into evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 16, 2001.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternative format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 01-1253. Filed for public inspection July 6, 2001, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board will conduct a public hearing for Milk Marketing Area No. 5 on August 1, 2001, commencing at 11 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement, as set forth in section G of Official General Order No. A-887 (OGO A-887), as amended by Section B of OGO A-887 (CRO3), OGO Conclusion of Law 4 of OGO A-887 (CRO 4) and Conclusion of Law 4 of OGO A-887 (CRO 5). The Board will also receive testimony and evidence relative to adjustments to announced Class II prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Area No. 5 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 12, 2001, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on July 12, 2001, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 23, 2001, each party shall file with the Board seven copies and serve on all other parties one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness being offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 27, 2001, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer into evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 16, 2001.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternative format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 01-1254. Filed for public inspection July 6, 2001, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board will conduct a public hearing for Milk Marketing Area No. 6 on August 1, 2001, commencing at 2:30 p.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement, as set forth in section G of Official General Order No. A-907 and Official General Order No. A-907 (CRO 1, Findings of Fact 10 and 11). The Board will also receive testimony and evidence relative to adjustments to announced Class II prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Area No. 6 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 12, 2001, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on July 12, 2001, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The

Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 23, 2001, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness being offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 27, 2001, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer into evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 16, 2001.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 01-1255. Filed for public inspection July 6, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
June 21, 2001

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Full Power Corporation, d/b/a All Power Corporation (2001.0029); Doc. No. C-00015084; A-110125

Default Order

By the Commission:

On March 19, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Full

Power Corporation, d/b/a All Power Corporation (Respondent), an electric generation supplier (EGS) licensed at A-110125. In the complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by letter dated December 18, 2000, that its surety bond was due to expire in February 2001, and that Respondent had 30 days to provide proof that it had obtained a bond or other approved security in order for its EGS license to remain in force. The Prosecutory Staff complaint further alleged that the December 18, 2000, letter was returned undeliverable.

The complaint also alleged that Commission staff attempted to contact Respondent by using the telephone numbers and contacts that were listed in its application, but that all of the numbers had been disconnected.

Under section 2809(c)(1)(i) of the Public Utilities Code (66 Pa.C.S. § 2809(c)(1)(i)) no energy supplier license shall be issued or remain in force unless the supplier furnishes a bond or other security approved by the Commission in form and amount to ensure financial responsibility of the EGS.

The complaint charged that Respondent violated 66 Pa.C.S. § 2809(c)(1)(i), (relating to EGS bonds or other security) and the Commission regulation at 52 Pa. Code § 54.40 (relating to bonds and other security) by failing to renew its surety bond, and requested as a remedy that the Commission issue an order canceling the Respondent's EGS license and imposing a civil penalty of \$1,000.

According to the postal return receipt, the complaint was unclaimed. To date, more than 20 days after the attempted service of the complaint, no answer has been filed to the complaint and the surety bond has not been renewed; *Therefore,*

It is Ordered that:

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.

2. The EGS license held by Full Power Corporation, d/b/a All Power Corporation, at A-110125, is hereby cancelled.

3. A civil penalty of \$1,000 is hereby imposed against Full Power Corporation, d/b/a All Power Corporation, payable to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, and due within 20 days of the entry date of this order.

4. The Secretary strike the name of Full Power Corporation, d/b/a All Power Corporation from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.

5. If the civil penalty is not paid within the time given, under ordering paragraph no. 3, the Office of Executive Director is hereby directed to refer the \$1,000 civil penalty to the Office of Attorney General for collection as appropriate.

6. Notice of this default order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1256. Filed for public inspection July 6, 2001, 9:00 a.m.]

Ratification and Adoption of Amendments to Part 192 of Title 49 of the Code of Federal Regulations; Doc. No. M-00011477

Public Meeting held
June 21, 2001

Commissioners Present: John M. Quain, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick

Order

By the Commission:

At 52 Pa. Code § 59.33(b) the Commission has adopted, excepted as otherwise indicated, the Federal safety standards for gas transmission and distribution facilities. The Federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C. §§ 60101, et seq., and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the *Code of Federal Regulations*. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in this Commonwealth upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional gas companies or, alternatively, upon the date of the order's publication in the *Pennsylvania Bulletin*.

A. On September 8, 2000, at 65 Fed. Reg. 54440, Amendment 192-89 was adopted and codified by DOT at 49 CFR §§ 192.3 and 192.727(g). The purpose of this amendment is to require the last operator of an abandoned natural gas pipeline facility that is located offshore or crosses under, over or through a commercially navigable waterway to submit a report of the abandonment to the Secretary of Transportation. On September 26, 2000, at 65 Fed. Reg. 57861, the amendment to 192.727(g)(2) appearing at 65 Fed. Reg. 54440, the effective date to submit data on pipeline facilities abandoned before October 10, 2000, was changed from "April 10, 2000" to read "April 20, 2001."

Copies of the aforementioned *Federal Register* publications are attached hereto and are hereby made part of this order.

Keeping in mind the safety of the public, we have reviewed the previously referenced amendments in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find the DOT amendments to be in the public interest and adopt them as our own. The effective date of our adoption of the aforementioned amendments shall be the date upon which this order is entered.

