

# PENNSYLVANIA BULLETIN

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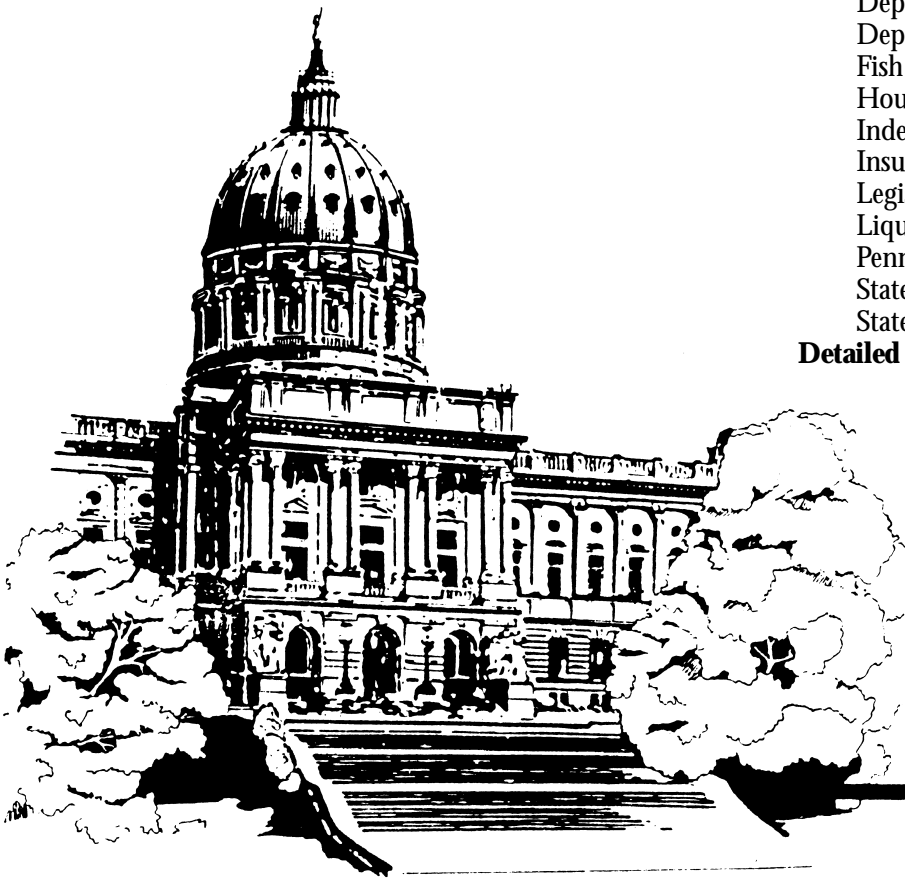
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Liquor Control Board  
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State Employees' Retirement Board

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[246 PA. CODE CH. 200]

#### Proposed Amendment to Rule 202 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

##### Introduction

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa. R.C.P.D.J. No. 202 to define the word "verified" as used in the rules, and to make other technical amendments to this rule. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us)  
no later than Wednesday, November 14, 2001.

*By the Minor Court Rules Committee*

FRED A. PIERANTONI, III  
*Chair*

##### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

##### Rule 202. Definitions.

As used in these rules, **the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:**

[ (1) *District justice*—The district justice, before whom the action or proceeding is pending.

(2) *Sheriff*—Includes a deputy sheriff.

(3) *Constable*—Includes a deputy constable.

(4) *Prothonotary*—Includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary. ]

(1) *Constable*—A certified constable or a certified deputy constable.

(2) *District justice*—The district justice before whom the action or proceeding is pending.

(3) *Prothonotary*—Any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary.

(4) *Sheriff*—A deputy sheriff.

(5) *Verified*—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

##### Official Note

\* \* \* \* \*

Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended July 16, 2001, effective August 1, 2001; **amended \_\_\_\_\_, effective \_\_\_\_\_.**

##### REPORT

*Proposed Amendment to Pa. R.C.P.D.J. No. 202*

*Amendment to Rule 202 to define the word "verified" as used in the rules*

The Committee undertook a review of Rule 202 when it discovered that the word "verified" was used in the rules but was not defined. Upon review of the three instances where the word currently is used in the rules, the Committee determined that it should be defined in Rule 202 (Definitions). The Committee proposes that the same definition for "verified" as is used in Pa.R.C.P. No. 76 be adopted in Pa. R.C.P.D.J. No. 202.

In conjunction with the proposed amendment to the rule described above, the Committee also recognized the need for two technical amendments to this rule. First, the Committee proposes that the introductory language in the rule be amended to more closely mirror that in Pa.R.C.P. No. 76 so as to more clearly state how terms in the rules are to be defined and construed. Also, the Committee proposes that the rule be restructured to remove the numbered list of definitions and to list the definitions in alphabetical order. The Committee believes that this technical change will present the list of defined terms in a more logical order and will better facilitate future additions to or deletions from the list.

[Pa.B. Doc. No. 01-1881. Filed for public inspection October 19, 2001, 9:00 a.m.]

**PART I. GENERAL**  
**[246 PA. CODE CH. 200]**

**Proposed Amendment to Rule 206 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices**

**Introduction**

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa. R.C.P.D.J. No. 206 to clarify that a party who has been allowed to proceed in forma pauperis pursuant to Rule 206 is not required to pay service costs, and to make other technical or "housekeeping" amendments to this rule. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel  
 Supreme Court of Pennsylvania  
 Minor Court Rules Committee  
 5035 Ritter Road, Suite 700  
 Mechanicsburg, PA 17055

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us) no later than Wednesday, November 14, 2001.

*By the Minor Court Rules Committee*

FRED A. PIERANTONI, III  
*Chair*

**Annex A**

**TITLE 246. MINOR COURT CIVIL RULES**

**PART I. GENERAL**

**CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS**

**Rule 206. Fees. Costs.**

\* \* \* \* \*

B. Except as otherwise provided by subdivision C of this rule, the prevailing party in district justice proceedings shall be entitled to recover his **or her** taxable costs from the unsuccessful **[ litigant ] party**. Such costs shall consist of all filing, **personal** service, witness, and execution costs or fees authorized by **[ law ] Act of Assembly** or general rule and paid by the prevailing party.

C. Taxable costs on appeal or certiorari shall be paid by the unsuccessful party, and a plaintiff who appeals shall be considered an unsuccessful party if he **or she** does not obtain on appeal a judgment more favorable than that **[ which he ]** obtained in the district justice proceeding. A defendant who prevails on certiorari proceedings brought by **[ him ] the defendant** or who obtains a **favorable** judgment **[ in his favor ]** upon appeal by either party shall not be liable for costs incurred by the plaintiff in the preceding district justice proceeding and may recover his **or her** taxable costs in that proceeding from the plaintiff. A plaintiff who is

unsuccessful in the district justice proceeding may recover his **or her** taxable costs in that proceeding from the defendant if **[ he ] the plaintiff** is successful on appeal, and in that event the defendant may not recover his **or her** costs in the district justice proceeding from the plaintiff.

\* \* \* \* \*

**Official Note**

\* \* \* \* \*

**[ "Service" ] Under subdivision B, "personal service . . . costs or fees" refer only to personal service since mail costs are to be borne by the plaintiff in all cases in accordance with Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1.**

**This rule does not provide for the assessment of filing fees against an unsuccessful plaintiff who has been permitted to proceed in forma pauperis and who remains indigent. See Brady v. Ford, 679 A.2d 837 (Pa. Super. Ct. 1996).**

For special provisions governing **[ proceedings in forma pauperis, see Section ]** actions pursuant to the Protection From Abuse Act, see Sections 6106(b) and (c) of the Domestic Relations Code, 23 Pa.C.S. **[ Section ] §§ 6106(b) and (c).**

E. Proceedings In Forma Pauperis

\* \* \* \* \*

(ii) Except as provided by **[ subdivision ] subparagraph (iii)**, the party shall file a petition and affidavit in the form prescribed by **[ subdivision ] subparagraph (vi)**. The petition may not be filed prior to the commencement of the action, which action shall be accepted in the first instance, without the payment of a filing fee.

