

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 Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous 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 Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous 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		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
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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, Pittsburg, 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

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Telephone No.
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.

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Telephone No.
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

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<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 April 10, 2001
 Issued:

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 June 22, 2001
 Issued:

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 June 6, 2001
 Issued:

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 NOx 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 NOx 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. NOx 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

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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

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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

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"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.]