Therefore:

It is Ordered that:

1. The following amendment adopted by DOT is hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b).

(a) On September 8, 2000, at 65 Fed. Reg. 54440 Amendment 192-89 to 49 CFR §§ 192.3 and 192.727(g). Correction to the final rule on September 26, 2000, at 65 Fed. Reg. 57861 § 192.727(g)(2) changed the effective date to submit data on pipeline facilities abandoned before October 20, 2000, from April 20, 2000, to April 20, 2001.

2. The Secretary shall serve copies of this order together with its attachments upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry

date of this order. Concurrently, the Secretary shall cause this order, without attachments, to be published in the *Pennsylvania Bulletin*.

JAMES MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1257. Filed for public inspection July 6, 2001, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 30, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00117965. Northeast Paramedics Services, Inc. (44 Pierce Street, Kingston, Luzerne County, PA 18704), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, both ambulatory and nonambulatory, between points in the counties of Luzerne, Lackawanna and Wyoming, and from points in said counties, to points in Pennsylvania, and return; subject to the following condition: that the vehicles utilized will be equipped with wheelchair lift.

A-00117968. Nadia Sarkes, t/d/b/a Fox Taxi & Limousine (210 Eleventh Avenue, Bethlehem, Lehigh County, PA 18018)—persons upon call or demand in the city of Bethlehem, Lehigh and Northampton Counties, and within an airline distance of 8 statute miles of the limits thereof. *Attorney:* Paul J. Harak, 1216 Linden Street, Bethlehem, PA 18018.

Notice of Motor Carrier Applications— Persons in Limousine Service

The following applications for authority to transport persons in limousine service between points in Pennsylvania have been filed with the Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before July 30, 2001.

A-00117472, F.2 Alpha & Omega Transportation, Inc.
1004 5th Avenue
Coraopolis, PA 15108

Attorney: John A. Pillar
Suite B101
680 Washington Road
Pittsburgh, PA 15228

A-00117967 Pasha Luxury Services, Inc.
t/d/b/a The Corporate Sedan Service
Suite 107
67 Buck Road
Hungtindon Valley, PA 19006

A-00117969 Arrive in Style Limousines, Inc.
1500 North Keyser Avenue
Scranton, PA 18508

Attorney: Ralph P. Carey
321 Madison Avenue
Scranton, PA 18503

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Jet Lines, Inc.; Doc. No.
A-00110033C01*

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Jet Lines, Inc., respondent, maintains its principal place of business at P. O. Box 2055, Warminster, Bucks County, Pennsylvania 18974.
2. That respondent was issued a certificate of public convenience by this Commission on August 10, 1993, at Docket No. A-00110033.
3. That respondent, on August 18, 2000, was sent an initial assessment of \$567. Respondent failed to pay the assessment; therefore, a balance was due of \$567.
4. That respondent has an outstanding assessment of \$567.
5. That respondent failed to file objections to the assessment, pursuant to 66 Pa. C.S.A. § 510(c).
6. That respondent, by failing to pay the assessment, violated 66 Pa. C.S.A. § 510(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience has been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,
George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

A-00102244C0101
A-00102244
Fs.1 & 2

PMM COMPANY
112 STATION STREET
ALIQUIPPA PA 15001

Re: PMM Company

Dear Respondent:

On April 10, 2001, the Bureau of Transportation and Safety instituted a Complaint against PMM Company, respondent, alleging failure to pay outstanding assessments of \$108, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that it must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondents insurance carriers that respondent's Certificate is revoked.

The Complaint was published in the *Pennsylvania Bulletin*, Volume 31, No. 10, May 26, 2001. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to respondent at A-00102244 **Fs. 1 & 2** is **hereby canceled**.

Furthermore, respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

United States Fire Insurance Company
110 William Street
New York, NY 10038

Commercial Union Insurance Company
One Beacon Street
Boston, MA 02108

Additionally, respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

James J. McNulty,
Secretary

pc: Department of Revenue
United States Fire Insurance Company
Commercial Union Insurance Company

COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 P. O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
 REFER TO OUR FILE

A-00105621C0002

A-00105621

F.1

J. C. SMITH TRANSPORT, LTD.
 1334 EASTON ROAD
 P. O. BOX 672
 WARRINGTON, PA 18976

Re: J. C. Smith Transport, Ltd.

Dear Respondent:

On July 14, 2000, the Bureau of Transportation and Safety instituted a Complaint against J. C. Smith Transport, Ltd., respondent, alleging failure to pay outstanding assessments of \$390, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that it must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondents insurance carrier that respondent's Certificate is revoked.

The Complaint was published in the *Pennsylvania Bulletin*, Volume 31, No. 10, May 26, 2001. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to respondent at A-00105621 F. 1 is **hereby canceled**.