Except as prescribed by **[ subdivision ] subparagraph (iii)**, the District Justice shall act promptly upon the petition and shall enter an order within five days from the date of the filing of the petition. If the petition is denied, in whole or in part, the District Justice shall briefly state the reasons therefor. In this case the unsuccessful petitioner may proceed no further so long as such fee remains unpaid.

(iii) If the party is represented by an attorney, the District Justice shall allow the party to proceed in forma pauperis upon the filing of a praecipe which contains a certification by the attorney that he **or she** is providing free legal service to the party and **[ that he ]** believes the party is unable to pay the costs.

(iv) A party permitted to proceed in forma pauperis shall not be required to pay **[ the filing ] any cost or fee** imposed or authorized by Act of Assembly or general rule **which is payable to any court or any public officer or employee**. Such party shall be informed of the option to serve the complaint by mail in the manner permitted by **[ the Rules of Civil Procedure Governing Actions And Proceedings Before District Justices ] these rules.**

\* \* \* \* \*

**[ Comment ] Note**

This Rule substantially follows Pa.R.C.P. No. 240. **Under subparagraph E(iv), "any cost or fee" includes all filing, service, witness, and execution costs or fees.**

Adopted April 25, 1979, effective in 30 days. Amended June 30, 1982, effective 30 days after July 17, 1982; amended effective Sept. 18, 1990; amended March 27, 1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those rules which affect the Project will become effective as the District Justice offices are brought online."** ] amended \_\_\_\_\_, effective \_\_\_\_\_.

### REPORT

*Proposed Amendment to Pa.R.C.P.D.J. No. 206*

*Amendment to Rule 206 to clarify that a party who has been allowed to proceed in forma pauperis pursuant to Title 206 is not required to pay service costs*

#### I. Background

The Committee undertook a review of Rule 206 in response to an inquiry from the Administrative Office in Pennsylvania Courts (AOPC). The AOPC asked the Committee to review the issue of whether a party who has been allowed to proceed in forma pauperis as provided by Rule 206 is required to pay constable (service) costs. The AOPC noted that Rule 206E provides that a party who is unable to pay the costs of litigation shall be entitled to proceed in formal pauperis and that the rule further provides that a party permitted to proceed in forma pauperis shall not be required to pay the filing fee imposed or authorized by Act of Assembly or general rule. The AOPC further noted that Rule 206 is silent as to whether payment of service costs is required by a party proceeding in forma pauperis. Upon review of the rule, the Committee notes that the Note to Rule 206 states that the rule "substantially follows Pa.R.C.P. No. 240," which appears to specifically exempt all costs and fees. Pa.R.C.P. No. 240(f)(1) provides that "a party permitted to proceed in forma pauperis shall not be required to pay any costs or fee imposed or authorized by Act of Assembly or general rule which is payable to any court or prothonotary or any public officer or employee."

After review and discussion, the Committee agreed that Rule 206 is inconsistent with Pa.R.C.P. No. 240 in that Rule 206 refers only to filing fees and is silent as to the payment of service costs by parties who are permitted to proceed in forma pauperis. Further, the Committee agreed that it is well settled that such parties should not be required to pay service costs. Accordingly, the Committee proposes that Rule 206 be amended to make this clarification and to more closely mirror Pa.R.C.P. No. 240.

In conjunction with the proposed amendment to the rule described above, the Committee also recognized the need for several technical or "housekeeping" amendments to this rule.

#### II. Discussion of Rule Changes

First, as noted above, the Committee proposes that rule 206E(iv) be amended to closely resemble Pa.R.C.P. No. 240(f)(1) thereby clarifying that a party permitted to proceed in forma pauperis shall not be required to pay "any cost or fee" including filing, service, witness, and execution costs or fees.

Also, the Committee proposes a revision to the Note to clarify that the rule does not provide for the assessment of filing fees against an unsuccessful plaintiff who has been permitted to proceed in forma pauperis and who

remains indigent. As authority for this, the Committee proposes to add a reference to *Brady v. Ford*, 679 A.2d 837 (Pa. Super. Ct. 1996).

Finally, in conjunction with the proposed amendments and revisions described above, the Committee also recognized the need for minor changes to the rule and its Note to make other minor clarifications, to address gender neutrality issues, to correct citation form, and to conform with modern drafting style.

[Pa.B. Doc. No. 01-1882. Filed for public inspection October 19, 2001, 9:00 a.m.]

### PART I. GENERAL

#### [246 PA. CODE CH. 300]

#### Proposed Amendment to Rule 305 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa. R.C.P.D.J. No. 305 to remove from the rule the implication that parties can obtain legal advice from district justices or court staff, and to make other technical or "housekeeping" amendments to this rule. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us)  
no later than Wednesday, November 14, 2001.

*By the Minor Court Rules Committee*

FRED A. PIERANTONI, III,  
*Chair*

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 300. CIVIL ACTION

#### Rule 305. Setting the Date for Hearing; Delivery for Service.

The district justice, at the time the complaint is filed, shall:

(1) Set a hearing date which shall be not less than [ **twelve (12)** ] 12 or more than [ **sixty (60)** ] 60 days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of **[ his magisterial office ] the district justice court** in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the plaintiff **[ or his agent ]**.

(4) Deliver a copy of the complaint form with hearing time and date thereon for service on the defendant as hereinafter set forth, which copy shall contain the following notice:

\* \* \* \* \*

(b) If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five **[ (5) ]** days before the date set for the hearing. **[ If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. ]**

(c) **[ You must appear at the hearing and present your defense. ] YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT [ WILL ] MAY BE ENTERED AGAINST YOU BY DEFAULT.**

**Official Note**

The **[ sixty ] 60** day limitation in subdivision (1) of this rule was considered to provide sufficient time in which to effect service under the requirement of Rule 307 that service be made at least ten days before the hearing. See Rule 314E as to reinstatement of complaints **dismissed because of lack of service. [ It is contemplated that the ]** The copies required in subdivisions (3) and (4) **[ will be ]** are provided by the District Justice Automated System **[ or "snap out" forms ]**. Giving the notice mentioned in subdivision (4)(a) is necessary if the defendant is to obtain judgment under Rule 319A because of the plaintiff's failure to appear. Subdivision (4)(b) gives notice of the right to file a cross-claim within district justice jurisdiction. The procedure for filing such a claim is set forth in Rule 315, and the **[ note ] Note** to that rule indicates possible procedures as to counterclaims not within district justice jurisdiction. Subdivision (4)(c) provides for a warning concerning a default judgment, which may be rendered under Rule 319B.

Amended Oct. 17, 1975, effective in 90 days; June 30 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 **[ The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line" ]**; amended \_\_\_\_\_, effective \_\_\_\_\_.

**REPORT**

*Proposed Amendment to Pa. R.C.P.D.J. No. 305*

*Amendment to Rule 305 To remove from the rule the implication that parties can obtain legal advice from district justices or court staff*

**I. Background**

The Committee undertook a review of Rule 305 in response to a request from the Administrative Office of

Pennsylvania Courts (AOPC). The AOPC reported that it had received an inquiry from a district justice regarding the language on the Civil Action Hearing Notice, AOPC form 308-B-94. The last sentence in the third paragraph of the Notice to Defendant section of the form provides that if the defendant has "a claim against the plaintiff which is not within district justice jurisdiction, you [the defendant] may request information from this [district justice court] office as to the procedures you may follow." The district justice was concerned that this language, the inclusion of which is required by Rule 305(4)(b), implies that a party can obtain legal advice from district justices or court staff. Upon review of the Rule, the Committee agreed that such an implication does exist. Accordingly, the Committee proposes that Rule 305 be amended to remove from the rule the language that creates the implication that parties can obtain legal advice from district justices or court staff.

In conjunction with the proposed amendment to the rule described above, the Committee also recognized the need for several technical or "housekeeping" amendments to this rule.