Furthermore, this Commission will put an administrative hold on respondent's vehicle registrations listed below. Respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

Year/Make/Model	VIN	Tag	Title
1991 Dorsey Trailer	1DTP16W27MP029085	XC63172	49359293 7
1984 White TT	1WXXDCJE4EN067351	AB30095	45873638 0
1992 Stoughton Trailer	1DW1B4525NS763301	TY77490	45188387 5
1991 Ford Station Wagon	1FMDU34X9MUC48188	ZHZ491	44349082 9
1985 Mack TT	1M2AY06Y7FM001217	AB17920	37341574 2
1975 Mack Truck	R686ST6244	98631CC	35925598 7

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
 Bureau of Audit Programs
 Sales and Use Taxes
 Tenth Floor, Strawberry Square
 Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

Lincoln General Insurance Company
 P. O. Box 3709
 York, PA 17402

Commercial Insurance Company of Newark, NJ
 180 Maiden Lane
 New York, NY 10038

Additionally, respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

James J. McNulty,
 Secretary

pc: Department of Revenue
 Lincoln General Insurance Company
 Commercial Insurance Company of Newark, NJ

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

A-00110878C0101
A-00110878
F. 1

LINDA J. ALLISON, T/A
ALLISON'S MOVING SERVICE
P. O. BOX 811
HUNTINGDON, PA 16652

Re: Linda J. Allison, t/a Allison's Moving Service

Dear Respondent:

On March 19, 2001, the Bureau of Transportation and Safety instituted a Complaint against Linda J. Allison, t/a Allison's Moving Service, respondent, alleging failure to pay outstanding assessments of \$1,788, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that she must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondents insurance carrier that respondent's Certificate is revoked.

The Complaint was published in the *Pennsylvania Bulletin*, Volume 31, No. 10, May 26, 2001. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to respondent at A-00110878 is **hereby canceled**.

Furthermore, respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and she holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on respondent's insurance carrier:

General Accident Insurance Company
436 Walnut Street
Philadelphia, PA 19106-3786

Additionally, respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, she is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

James J. McNulty,
Secretary

pc: Department of Revenue
General Accident Insurance Company

COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 P. O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
 REFER TO OUR FILE

A-00112452C0101
 A-00112452
F.1

VALMARC ENTERPRISES, INC.
 245 SOUTH HERSHEY ROAD
 HARRISBURG, PA 17112

Re: Valmarc Enterprises, Inc.

Dear Respondent:

On April 13, 2001, the Bureau of Transportation and Safety instituted a Complaint against Valmarc Enterprises, Inc., respondent, alleging failure to pay outstanding assessments of \$35, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that it must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondents insurance carrier that respondent's Certificate is revoked.

The Complaint was published in the *Pennsylvania Bulletin*, Volume 31, No. 10, May 26, 2001. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to respondent at A-00112452 is **hereby canceled**.

Furthermore, respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
 Bureau of Audit Programs
 Sales and Use Taxes
 Tenth Floor, Strawberry Square
 Harrisburg, PA 17128-1061

and on respondent's insurance carrier:

General Accident Insurance Company of America
 436 Walnut Street
 Philadelphia, PA 19105

Additionally, respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

James J. McNulty,
Secretary

pc: Department of Revenue
 General Accident Insurance Company of America

COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 P. O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
 REFER TO OUR FILE

A-00115548C0101
 A-00115548
F.1

TRI-STATE ARMORED SERVICES, INC.
 219 NORTH WHITE HORSE PIKE
 HAMMONTON, NJ 08037

Re: Tri-State Armored Services, Inc.

Dear Respondent:

On March 13, 2001, the Bureau of Transportation and Safety instituted a Complaint against Tri-State Armored Services, Inc., respondent, alleging failure to pay outstanding assessments of \$4,388, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that it must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondents insurance carriers that respondent's Certificate is revoked.

The Complaint was published in the *Pennsylvania Bulletin*, Volume 31, No. 10, May 26, 2001. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to respondent at A-00115548 is **hereby canceled**.

Furthermore, respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
 Bureau of Audit Programs
 Sales and Use Taxes
 Tenth Floor, Strawberry Square
 Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

Great American Insurance Company
 300 South Wacker Drive, Suite 1200
 Chicago, IL 60606

Legion Insurance Company
 One Logan Square, Suite 1400
 Philadelphia, PA 19103

Additionally, respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

James J. McNulty,
Secretary

pc: Department of Revenue
 Great American Insurance Company
 Legion Insurance Company

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-1258. Filed for public inspection July 6, 2001, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 0112.2, Installation of Ventilation System, Pier 78 South Annex, until 2 p.m. on Thursday, July 19, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 10, 2001. The cost of the bid documents is \$35 (includes 7% PA sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, July 12, 2001, 10 a.m. at the job site, Columbus Blvd. and Snyder Ave., Philadelphia, PA 19148.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 01-1259. Filed for public inspection July 6, 2001, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0115.1r, Overlay Paving, 1st Floor Outshore End, Pier 84 South, until 2 p.m. on Thursday, July 26, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available July 16, 2001. The cost of the bid documents is \$35 (includes 7% PA sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, July 19, 2001, 10 a.m. at the job site, Porter St. & Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 01-1260. Filed for public inspection July 6, 2001, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing 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:

July 18, 2001 Jacqueline Campbell (Dec'd) 1 p.m.
(Contested Death Benefit)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing 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. 01-1261. Filed for public inspection July 6, 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

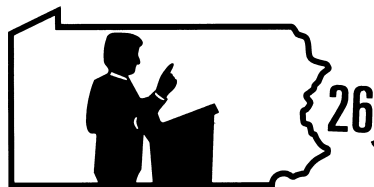
PA Department of Community and Economic Development

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.