**II. Discussion of Rule Changes**

First, as noted above, the Committee proposes that the last sentence in Rule 305(4)(b) be deleted entirely as it creates the implication that parties can obtain legal advice from district justices or court staff. The Committee determined that the sentence may create more confusion and problems than it solves, and therefore should be deleted from the rule and the Civil Action Hearing Notice form.

Also, the Committee is proposing that both sentences in the section of the Notice to Defendant as required by Rule 305(4)(c) be capitalized to make this important section of the notice stand out more prominently.

Finally, in conjunction with the proposed amendments to Rule 305 described above, the Committee also recognized the need for minor changes to the rule and its Note to make other minor clarifications, to address gender neutrality issues, and to conform with modern drafting style.

[Pa.B. Doc. No. 01-1883. Filed for public inspection October 19, 2001, 9:00 a.m.]

**Title 25—LOCAL COURT RULES**

**CUMBERLAND COUNTY**

**Rules of the Court of Common Pleas; No. 96-1335 Civil Term**

**Order of Court**

*And Now*, this 8th day of October, 2001, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective October 8, 2001, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a

diskette, formatted in Microsoft Word for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

GEORGE E. HOFFER,  
*President Judge*

**Rule 1910.12. Conduct of Hearing: Exceptions.**

- (a) Hearings shall be conducted by the Support Master.
- (b) The Support Master shall engage the services of a stenographer; however, the notes of testimony shall not be transcribed unless:
  - (1) required by the Support Master to prepare the report and recommendation to the Court, or
  - (2) ordered by the Court following the filing of exceptions.

(c) It shall be the responsibility of the party who first files exceptions to obtain an order directing that the notes of testimony be transcribed. The party filing the exceptions shall bear the cost of the original transcript. If both parties file exceptions, the cost of the original transcript shall be shared equally. Nothing herein shall prevent the Court from thereafter reallocating the costs of the transcript as part of a final order.

(d) When exceptions are filed, the Domestic Relations Office shall forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis.

*Note:* In Cumberland County the "Hearing Officer" referred to in Rule 1910.12 Pa.R.C.P. is designated as the Support Master.

[Pa.B. Doc. No. 01-1884. Filed for public inspection October 19, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CH. 128]

#### Fees

The Department of Agriculture (Department) amends § 128.3 (relating to fees) to read as set forth in Annex A. This final-omitted regulation is adopted under the general authority of the Secretary of the Department to promulgate appropriate regulations to carry out section 7(b) of the Pesticide Control Act of 1973 (act) (3 P. S. § 111.27(b)) and the specific authority in section 37.1 of the act (3 P. S. § 111.57a). This final-omitted regulation will adjust the fees the Department may assess for pesticide product registration, certification, registration and licensing of pesticide applicators, as well as pesticide application businesses.

#### *Contact with Affected Parties*

Public notice of intention to amend § 128.3 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Department finds that these procedures under the circumstances, are unnecessary and impracticable. The Department first proposed the fee increase at the Pesticide Advisory Board (Board) public meeting in May 1999. In June 1999, over 6,000 copies of the private pesticide applicator newsletter, "*Pesticide Highlights*," were mailed to all pesticide application businesses and pesticide dealers licensed by the Department. The newsletter contained an article announcing the proposed fee increase and solicited comments. As a result, the Department received 22 comments from these groups of affected businesses. Over 21,700 copies of "*Pesticide Highlights*" were mailed November 1999 to all private certified pesticide applicators and to members of the General Assembly. The newsletter again contained an article announcing the proposed fee increase and solicited comments. As a result, the Department received 14 comments from private applicators. The Department mailed an informational notice of the proposed fee increase requesting comments in November 1999 to all pesticide registrants along with the year 2000 product-renewal application (1,100 copies). The Department received and responded to seven comments from product registrants.

The proposed fee increase regulation and the public comments were discussed at the September 1999, December 1999, March 2000, November 2000 and the most recent Board public meeting in March 2001. The Department also met with the three largest trade associations for the pesticide registrant groups on March 28, 2000, to discuss the proposed fee increase and to discuss any suggested comments or changes. *The Reading Times* newspaper published an article on August 2, 1999, regarding the Department's proposed fee increases. Representatives of the Department attended board meetings of the Pennsylvania Pest Control Association, Lawn Care Association of Pennsylvania and PennAg Industries Association to discuss the fiscal analysis regarding the proposed fee increase. These professional associations represent the majority of the regulated businesses and individuals affected by the regulation. The Department presently regulates 1,100 Pesticide Product Registrants

(Manufacturers & Distributors); 10,500 Commercial Applicators; 5,750 Pesticide Application Businesses; and 2,500 Registered Pesticide Technicians. As part of its out-reach program, eight different regulatory proposals were considered by the Department, the Board and the affected groups. The final-omitted regulation represents a compromise developed through consensus and years of cooperation with regulated individuals and businesses.

#### *Rationale for Fee Increase*

The pesticide program in this Commonwealth is required by the act to be a self-funding program. Specifically, section 37.1 of the act provides that if the revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures for the administration and enforcement of the act over a 2-year period, the Secretary is authorized to increase fees by regulation so that the "projected revenues will meet or exceed projected expenditures." The Department is projecting a deficit from the year 2001 and beyond. The "fees" were set by regulation and with the exception of the pesticide product registration—which was modified in 1991—have not changed since 1986. During the past 15 years, the Department has been able to provide the citizens of this Commonwealth with protection and services as required by both Federal and State laws, without increasing the cost to the regulated community. It is the Department's opinion that to continue to carry out its legislative mandate to protect the health and welfare of the citizens of this Commonwealth and the environment, it is necessary to increase the fees charged to the regulated industries and individuals. As part of its discussions and agreement with the regulated community, the Department has determined that it will not increase the current fee structure for agronomic producers, public applicators and restricted-use pesticide dealers.

#### *Fiscal Impact*

##### *Commonwealth*

The Department has determined that the final-omitted regulation will have no adverse fiscal impact on the Commonwealth other than a one-time cost of approximately \$3,500 for postage and billing/ form conversion and data processing and programming.

##### *Political Subdivisions*

The final-omitted regulation will have direct fiscal impact on political subdivisions in that the approximate 400 local governments which hold a pesticide business license will incur a \$10 per year renewal fee increase.

##### *Private Sector*

The final-omitted regulation will have a direct fiscal impact on the private sector as set forth more fully in Annex A.

##### *General Public*

The final-omitted regulation will not have any fiscal impact on the general public.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on August 21, 2001, the Department submitted a copy of the regulation with proposed rule-making omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Agriculture and Rural Affairs Committees. On the same date, the final-omitted regulation was

submitted to the Office of Attorney General for review and approval as provided in the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). In addition to submitting the final-omitted regulation, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1.

Under section 5.1(d) of the Regulatory Review Act, the final-omitted regulation was deemed approved by the House and Senate Committees on September 10, 2001. IRRC met on September 20, 2001, and approved the final-omitted regulation.

*Contact Person*

Individuals interested in further information may contact Lyle Forer, Director, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5200.

*Findings*

The Department finds that:

(1) Public notice of intention to amend § 128.3 by this order under the procedures specified by sections 201 and 202 of the CDL has been omitted under section 204(2) of the CDL because the Department has, for good cause, found that notice is unnecessary and impractical in that the regulated community participated in the drafting of the amended regulation and previously commented on the fee increases as more fully set forth in this Preamble.

(2) The persons subject to and affected by the final-omitted regulation as adopted by this order have received actual notice of the Department's intention to amend § 128.3 in advance of final-omitted rulemaking under section 204(2) of the CDL.

(3) The amendment of regulation of the Department relating to fee increases in the manner provided in this order is necessary and appropriate for the proper administration of its authorizing statute.

*Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 128, are amended by amending § 128.3 to read as set forth in Annex A.