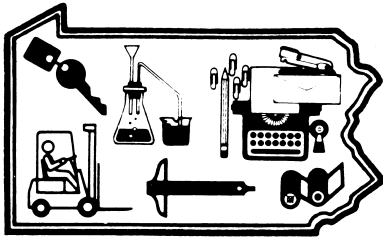
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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

8505970 Bridge Deck, Glulam (Red Maple).

Department: Transportation
Location: Shippensville, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1014111 Fleece, 50% Polyester/50% Cotton 2 End.

Department: Corrections
Location: Waynesburg, PA
Duration: FY 2001-02
Contact: Vendor Services, (717) 787-2199

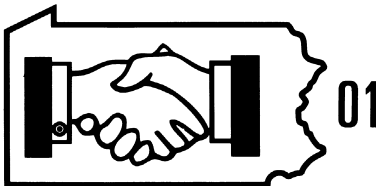
1045151 Van Body Truck, 39,000 Lb. GVWR. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services, (717) 787-2199

7314680 Carpet Tile with cushion back, heavy commercial. Size: 18" x 18".

Department: Liquor Control Board
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

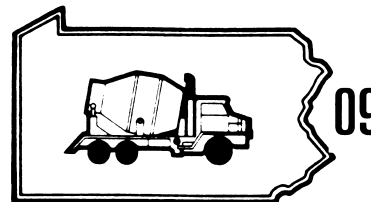
SERVICES



Advertising

020S18 Contractor shall purchase and monitor radio advertisement airtime on specific stations in PennDOT Districts 9 and 2. Please fax bid package request to Janis Miele at (814) 765-0424 or E-mail at mielejm@dot.state.pa.us and provide Company Name, address, and contact person with phone no., fax no., and E-mail address.

Department: Transportation
Location: Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Fulton, Huntingdon, Juniata, McKean, Mifflin, Potter, and Somerset Counties
Duration: One year
Contact: Janis Miele, (814) 756-0404



Construction & Construction Maintenance

FDC-424-958.1 Rehabilitate dam at Memorial Lake State Park in Lebanon County. Work includes replacing spillway pedestrian bridge, concrete and joint repairs on spillway, new chain link fencing, post and rail timber fence, bituminous paving, riprap, brush removal, reinforced concrete, excavation, backfill, diversion and care of water, and E&S measures. NOTE: Requests for Bid Documents may be made ON or AFTER July 9, 2001. Cost of documents is \$15.90 payable by CREDIT CARD ONLY—Visa, Mastercard, Discover, or American Express.

Department: Conservation and Natural Resources
Location: East Hanover Township in Fort Indiantown Gap
Duration: 240 Days
Contact: Construction Management Section, (717) 787-5055

950125 Guiderrail end treatments SRT350 and guiderrail end treatments ET2000.

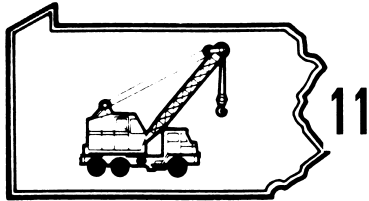
Department: Transportation
Location: Pennsylvania Department of Transportation, Maintenance District 095, TR 22 One mile West of Huntingdon, PA 16652
Contact: Patty Brouse, (814) 643-0150

FDC-438-825R Preservation of Waterville Bridge in Swatara State Park, Lebanon County. Work includes surface preparation and painting of steel bridge, removing and replacing wood decking, providing and placing grouted riprap, concrete work and footing underdrain. NOTE: Requests for Bid Documents may be made ON or AFTER July 9, 2001. Cost of documents is \$8.48 payable by CREDIT CARD ONLY—Visa, Mastercard, Discover, or American Express.

Department: Conservation and Natural Resources
Location: Union and Swatara Townships
Duration: 270 Days
Contact: Construction Management Section, (717) 787-5055

DGS 1103-48ME5 Project Title: Commissioning Agent with Testing & Balancing. Brief Description: The Commonwealth is seeking proposals for Professional Commissioning Agent services to provide all labor, equipment and supervision necessary to test and balance the HVAC System and Commissioning of the HVAC, mechanical and some electrical systems in the Convocation/Events Center, University of Pittsburgh. Estimated Range: \$200,000.00 to \$300,000.00. RFP Price: \$95.00 per set (includes PA Sales Tax). This price is non-refundable. Checks made payable to: Pitt Center Partners. Mail requests to: Pitt Center Partners, 3803 University Drive, Pittsburgh, PA 15213. Attn: Jim Friel, Tel: (412) 621-4222. Date for receiving RFP: Tuesday, July 24, 2001 at 2:00 P.M. A Pre-Proposal Conference will be held on Thursday, June 28, 2001 at 1:30 P.M. at the Pitt Center Partners Field Office, 3803 University Drive, University of Pittsburgh, Pittsburgh, PA. Contact Jim Friel: (412) 621-4222.

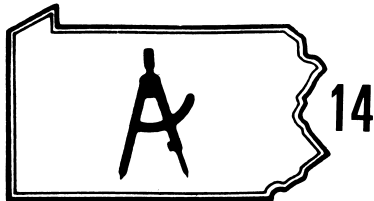
Department: General Services
Location: University of Pittsburgh Campus, Pittsburgh, PA
Duration: 136 Calendar Days from Date of Initial Job Conference to complete project. The proposer will be required to return one time within one year to perform start-up and testing on equipment that requires seasonal adjustments.
Contact: Contract and Bidding Section, (717) 787-6556



Demolition—Structural Only

061899 Demolition & removal of buildings and any site improvements for SR 0202-721 in the Bristol Road/Lower State Road area; six (6) properties. All bidders must be prequalified for demolition work prior to the date of opening bids.

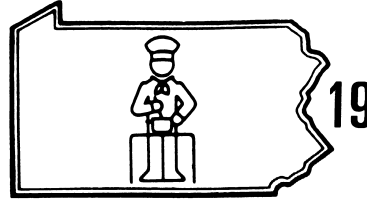
Department: Transportation
Location: Bucks County
Duration: Open
Contact: Roger Joseph, (610) 205-6505



Engineering Services

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.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Food

20071 Meats—Meatballs, 2 oz. 80/20; Beef Frankfurters—10 per/lbs.; Wafer Steaks—4 oz.; Beef, Roast ends & pieces.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 through June 30, 2001
Contact: Ben Jarrett, (610) 490-5412 Ext. 2030

20076 Eggs—Shell, White, Grade A, med.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 thorough June 30, 2002
Contact: Ben Jarrett, PA 1, (610) 490-4512 X-2030

FS-6 SEAFOOD—Clams, breaded and unbreaded haddock, crab cakes and like items. NOTE: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

20070 Poultry—Chicken patties, turkey burgers, turkey ends and pieces, pulled chicken.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 through June 30, 2002
Contact: Ben Jarrett, (610) 490-5412 Ext. 2030

FS-4 FROZEN FOODS (MISCELLANEOUS)—Pizza, veal patties, chicken patties, french fries, broccoli cuts, brussel sprouts, cauliflower, frozen eggs, waffles, tater tots, and like items. NOTE: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

20077 Eggs (liquid) frozen.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 through June 30, 2002
Contact: Ben Jarrett, PA 1, (610) 490-4512 X-2030

FS-5 POULTRY, MEATS AND MEAT PRODUCTS—Fresh turkey, chicken legs and thighs, chicken breasts, turkey roast, large bologna, lebanon bologna, salami, pullman canned ham, beef & turkey franks, beef liver, turkey ham, polish sausage, fresh pork sausage, beef sandwich steaks, rib-b-q beef, diced chicken and turkey and like items. NOTE: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

20072 Frozen Foods—Vegetables bakery products, entrees, pizza, etc.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 through June 30, 2002
Contact: Ben Jarrett, PA 1, (610) 490-5412 Ext. 2030

20073 Dairy Products—Yogurt, cottage cheese, margarine ind. pats, 5 GR and 1# blocks and Amer. cheese.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 through June 30, 2002
Contact: Ben Jarrett, PA 1, (610) 490-5412 Ext. 2030

20075 Seafood—Surimi (imitation crabmeat).

Department: Corrections
Location: SCI Chester, 500 E. 3rd St, Chester, PA 19013
Duration: July 1, 2001—June 30, 2002
Contact: Ben Jarrett, PA 1, (610) 490-5412 X-2030

FS-7 ALTERNATE PROTEIN BURGERS—Soy, garden, bean and grain burgers. Preformed, frozen. NOTE: Quarterly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

20074 Ice Cream—Sandwiches, 3 gal tubs, Van., Choc. and Straw.

Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001—June 30, 2002
Contact: Ben Jarrett, PA 1, (610) 490-5412 Ext. 2030

3972 Coffee, concentrate, decaffeinated, non-frozen, liquid. Successful bidder to furnish, install and maintain at no additional cost to the Hospital all dispensing equipment as specified in bid. Please send a fax to (570) 587-7108 on your company letterhead which includes your name, address, telephone & fax number to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: 07/01/01—06/30/02
Contact: Stanley Rygelski, PA, (570) 587-7291

FS-1 DAIRY PRODUCTS- Oleomargarine, cottage cheese, american cheese, swiss cheese, ice cream sandwiches, bars, party slices, popsicles, yogurt, 2% and skim milk and like items. NOTE: Quarterly and/or monthly bids and orders. Monthly and/or weekly deliveries.

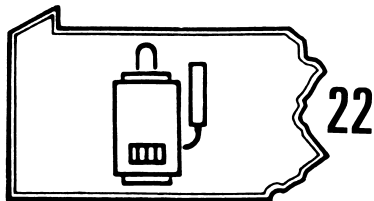
Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

FS-2 EGGS, Shell, Grade A, medium, class 1, fresh. NOTE: Quarterly bids and orders. Weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

FS-3 FRESH FRUITS & VEGETABLES—Bananas, oranges, grapefruit, cantaloupes, watermelon, apples, pears, strawberries, lettuce, celery, cabbage, onions, carrots, potatoes, peppers, cucumbers, tomatoes, tangerines, tofu and like items. NOTE: Monthly bids and orders. Weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: 7-1-01 through 6-30-02
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206



HVAC Services

08-540002 Electrical Repairs and some small installation of electrical services at PennDOT main building and stockpiles located in Monroe County.