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

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

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

SAMUEL E. HAYES, Jr.,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 5622 (October 6, 2001).)*

**Fiscal Note:** 2-134. (1) General Fund; (2) Implementing Year 2001-02 is \$3,500; (3) 1st Succeeding Year 2002-03 is \$-0-; 2nd Succeeding Year 2003-04 is \$-0-; 3rd Succeeding Year 2004-05 is \$-0-; 4th Succeeding Year 2005-06 is \$-0-; 5th Succeeding Year 2006-07 is \$-0-; (4) Fiscal Year 2000-01 \$2,205,638; Fiscal Year 1999-00

\$1,858,419; Fiscal Year 1998-99 \$2,036,087; (7) General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V. BUREAU OF PLANT INDUSTRY**

**CHAPTER 128. PESTICIDES**

**Subchapter A. GENERAL PROVISIONS**

**§ 128.3. Fees.**

(a) *Pesticide dealer's license.* The annual fee for a pesticide dealer's license is \$10. The fee for a duplicate pesticide dealer's license is \$3.

(b) *Pest management consultant's license.* The annual fee for a pest management consultant's license is \$25. The fee for a duplicate pest management consultant license is \$8.

(c) *Pesticide application business' license.* The annual fee for a pesticide application business' license is \$35. The fee for a duplicate pesticide application business license is \$8.

(d) *Commercial applicator's certificate.* The annual fee for the commercial applicator's certificate is \$40. When the initial certification requires examination, no fee will be charged. The fee for a duplicate commercial applicator's certificate is \$10.

(e) *Public applicator's certificate.* The triennial fee for a public applicator's certificate is \$10. A fee is not required when the initial certification requires examination. The fee for a duplicate public applicator's certificate is \$3.

(f) *Examination fees.* Examination fees are nonrefundable. The following examination fees, with payment made in advance, will be charged:

(1) Commercial/public applicator's core examination—\$50.

(2) Commercial/public applicator's category examination—\$10.

(3) Private applicator's examination—no charge.

(4) Pest management consultant's examination—no charge except that a fee of \$5 will be charged if an examination is requested on other than a regularly scheduled examination date.

(g) *Registration fee for a pesticide application technician.*

(i) *Commercial pesticide application technician.* An annual registration fee of \$30 will be charged to register a commercial pesticide application technician with the Department. The fee for a duplicate technician registration is \$7.

(ii) *Public pesticide application technician.* An annual registration fee of \$20 will be charged to register a public pesticide application technician with the Department. The fee for a duplicate technician registration is \$7.

(h) *Private applicator's permit.* The triennial fee for a private applicator's permit is \$10. The fee for a duplicate private applicator's permit is \$3. A fee will not be charged for a special permit which may be issued in conjunction with the private applicator's permit.

(i) *Product registration.* The annual fee to register a pesticide is \$135.

[Pa.B. Doc. No. 01-1834. Filed for public inspection October 12, 2001, 9:00 a.m.]



## Title 37—LAW

### MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

#### Administration of the Training Program

The Municipal Police Officers' Education and Training Commission (Commission) by this order amends Chapter 203 (relating to administration of the program) to read as set forth in Annex A.

##### A. *Effective Date*

These final-form regulations will be effective upon publication in the *Pennsylvania Bulletin*.

##### B. *Statutory Authority*

These final-form regulations are adopted under the authority of 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training) (act).

##### C. *Background and Purpose*

These final-form regulations implement the act which establishes the training and education requirements for employment as a police officer. The purpose of final-form regulation is to clarify and correct various aspects of the existing regulations. The following is a summary of the changes.

The amendment of § 203.11 (relating to qualifications) allows previously certified police officers and enlisted members of the State Police who are not currently employed as police officers 2 years to obtain employment as a police officer with another police department without going through the certification process provided the employment takes place within 2 years of the termination of police employment and that the member has already had a psychological evaluation.

The amendment of § 203.11(9)(ii)(F)(I) requires retesting of a failed subject area upon the successful completion of course work in the failed subject. An applicant's failure to pass the retest results in the requirement that the applicant shall retake the entire basic police-training course.

The amendment of §§ 203.33(b)(1) and 203.36(5) (relating to minimum school standards and requirements; and revocation of school certification) will permit schools to conduct only one basic recruit training class every 3 years instead of every year to retain school certification.

The amendment of § 203.83(a)(2) (relating to grants for nonmandatory in-service training programs) will allow law enforcement officers presently not eligible for reimbursement to attend nonmandatory training classes after paying tuition to the Commission.

##### D. *Comments Received*

Notice of proposed rule making was published at 28 Pa.B. 2925 (June 27, 1998) with an invitation to submit comments within 30 days of publication. The Commission received comments from Chief Charles Snyder of the Lower Allen Township Police (Dept. 91993 Hummel Ave., Camp Hill, PA 17011). Chief Detective Paul Gourley of the Bucks County District Attorney's office (Bucks County Courthouse, Doylestown, PA 18901) and the Independent Regulatory Review Commission (IRRC). The following is a summary of the comments received:

1. Chief Snyder suggested several nonregulatory Commission administrative concerns related to providing cer-

tified training to civilian employees of municipal police departments. Whereas the comments received from the chief are more properly considered statements, the Commission does not see the need to amend the regulations.

2. Detective Gourley's comments concerned § 203.11 of the proposed rulemaking. Specifically Detective Gourley requested that the current qualification requirements be upheld and that a 2-year certification waiver should be granted to an officer leaving a police department so long as the officer meets the minimum requirements of the act. The Commission concurred with the detective's comment and the final-form regulation was amended in § 203.11 to provide a 2-year waiver to an officer who held a valid Commission certification 2 years prior to the date of his next employment as a police officer.

3. IRRC made three comments on the proposed rulemaking which were focused on § 203.11 in the following areas:

a. IRRC first commented that the 2-year waiver of certification exemption provided by this section to applicants who were members of the State Police or act certified police officers should not waive the requirements that the applicant must have a criminal history record check prior to being hired as a municipal police officer. Secondly, IRRC commented that the members of the State Police seeking to take advantage of this 2-year exemption waiver should not be exempt from the one of the certification minimum standards which requires all certification applicants to undergo a psychological evaluation prior to employment.

In response to IRRC's first comment, for a police officer to be recertified under the act each department shall continually check the criminal history record of each certified police officer. Accordingly, any further requirement that would mandate a criminal history check for individuals who meet the requirements of this section would be duplicative.

The Commission concurs with IRRC's second comment to this section and has changed the section to require a former member of the State Police who meets the exemption under this section to undergo a psychological evaluation prior to subsequent employment. This requirement is effective for all members who enlisted with the State Police prior to May 1998. This date was included because members of the State Police who enlisted after May 1998 were required to undergo a psychological evaluation prior to employment with the State Police.

b. IRRC's final comment recommended that the Commission not delete § 203.11(9)(ii)(F)(I) but instead redraft the section to specify conditions for an applicant who fails a section of an examination in the basic police training course. The Commission concurs with this recommendation and has redrafted the section in the final-form regulations.

##### E. *Compliance with Executive Order 1996-1*

In accordance with the requirements of Executive Order 1996-1, the Commission solicited input and suggestions from the regulated community and members of the Commission. These final-form regulations address a the compelling public interest as described in Section C of the Preamble and otherwise comply with Executive Order 1996-1.

##### F. *Benefits*

These final-form regulations will clearly benefit the citizens of this Commonwealth by further establishing and clarifying certification requirements for municipal police officers.

Specifically, amending § 203.11 will benefit those currently employed municipal police officers and State Police officers who cease their employment by waiving requirements for certification. Officers will have 2 years from the date they ceased their employment to be reemployed and have all requirements for certification waived. The 2-year waiver is valid so long as the officer was honorably discharged.

In addition, adding § 203.83(a)(2) benefits those law enforcement officers that are not permitted to attend nonmandatory in-service courses by allowing them to attend the training provided they pay tuition to the Commission. This also benefits the employer and the public due to the additional training provided.

*G. Effect*

The final-form regulations will effect certified police officers and members of the State Police.