Department: Transportation
Location: SR 611 2 Miles N.W. of Stroudsburg, Stroudsburg, PA 18360
Duration: One year from date of issuance with option to renew for four one year periods
Contact: Denise Grabowski, (570) 424-3024

064996 Requests for bids to board & seal 105-23 Main Street, Collegeville, PA for SR 0029 Section L01.

Department: Transportation
Location: Collegeville, PA
Duration: Open
Contact: Roger Joseph, (610) 205-6505

040143 The Pennsylvania Department of Transportation requires estimated 450 hours of plumbing repair and service at 3 safety rest area locations. 1) I-84 EB Promised Land; 2) I-84 WB Promised Land; and 3) SR 209 & 6 Matamoras. Requests for bid packages may be received by phoning (570) 963-4048 between 8:00 am and 3:00 pm Monday through Friday, or by faxing at (570) 963-4245 "ATTN: ROADSIDE".

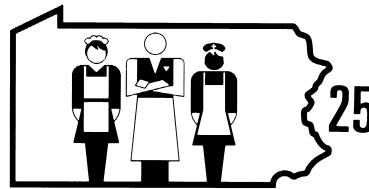
Department: Transportation
Location: Pike County
Duration: 2 year with renewal
Contact: Martha Spaide, (570) 963-4048

040144 The Pennsylvania Department of Transportation requires estimated 300 hours of plumbing repair and service at 2 safety rest area locations. 1) Lackawanna County I-81 Northbound, Tomkinsville and 2) Susquehanna County I-81 Southbound Lenox. Requests for bid packages may be received by phoning (570) 963-4048 between 8:00 am and 3:00 pm Monday through Friday. Fax (570) 963-4245.

Department: Transportation
Location: Lackawanna/Susquehanna Counties
Duration: 2 year with renewal
Contact: Martha Spaide, (570) 963-4048

040145 The Pennsylvania Department of Transportation requires estimated 450 hours of plumbing repair and service at 3 safety rest area locations. 1) Luzerne County I-80 Eastbound White Haven; 2) Luzerne County I-81 Northbound Dorrance; and 3) Luzerne County I-81 Southbound Nuangola. Requests for bid packages may be received by phoning (570) 963-4048 between 8:00 am and 3:00 pm Monday through Friday, or faxing at (570) 963-4245. "ATTN: ROADSIDE"

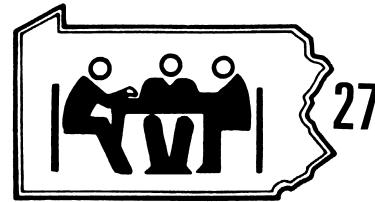
Department: Transportation
Location: Luzerne County
Duration: 2 year with renewal
Contact: Martha Spaide, (570) 963-4048



Laundry/Dry Cleaning & Linen/Uniform Rental

999333 Laundry/ dry cleaning / uniform rental: One (1) welder uniform, 100% cotton; Twelve (12) blended uniforms; renewal for one (1) two (2) year period.

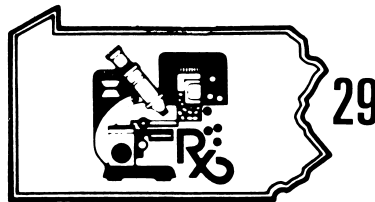
Department: Transportation
Location: PennDOT, Swede Rd. & Johnson Hwy, Norristown, Pa 19401
Duration: January 1, 2002 to December 31, 2004
Contact: Tom Carroll, (610) 275-2368



Lodging/Meeting Facilities

8111840011 The Office of Administration is requesting bids from vendors to provide meeting room space and catering services for The Governor's Executive Seminars. The dates for the seminars are September 13, 14, 24 & 25; October 2, 3, 4, & 31; November 1, 28, 29 & 30; and December 4, 5, 6, 11, 12 & 13, 2001. Vendor must provide a large meeting room, separate room for lunch, audio visual equipment, morning refreshments, break refreshments, and lunch to accommodate 33 attendees daily. Prospective bidders must be able to accommodate and bid on all dates in their entirety. A complete description of services required will be included in the bid package. If interested in receiving a bid package, please fax your request on company letterhead to (717) 787-0776, Attn: Susan Rojas. Please include your company name, address, phone number, fax number and Federal ID number.

Department: Office of Administration/Executive Offices
Location: Within a twenty-five (25) mile radius of the Harrisburg Capitol Complex.
Duration: September 13, 14, 24 & 25; October 2, 3, 4, & 31; November 1, 28, 29 & 30; and December 4, 5, 6, 11, 12 & 13, 2001
Contact: Susan Rojas, (717) 787-8767



Medical Services

SP 2501001 The PA Board of Probation & Parole (PBPP) is soliciting bids for licensed clinical psychologists or psychiatrists providers to perform psychological assessments of candidates for Parole Agent positions. This is to include administering psychological inventories using the MMPI-2 or PAI, along with a psychological interview. The role of the provider is to evaluate the individuals mental health status to determine their suitability for employment in a law enforcement position based on psychological guidelines established for the PBPP. The services shall be provided in three (3) regions of the State—Eastern Region, Central Region and Western Region. Vendors may submit bids for one or all regions.