The impact of the final-form regulations will effect both recruits and veteran police officers. Recruits will be required to be retrained at the school they presently attend. This will be a new policy. Also, veteran officers will be able to change departments within 2 years of leaving a police department without having to meet the certification standards.

Allowing schools to conduct one class every 3 years puts less of a burden on those schools that cannot get enough recruits to hold a class every year.

Amending the certification section allows those individuals that leave a police department or the State Police 2 years from the date of departure to obtain another police position without going through the certification process so long as the members of the State Police have previously undergone a psychological evaluation. This change will make the process used to change employment more consistent with other professions and will save the Commission an enormous amount of time as far as processing applications.

By allowing law enforcement officers who are not eligible for reimbursement to attend nonmandatory in-service training classes after paying a tuition to the Commission those agencies will have better trained officers and be able to be trained along with municipal police officers.

*H. Paperwork Requirements and Fiscal Impact*

The final-form regulations do not create additional paperwork requirements other than those already utilized by the Commission and the regulations will have no fiscal impact on the Commonwealth.

*I. Input*

These final-form regulations were drafted with input from the members of the Commission, the Pennsylvania State Police Chief Counsel's and Policy Office, members of the Pennsylvania Chiefs of Police Association, the Fraternal Order of Police and the Pennsylvania State Troopers Association.

*J. Review*

Due to the nature of these final-form regulations and the compelling public interest in having properly trained and certified municipal police officers, the Commission will continue to review its regulations and update them if necessary to ensure their overall effectiveness and monitor whether they continue to serve the interests of the citizenry of this Commonwealth.

*K. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 19, 2000, the Commission, through the State Police, submitted a copy of these final-form regulations to IRRC and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. In addition to submitting the final-form regulations in accordance with section 5(b) of the Regulatory Review Act, the Department has also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of the material is also available to the public upon request.

In preparing these final-form regulations, the Commission considered the comments received from IRRC, other commentators, the Committees and the regulated community.

IRRC contacted the Commission on August 3, 2000, and expressed concerns regarding several provisions in the final-form regulations relating to qualifications. On August 4, 2000, the Commission requested that the final-form regulations be tolled to permit the Commission to address the concerns expressed by IRRC. On August 8, 2000, IRRC approved the tolling request. The Department submitted revised final-regulations on September 6, 2000, to IRRC, the House Judiciary Committee and the Senate Law and Justice Committee. These final-form regulations were deemed approved by the House Judiciary Committee and the Senate Law and Justice Committee on September 16, 2000. IRRC met on September 21, 2000, and approved these final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

*L. Contact Person*

The contact person is Major Richard C. Mooney, Executive Director, Municipal Police Officers' Education and Training Commission, 75 East Derry Road, Hershey, PA 17033. (717) 533-5987 Ext. 205.

*M. Findings*

The State Police and the Commission find that:

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

(2) The amendment of the regulations of the State Police and the Commission in the manner provided in this order is necessary and appropriate. A public comment period was provided as required by law and that the comments received were considered.

(3) The modifications that were made to these final-form regulations in response to comments received do not enlarge the purpose or scope of the proposed rulemaking published at 28 Pa.B. 2925

(4) The adoption of the regulations in the manner provided is necessary and appropriate for the administration of the authorizing statute.

*N. Order*

The Commission, through the State Police, acting under the authorizing statutes, orders that:

(a) The regulations of the State Police, 37 Pa. Code Chapter 203, are amended by amending §§ 203.11,

203.33, 203.36 and 203.83 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Commissioner of the State Police shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

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

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

COLONEL PAUL J. EVANKO,  
*Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 5209 (October 7, 2000).)*

**Fiscal Note:** Fiscal Note 17-62 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 37. LAW

#### PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

#### Subpart A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM

#### CHAPTER 203. ADMINISTRATION OF THE PROGRAM

#### Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

#### § 203.11. Qualifications.

(a) Except as provided in subsection (b), persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

- (1) Be 18 years of age or older.
- (2) Possess a high school diploma or GED Equivalency.
- (3) Be citizens of the United States.
- (4) Be free from convictions of disqualifying criminal offenses.
- (5) Be personally examined by a Pennsylvania licensed physician. The examination shall include the following:
  - (i) Applicants shall be free from the addictive or excessive use of either alcohol or drugs which shall be determined using current laboratory testing procedures.
  - (ii) Applicants shall be free from the use of illegal controlled substances which shall be determined using current laboratory testing procedures.
  - (iii) Applicants physical condition shall be such that applicants could reasonably be expected to withstand significant cardiovascular stress.

(iv) Applicants shall be free from any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions which may affect the applicants' ability to perform as police officers.

(v) Applicants shall have visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant

shall have normal depth and color perception and be free of any other significant visual abnormality.

*(Editor's Note: Subparagraph (v) is suspended pending resolution of a lawsuit filed against the Pennsylvania State Police (Wilson v. Pennsylvania State Police, et al. No. 94-6547 U.S. District Court—Eastern District of Pennsylvania. See 28 Pa.B. 2924 (June 27, 1998).)*

(vi) Applicants shall have audio acuity sufficient to distinguish a normal whisper at a distance of 15 feet. The test shall be independently conducted for each ear while the tested ear is facing away from the speaker and the other ear is firmly covered with the palm of the hand. The applicant may not use a hearing aid or other aid to perform the test. If the applicant fails this test, the applicant shall be required to take and pass a decibel audio test.

(vii) Applicants may not be missing any extremities, including digits, which would prevent performance of required police duties or meeting minimum training requirements.

(viii) Applicants shall be free from any other significant physical limitations or disabilities which would, in the physician's opinion, impair the applicant's ability to perform the duties of a police officer or complete the required minimum training requirements.

(6) Be personally examined by a Pennsylvania licensed psychologist and found to be psychologically capable to exercise appropriate judgment or restraint in performing the duties of a police officer. The examination shall include the following elements:

(i) *Interview and history.* The psychologist shall personally interview the applicant. The interview shall include a summary of the applicant's personal, educational, employment and criminal history.

(ii) *Required psychological test.* Applicants shall be administered a current standard form of the Minnesota Multiphasic Personality Inventory (MMPI).

(iii) *Other testing methods.* If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment and restraint to perform the duties of a police officer including the handling of a lethal weapon, the psychologist shall employ whatever other appropriate techniques to form a professional opinion of the applicant's ability. The use of these additional techniques requires a full and complete written explanation to the Commission on a form submitted by the psychologist to the Commission indicating what additional testing has been performed and the results of the tests.

(7) Certify whether they have taken a physical examination or psychological evaluation conducted in conjunction with an application for police employment within the previous year and the outcome of the examination or evaluation.

(8) Be subject to a thorough background investigation conducted by the applicant's employing police department. The investigation shall include the following:

(i) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation.

(ii) A check of the applicant's credit history.

(iii) Personal interviews conducted with at least 3 people that have personal knowledge of the applicant but are not related to the applicant.

(iv) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.

(v) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(9) Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

(i) Successful completion of a basic police training course shall be determined by the training school, based upon Commission standards.

(ii) To qualify for this certification, an applicant shall:

(A) Achieve a minimum qualifying firearms score of 75%.

(B) Receive certification for First Aid and CPR from the American Red Cross, the Department of Health, the American Heart Association or other agencies approved by the Department of Health.

(C) Comply with Commission and school rules and regulations.

(D) Pass the same certification exam administered to those seeking waiver of training as set forth in § 203.12(4).

(E) Attend 100% of all classes.

(I) Excused absences shall be mutually agreed upon by the police officer's department head and school director. School directors shall determine excused absences for applicants not employed as police officers.

(II) Excused absentees shall include personal illness or injury, illness in the immediate family requiring the applicant's attention or death in the immediate family.

(F) Complete the basic training course approved by the Commission with a minimum grade as established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum grade on each tested area of examination changes.

(I) Applicants not achieving the minimum grade in any tested area shall repeat the failed training in that area before being eligible to take the examination in that tested area at a Commission-certified school. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to successfully retake and pass the entire basic police training course to qualify for certification.

(II) Applicants not achieving the minimum grade in two separate tested areas during one basic police training course shall be required to retake and pass the entire basic police training course in order to qualify for certification.

(b) Subsection (a) does not apply to persons who meet one of the following conditions:

(1) Previously held valid certification issued by the Commission within 2 years prior to the date of employment on the application. Persons who received a certification prior to 1988 and who did not have a psychological evaluation shall obtain a psychological evaluation to obtain certification.

(2) Were sworn and full duty members honorably discharged from the Pennsylvania State Police within 2 years prior to the date of employment on the application for certification. A past member who enlisted in the

Pennsylvania State Police prior to May 1998 and who did not have a psychological evaluation shall obtain a psychological evaluation to obtain certification.

**Subchapter C. SCHOOL REQUIREMENTS**

**§ 203.33. Minimum school standards and requirements.**

\* \* \* \* \*

(b) In addition to subsection (a), schools shall comply with the following requirements:

(1) Conduct at least one basic police training course every 3 years the school is certified.

\* \* \* \* \*

**§ 203.36. Revocation of school certification.**

The Commission may, after notice and hearings in compliance with Subchapter G (relating to notice and hearings), revoke the certification of a school for one of the following reasons:

(1) Failure to comply with the minimum school standards in this chapter.

(2) Submission of a known false or fraudulent document or allowing the submission of known false or fraudulent documents to the Commission.

(3) Subcontracting of police training to another noncertified entity.

(4) Failure to take corrective action after suspension under § 203.35 (relating to emergency suspension of school certification).

(5) Failure to conduct one basic police training course every 3 years the school is certified.

**Subchapter F. REIMBURSEMENT OF EXPENSES**

**§ 203.83. Grants for nonmandatory in-service training programs.**

(a) The Commission will provide grants only for actual expenses incurred by political subdivisions for providing nonmandatory in-service training programs to police officers within this Commonwealth in accordance with the act and this chapter.

(1) Allowable nonmandatory in-service training expenses shall be limited to the following:

(i) *Instructors.* Reasonable expenditures.

(ii) *Services.* Reasonable expenditures for rental and contractual services.

(iii) *Supplies.* Expenditure for necessary supplies for course instruction not including nonexpendable equipment purchases.

(iv) *Administration.* Reasonable expenditures for developing and implementing the training program. This expenditure will not exceed 5% of the total grant amount unless otherwise approved by the Commission or In-Service Training Committee. This expenditure may not exceed 10% of the total grant amount.

(2) The Commission has the discretion to approve additional expenditures not explicitly provided for in this chapter. Expenses which are not approved by the Commission shall be borne by the political subdivision providing the training program. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend nonmandatory in-service training courses after the law enforcement agency pays the tuition established for the course to the Commission.

(b) The Commission has the authority to establish the maximum amount of funds which may be granted to each county for providing nonmandatory in-service training to police officers. The allocation will be based on the number of police officers employed in the county.

(c) The Commission will disburse moneys approved for nonmandatory in-service training grants in the following manner:

(1) The Commission will disburse one half of the grant to the political subdivision within 45 days of the Commission's approval, except for good cause.

(2) To receive the remaining grant moneys, the political subdivision shall submit a final audit and course roster to the Commission within 120 days following the conclusion of the training course. Requests for reimbursement will not be considered after 120 days following the conclusion of the training course.

(3) The Commission has the discretion to request an

independent audit of the political subdivision to verify its actual nonmandatory training expenditures prior to disbursing the remaining grant amount.

(d) Nonmandatory in-service training grant funds that have been disbursed to a political subdivision in error or as a result of an unauthorized or improper request for reimbursement shall immediately be returned to the Commission. A political subdivision which fails to comply with the Commission's demand for the return of funds in accordance with this section shall be ineligible for further funding from the Commission until the funds are returned.

(e) The allocation of grants for nonmandatory in-service training programs shall be contingent upon the availability of funds appropriated for the programs.

[Pa.B. Doc. No. 01-1835. Filed for public inspection October 12, 2001, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 91, 109 AND 111]

### Boating Safety Education Certificates; Personal Watercraft; Waterskiing

The Fish and Boat Commission (Commission) proposes to amend Chapters 91, 109 and 111 (relating to general provisions; specialty boats and waterskiing activities; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments concern boating.

#### A. *Effective Date*

The proposed amendments, if approved on final-form rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on the proposed amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

#### C. *Statutory Authority*

The proposed amendments to §§ 91.6, 109.3 and 109.4 (relating to Boating Safety Education Certificates; personal watercraft; and waterskiing, aquaplaning, kite skiing and similar activities) are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to §§ 111.13, 111.27 and 111.43 (relating to Carbon County; Forest County; and Mercer County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board (Board) has considered all of the proposals, with the exception of the change to § 111.13, and has recommended that the Commission publish a notice of proposed rulemaking containing the amendments. The Board will consider the proposed change to § 111.13 prior to the Commission's consideration of the change on final-form rulemaking and will make recommendations to the Commission.

#### E. *Summary of Proposal*

(1) *Sections 91.6 and 109.3.* Both of these sections refer to temporary Boating Safety Education Certificates. Section 91.6(d) refers to a 90-day temporary certificate. Section 109.3(h)(3) refers to a temporary certificate that is valid for at least 90 days and no more than 180 days from the date of purchasing a personal watercraft. The National Association for State Boating Law Administrators (NASBLA), in its Model Act for Mandatory Boating Safety Education adopted September 13, 2000, recom-

mends that temporary certificates (called temporary operators' permits in the NASBLA model) be issued for a duration not to exceed 60 days. To encourage uniformity and reciprocity between states, the Commonwealth's regulations should comply whenever possible with National reciprocity standards. Accordingly, the Commission proposes to amend these sections to read as set forth in Annex A.

(2) *Section 109.4.* To clarify its regulations, the Commission proposes to amend this section by adding a definition of "waterskiing" to read as set forth in Annex A.

(3) *Section 111.13.* The Commission received a petition from boaters who use Beltzville Lake in Carbon County to amend the waterskiing regulations. Beltzville Lake is a relatively small lake within the Beltzville State Park. Waterskiing type activities are currently restricted to 18% or 170 acres of the 950-acre lake. In the petition, the petitioners requested two changes: (1) to change the hours of skiing from 10 a.m. to sunset to sunrise to sunset; and (2) to open the entire lake to waterskiing.

The Commission accepted the petition for further review, and on June 4, 2001, the Commission held a public meeting at the park to obtain public input on the petition to change the regulations on Beltzville Lake. The meeting was well attended and gave Commission staff an opportunity to hear many views on how the lake should be regulated. Commission staff then prepared a report with input from the Bureau of State Parks.

Staff considered five possible options and recommended to the Commission that it consider a compromise solution that will allow waterskiing to begin at sunrise within the existing designated ski area only. This proposal would have little impact on other users and should not negatively affect boating safety. It allows skiers the opportunity to ski on calm water early in the day before wakes form and should have the additional benefit of reducing congestion in the ski zone, making that area safer. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

(4) *Section 111.27.* Tionesta Lake was authorized by the Flood Control Act of 1936 and has been in full operation since December 1940. This reservoir project is part of the flood control system operated by the Corps of Engineers for the Allegheny and Upper Ohio Rivers. The pool elevation at Tionesta Lake is generally maintained between elevations 1,089-1,090, which creates a recreational pool of about 450 acres. The flood pool stretches 6 miles up Tionesta Creek from the dam. Much of the recreational pool is very narrow and is peppered with stumps from trees that were left standing when the impoundment was created.

Sometime in the early 1960s, project managers began to install and enforce a 10 mph zone on the portion of the lake from the confluence of Little Piney Run upstream, a distance of about 2 miles. This restriction was never adopted by the Commission as a regulation. In 1974, the Commission was asked by the project manager to make this area slow, no wake. At a series of meetings, the Board declined to recommend this change. The minutes of these meetings indicate that the Board felt that the area did not need those strict restrictions. The 10 mph zone was continued, but no regulations were passed to enable enforcement.