Department: Probation and Parole Board
Location: Three (3) Regions of the State of Pennsylvania—Eastern Region, Central Region & Western Region
Duration: The term of this contract shall be for one (1) year with the option to renew the contract for an additional two (2) years at one (1) year intervals.
Contact: Michelle Flynn, (717) 787-8879



Personnel, Temporary

SWIF-06-01-B Provide temporary clerical services to the State Workers' Insurance Fund on an as needed basis.

Department: Labor and Industry
Location: State Workers' Ins. Fund, 444 N. 3rd Street, Philadelphia, PA 19123
Duration: One (1) year
Contact: Brian J. Finnerty, (570) 963-3130

SWIF-06-01-E Provide temporary clerical services to the State Workers' Insurance Fund on an as needed basis.

Department: Labor and Industry
Location: State Workers' Ins. Fund, 25 Westwood Drive, Pottsville, PA 17901
Duration: One (1) year
Contact: Brian J. Finnerty, (570) 963-3130

SWIF-06-01-D Provide temporary clerical services to the State Workers' Insurance Fund on an as needed basis.

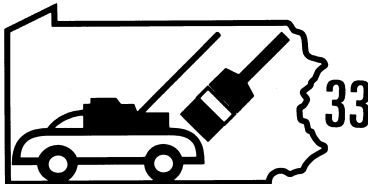
Department: Labor and Industry
Location: State Workers' Ins. Fund, 914 Penn Ave (6th floor), Pittsburgh, PA 15222
Duration: One (1) year
Contact: Brian J. Finnerty, (570) 963-3130

SWIF-06-01-C Provide temporary clerical services to the State Workers' Insurance Fund on an as needed basis.

Department: Labor and Industry
Location: State Workers' Ins. Fund, 216 N. 6th Street, Sunbury, PA 17801
Duration: One (1) year
Contact: Brian J. Finnerty, (570) 963-3130

SWIF-06-01-A Provide temporary clerical services to the State Workers' Insurance Fund on an as needed basis.

Department: Labor and Industry
Location: State Workers' Insurance Fund, 100 Lackawanna Ave, Scranton, PA 18503
Duration: One (1) year
Contact: Brian J. Finnerty, (570) 963-3130



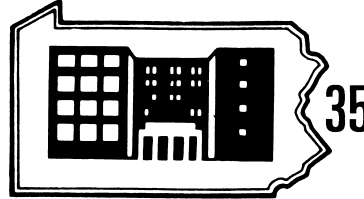
Property Maintenance

060024 The Department of Transportation, Engineering District 6-0 is accepting bids for the repair of the existing landscape irrigation system at the 7000 Geerdes Boulevard location. The contract will include the replacement of all parts necessary to operate the system. Contract will also include maintenance and service of the system for one full year after repairs are completed and the system is functioning. Bid Packages may be obtained by faxing in a request to PennDOT, Maintenance Unit at (610) 205-6909, ATTN: Les Toaso.

Department: Transportation
Location: Pennsylvania Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, Pa. 19406
Duration: One year contract with optional two one year renewals.
Contact: Les Toaso, (610) 205-6745

06-J-01 SNOW/ICE REMOVAL SERVICES: To be provided for parking lot and driveway (approx. 23,500 sq. ft.) on an as-needed basis at the discretion of the Building Administrator or designee. Services are to be performed when accumulation reaches 3 inches or more and to take place between the hours of 7:30 PM and 6:00 AM. For bid package please contact Cheri Thomas at (717) 787-2877 or fax request to (717) 787-0688

Department: Labor and Industry
Location: Department of Labor and Industry, Altoona State Office Building, 1101 Green Avenue, Altoona, PA 16601
Duration: October 1, 2001 through April 30, 2002
Contact: Cherianita Thomas/BF, (717) 787-2877



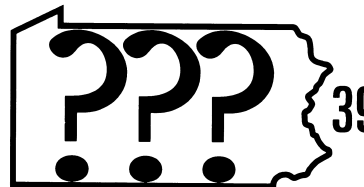
Real Estate Services

91611 The Commonwealth of Pennsylvania, Department of Labor and Industry is interested in Subleasing an office within Allegheny County. Office name and location is Pittsburgh North Job Center, 1122 Western Avenue, Pittsburgh, PA 15233. There are 11,180 usable square feet at the cost of \$14.72 per square foot. Parking also available for 45 vehicles on site plus 10 spaces in the rear parking lot.

Department: Labor and Industry
Location: Department of Labor and Industry, Property Management Division, Room 221, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120
Duration: From present to 02/28/05 with one (1) five (5) year renewal option.
Contact: Michael Peterson/Kay Wealand, (717) 787-2787

92166 The Commonwealth of Pennsylvania, Department of Labor and Industry is interested in Subleasing an office within Mifflin County. Office name and location is Juanita Valley Job Center, 25 Rothermel Drive, Yeagertown, PA 17099. There are 6,825 usable square feet at the cost of \$14.34 per square foot. Parking also available for 84 vehicles on site.