The Commission's Bureau of Law Enforcement, along with the Corps Project Manager, again requested that

this area of the lake be regulated at slow, no wake and that this restriction be adopted as a regulation so that it may be enforced. The request cited the numerous shoals and tree stumps in this area that preclude most high speed operation and a desire to create an area for boating anglers free from other types of operation. It should be noted that there are two boat launch facilities on the lake. The Commission operates the Nebraska Bridge access near the upper limits of the proposed slow, no wake zone. The Corps of Engineers operates a boat launch near the Dam that facilitates water skiers and other high-speed boats. The Commission proposes to amend § 111.27 to read as set forth in Annex A.

(5) *Section 111.43.* The Commission received a request from the Shenango Lake Water Safety Council to consider imposing restrictions on the towing of aquaplanes and similar devices in certain slow no wake areas on Shenango River Lake in Mercer County. Shenango River Lake is a Corps of Engineers impoundment that was constructed on the Shenango River in 1965 and became operational in 1967. The lake was created for the purpose of flood control, low flow augmentation and recreation. At the top of its recreational pool, the lake has a length of 11 miles and provides 3,500 acres of water surface.

The Water Safety Council, which is comprised of representatives of the Corps, the Commission and various users of the lake, makes recommendations concerning the operation of the recreational facilities on the lake. The Council has identified a potential safety problem with the operation of boats in two areas of the lake where boat traffic is directed through bridge piers. These areas have long been designated slow, no wake in recognition of the potential danger. Recently, project managers have observed an increasing number of people who are towing passengers through these areas on aquaplanes, tubes and similar devices. While the operators are maintaining a slow, no wake speed with their boats, the towing of devices behind the boats in the congested areas has resulted in several close calls for persons on the devices. Additionally, the presence of towlines in the water in the areas increases the potential for entanglement in propellers. Accordingly, the Commission proposes to amend § 111.43 to prohibit waterskiing in the slow, no wake zones.

*F. Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic com-

ments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-123. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 91. GENERAL PROVISIONS**

**§ 91.6. Boating Safety Education Certificates.**

\* \* \* \* \*

(d) *Temporary certificate.* The Executive Director or a designee may authorize the issuance of temporary Boating Safety Education Certificates to persons who successfully complete boating safety education courses approved by the Commission. Temporary Boating Safety Education Certificates expire when the permanent certification is issued or [ 90 ] 60 days after issuance, whichever occurs first.

\* \* \* \* \*

**CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES**

**§ 109.3. Personal watercraft.**

\* \* \* \* \*

(h) Except as otherwise provided in this subpart, on or after January 1, 2000, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to [ **certificates** ] **Boating Safety Education Certificates**).

\* \* \* \* \*

(3) New purchasers of personal watercraft and members of their immediate families may be eligible for issuance of temporary certificates, which shall be valid for [ **at least 90 and no more than 180** ] 60 days from the date of purchase.

**§ 109.4. Waterskiing, aquaplaning, kite skiing and similar activities.**

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

***Waterskiing***—The act of towing a person or persons on a waterski across the water's surface behind a boat.

\* \* \* \* \*

**CHAPTER 111. SPECIAL REGULATIONS COUNTIES**

**§ 111.13. Carbon County.**

(a) *Beltzville Lake—Beltzville State Park.* The following regulations apply to Beltzville Lake:

\* \* \* \* \*

(2) [ **Water skiing** ] **Waterskiing** is prohibited except between sunrise and sunset in the designated ski zone. [ **Within the designated zone, water skiing is**

**prohibited before 10 a.m. and after sunset. ]** Boats in this zoned area shall operate in a counter-clockwise direction. Boats not engaged in **[ water skiing ] waterskiing** shall remain outside the ski zone area while **[ water skiing ] waterskiing** is in progress. On weekdays, it is unlawful for a boat to tow more than two **[ water skiers ] waterskiers** at a time. On weekends—Saturday and Sundays—and Federal holidays, it is unlawful for a boat to tow more than one **[ water skier ] waterskier** at a time.

\* \* \* \* \*

**§ 111.27. Forest County.**

*Tionesta Lake.*

**(1) \* \* \***

**(2) Boats are limited to slow minimum height swell speed upstream from the confluence of Little Piney Run.**

**§ 111.43. Mercer County.**

\* \* \* \* \*

**(b) Shenango River Lake.**

\* \* \* \* \*

**(6) Waterskiing is prohibited in the following slow no wake zones:**

**(i) Beneath the State Route 18 and 846 bridges.**

**(ii) Beneath the Parkers Landing railroad trestle.**

**(iii) Beneath the railroad trestle at the Shenango Recreation Area.**

[Pa.B. Doc. No. 01-1885. Filed for public inspection October 19, 2001, 9:00 a.m.]

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# NOTICES

## 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 October 9, 2001.

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-5-01	Earthstar Bank Southampton Bucks County	Southampton	Filed
	Purchase of assets/assumption of liabilities of Cornerstone Savings Association, Glenside		
10-9-01	First County Bank Doylestown Bucks County	Doylestown	Filed
	Purchase of assets/assumption of liabilities of one branch office of Third Federal Savings Bank, Newton, located at: 601 Louis Drive Warminster Bucks County		

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-01	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	452 S. Lehigh St. Frackville Schuylkill County	Opened
10-9-01	Northwest Savings Bank Warren Warren County	7512 W. Ridge Road Fairview Erie County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-2-01	Patriot Bank Pottstown Montgomery County	<i>To:</i> 2228 State Hill Rd. Wyomissing Berks County  <i>From:</i> 1149 Berkshire Blvd. Wyomissing Berks County	Approved

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2001

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the Act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of November, 2001, is 7 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on an individual who finances the sale or exchange of residential real

property which the individual owns and which the individual occupies or has occupied as the principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 5.16 to which was added 2.50 percentage points for a total of 7.66 that by law is rounded off to the nearest quarter at 7 3/4%.

JAMES B. KAUFFMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 01-1887. Filed for public inspection October 19, 2001, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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### APPLICATIONS

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

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The 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. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0056499	William McPhillips 1359 Hendricks Road Pennsburg, PA 18073	Montgomery County Upper Hanover Township	Macoby Creek	Renewal

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0032107 Minor Nonmunicipal	DCNR—Bureau of State Parks P. O. Box 8551 Harrisburg, PA 17105	Carbon County Franklin Township	Pohopoco Creek (watershed #2B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0044652 Sewage	DCNR—Bureau of State Parks, Mt. Pisgah State Park, R. R. 3 Box 362 Troy, PA 16947	West Burlington Township Bradford County	Mill Creek 4-C	Y
PA0060305 IW	DCNR—Bureau of State Parks, Mt. Pisgah State Park, R. R. 3 Box 362 Troy, PA 16947	West Burlington Township Bradford County	UNT Mill Creek 4-C	Y

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

**PA0100382**, Industrial Waste. **Erie Coke Corporation**, Foot of East Avenue, P. O. Box 6180, Erie, PA 16512-6180. This proposed facility is located in the City of Erie, **Erie County**.

Description of Proposed Activity: Renewal for discharge of noncontact cooling water, boiler blowdown and excess pump capacity from a foundry coke producer.

The receiving stream, the Lake Erie Outer Harbor, is in the Lake Erie watershed and classified for: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered is the City of Erie intake, located approximately 4 miles northwest of the discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.24 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Temperature					100°F
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 3.269 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Suspended Solids			30		60
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The EPA Waiver is in effect.

**PA0032531**, Sewage. **DCNR, Bureau of State Parks, Moraine State Park**, 225 Pleasant Valley Road, Portersville, PA 16051-9650. This proposed facility is located in Muddy Creek Township, **Butler County**.

Description of Proposed Activity: renewal for an existing discharge.

The receiving stream, Muddy Creek, is in watershed 20C and classified for: warm water fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Salvation Army Camp intake on Slippery Rock Creek located at Camp Allegheny, Wayne Township, Butler County, approximately 14.4 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.225 MGD.