Department: Labor and Industry
Location: Department of Labor and Industry, Property Management Division, Room 221, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120
Duration: July 1, 2001 through June 30, 2007 with one (1) five (5) year renewal option.
Contact: Michael Peterson/Kay Wealand, (717) 787-2787



Miscellaneous

063014 For the removal of snow and ice from the entire length of Interstate I-476 and from the I-476 (Blue Route) Park and Ride Lot in Montgomery County. Contract will require providing both manpower and equipment. Bids are anticipated to be opened in the PennDOT District 6 King of Prussia Office on July 19, 2001. Bidding packages may be obtained by faxing in a request to PennDOT at (610) 205-6909, attention Louis J. Porrini—Highway Maintenance Manager.

Department: Transportation
Location: Interstate I-476 in Delaware County and the I-476 (Blue Route) Park & Ride Lot in Montgomery County.
Duration: One year with an option to renew for one year.
Contact: Louis J. Porrini—Highway Maintenance Manager, (610) 205-6703

350A03 The Department of Transportation is issuing an "Invitation to Qualify" (ITQ) to prequalify contractors interested in providing Public Transportation Technical Assistance and/or Training Services to public and community transportation agencies. The initial enrollment period will close on August 24, 2001. However, contractors may submit an application after that date, but are encouraged to request an application now in order meet that original enrollment date. All contractors must complete an application to be considered for future work with the Department. Interested contractors may request a copy of the ITQ by faxing their name, company name, address, telephone number, and fax number to Vikki Mahoney at (717) 783-7971. Please reference ITQ #350A03 on your request.

Department: Transportation
Location: Commonwealth of Pennsylvania
Duration: 5 years
Contact: Bill Gipe, (717) 783-8906

063015 For the removal of snow and ice from the entire length of Traffic Route 3 in Delaware County. Contract will require providing both manpower and equipment. Bids are anticipated to be opened in the PennDOT District 6 King of Prussia Office on July 19, 2001. Bidding packages may be obtained by faxing in a request to PennDOT at (610) 205-6909, attention Louis J. Porrini—Highway Maintenance Manager.

Department: Transportation
Location: Traffic Route 3 in Delaware County.
Duration: One year with an option to renew for one year.
Contact: Louis J. Porrini—Highway Maintenance Manager, (610) 205-6703

[Pa.B. Doc. No. 01-1262. Filed for public inspection July 6, 2001, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0025-10	07/01/01	N C Printing & Bindery	50,835.00
0062-03	07/01/01	Digital-Ink	117,055.00
1105-02 Rip#1/ Sup#1	06/25/01	Safety League	100,000.00
1105-02 Sup#2	06/25/01	First Choice Armor/ Equipment	50,000.00
7110-07	07/01/01	Indiana Chair Frame/ Leggett & Platt Co.	600,000.00
7110-07	07/01/01	OEI/div Krueger International	900,000.00
7110-07	07/01/01	Correctional Products & Services	100,000.00
7110-07	07/01/01	John R. Wald Co.	50,000.00
7110-07	07/01/01	Norix Group	250,000.00
8110-01	07/01/01	Can Corp. of America	402,176.66
1019381-01	06/25/01	Ansul/dba Wildfire	37,977.00
1297150-01	06/25/01	Advantage Sport & Fitness	161,605.09
1297150-02	06/25/01	Recreation Equipment Unlimited	3,389.00
1312310-01	06/25/01	Compressed Air Systems	41,863.00
1369200-01	06/25/01	Pacific Contract Mfg.	12,499.91
1369200-02	06/25/01	Custom Promotions	12,500.00
1393110-03	06/25/01	Scott Electric	10,227.80
1397210-01	06/25/01	Bestline Leasing	99,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1435380-01	06/25/01	Groff Tractor & Equipment	73,700.00
1459200-01	06/25/01	Starr Uniform	623,205.00
1460350-01	06/25/01	Ekto Manufacturing	102,210.00
1463160-01	06/25/01	Dupont Flooring Systems	82,420.40
1513110-01	06/25/01	Advanced Training Systems	17,400.00
1513110-02	06/25/01	Midwest Lowell Dist/ dbaKeystone Concepts	3,385.36
1522110-01	06/25/01	Central Penn Sewing Machine	12,207.00
1522110-02	06/25/01	Consolidated Sewing Machine	2,267.20
1523110-01	06/25/01	Techno-Link	60,123.60
1563110-01	06/25/01	Scanvec Garment Systems	52,620.00
1568040-01	06/25/01	Henry Troemner LLC	16,371.90
8176740-01	06/25/01	Moore North America	418,540.00
8251030-01	06/25/01	Linear Dynamics	294,000.00
8505860-01	06/25/01	Walsh Equipment	122,952.00
8505870-01	06/25/01	Monroe Truck Equipment	98,847.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-1263. Filed for public inspection July 6, 2001, 9:00 a.m.]