<i>Parameter</i>	<i>Average Monthly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15		30
(11-1 to 4-30)	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		5,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.6
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0100943**, Sewage. **Municipal Authority of Strattanville Borough**, P. O. Box 139, Strattanville, PA 16258. This proposed facility is located in Strattanville Borough, **Clarion County**.

Description of Proposed Activity: renewal for an existing discharge.

The receiving stream, unnamed tributary to Brush Creek, is in watershed 17B and classified for: Cold Water Fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (stream and public water supplier) considered during the evaluation is Parker City on the Allegheny River located at Parker City, approximately 30 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.07 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	40	60	80
Total Suspended Solids	45	65	90
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		4,300/100 ml as a geometric average	
Total Residual Chlorine	1.0		1.5
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

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

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

**PA0011282**, Industrial Waste, **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This application is for renewal of an NPDES permit to discharge industrial wastewater generated at the Crum Creek Water Filtration Plant in Springfield Township, **Delaware County**. This is an existing discharge to Crum Creek.

The receiving streams are classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.8 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Aluminum, Total	1.24	2.48	3.10
Iron, Total	2.0	4.0	5.0
Manganese, Total	1.0	2.0	2.5
Total Residual Chlorine	0.5	1.0	1.2

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chlorodibromomethane		Monitor/Report	
Chloroform		Monitor/Report	
Dichlorobromomethane		Monitor/Report	
pH (standard units)	Within the limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 013, based on an average flow of 0.003 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.0
pH (standard units)	Within the limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002, based on an average flow of 1.7 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Aluminum, Total	4.0	8.0	10.0
Iron, Total	2.0	4.0	5.0
Manganese, Total	2.0	4.0	5.0
Total Residual Chlorine	0.5	1.0	1.2
Chlorodibromomethane		Monitor/Report	
Chloroform		Monitor/Report	
Dichlorobromomethane		Monitor/Report	
pH (standard units)	Within the limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 003 and 004, during an emergency discharge are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		Monitor/Report	
Aluminum, Total		Monitor/Report	
Iron, Total		Monitor/Report	
Manganese, Total		Monitor/Report	
pH (standard units)	Within the limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 005, based on an average flow of 2.15 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Aluminum, Total	4.0	8.0	10.0
Iron, Total	2.0	4.0	5.0
Manganese, Total	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.0
Chlorodibromomethane		Monitor/Report	
Chloroform		Monitor/Report	
Dichlorobromomethane		Monitor/Report	
pH (standard units)	Within the limits of 6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

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

**PA#0023558**, Sewage, **Borough of Ashland**, c/o Ed Wallace, 502 Chestnut Street, Ashland, PA 17921. This proposed facility is located in Ashland Township, **Schuylkill County**.

Description of Proposed Activity: This proposed action is for renewal of a NPDES Permit.

The receiving stream, Mahanoy Creek, is in the State Water Plan watershed #6B and is classified for: warm water fishery. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on Susquehanna River is 65 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.30.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.0

Point sources 002—010 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department's EPA approved CSO strategy, a special permit requirement is included in Part C of this permit.

In addition to the effluent limits, the permit contains the following major special conditions: Sludge disposal to combined sewer overflows.

**PA#0060496**, Sewage, **C. S. Water and Sewer Associates**, P. O. Box 866, Moscow, PA 18444. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge treated sewage into a wet weather channel to the Delaware River in Lackawaxen Township, Pike County

The receiving stream, Delaware River, is in the State Water Plan watershed #01F and is classified for: warm water fish, migratory fish, aquatic life, water supply and recreation. The nearest downstream water supply for the City of Easton Water Supply is located on the Delaware River 90 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.10 MGD.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine (1st month through 24th month) (24th month through expiration)	Monitor and Report	
pH	1.2 6.0 to 9.0 standard units at all times.	2.8

**PA#0029777**, Sewage, **Westgate Water and Sewer Municipal Authority**, 184 Keiserville Road, Tunkhannock, PA 18657. This proposed facility is located in Washington, **Wyoming County**.

Description of Proposed Activity: Request for an NPDES permit to discharge treated domestic wastewater.

The receiving stream, an unnamed tributary to North Branch Susquehanna River, is in the State Water Plan watershed #04G and is classified for: aquatic life, cold water fishery, water supply and recreation. The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River is 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .030 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	3 9		6 18
Dissolved Oxygen	A minimum of 6.0 mg/l at all times		
Fecal Coliform (5-1 to 10-31) (11-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.2		0.4

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

**PA #0008010**, Industrial Waste 2015, **College Hill Poultry, Inc.**, 220 North Center Street, P. O. Box 10, Fredericksburg, PA 17026-0010. This facility is located in Bethel Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Beach Run, is in Watershed 7-D and classified for warm water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pa. American Water Company is located on Swatara Creek, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.15 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH (S.U.)	From 6.0 to 9.0 inclusive				
Total Residual Chlorine			0.1		0.33
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report	20	40	50
Total Suspended Solids	Monitor and Report	Monitor and Report	25	50	75
NH <sub>3</sub> -N					
(5-1 to 10-31)	3.1	6.2	2.5	5.0	6.25
(11-1 to 4-30)	9.3	18.7	7.5	15	18.75
Total Phosphorus	2.5	5.0	2.0	4.0	5.0
Fecal Coliform					
(5-1 to 9-30)			200		
(10-1 to 4-30)			4,500		
Total Nitrogen	Monitor and Report		Monitor and Report		

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

- Requirements for Storm Water Outfalls
- Chemical Additive 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.

**PA 0022047**, Industrial Waste 2865, **Crompton Colors, Inc.**, P. O. Box 341, Reading, PA 19603. This facility is located in Robeson Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Schuylkill River, is in Watershed 3-C and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Water Supply is located on Schuylkill River, approximately 14 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.22 MGD are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
pH (S.U.)	From 6.0 to 9.0 inclusive		
Total Suspended Solids	Monitor and Report	Monitor and Report	228
Total Dissolved Solids			
(7-1 to 9-30)	5,000	10,000	12,500
(10-1 to 6-30)	9,000	10,000	12,500
Color (P.C.)	600	875	875
BOD <sub>5</sub>	45	120	120
Temperature	110°F	Monitor and Report	XXX
Osmotic Pressure	Monitor and Report	Monitor and Report	XXX
NH <sub>3</sub> -N			
(5-1 to 10-30)	16	32	40
(11-1 to 4-30)	20	40	40
Total Copper	Monitor and Report	Monitor and Report	2.50
Total Lead	Monitor and Report	Monitor and Report	0.25
Total Chromium	Monitor and Report	Monitor and Report	3.46
Total Nickel	Monitor and Report	Monitor and Report	1.08
Total Zinc	Monitor and Report	Monitor and Report	1.50
Total Cyanide	Monitor and Report	Monitor and Report	1.50
2-Chlorophenol	Monitor and Report	Monitor and Report	0.12
2,4-Dichlorophenol	Monitor and Report	Monitor and Report	0.14
2,4-Dimethylphenol	Monitor and Report	Monitor and Report	0.05
4,6-Dinitro-o-cresol	Monitor and Report	Monitor and Report	0.35
2,4-Dinitrophenol	Monitor and Report	Monitor and Report	0.15
2-Nitrophenol	Monitor and Report	Monitor and Report	0.09
4-Nitrophenol	Monitor and Report	Monitor and Report	0.16
Phenol	Monitor and Report	Monitor and Report	0.03
Acrylonitrile	Monitor and Report	Monitor and Report	0.30

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	Monitor and Report	Monitor and Report	0.17
Carbon Tetrachloride	Monitor and Report	Monitor and Report	0.05
Chlorobenzene	Monitor and Report	Monitor and Report	0.04
Chloroethane	Monitor and Report	Monitor and Report	0.34
Chloroform	Monitor and Report	Monitor and Report	0.06
1,1-Dichloroethane	Monitor and Report	Monitor and Report	0.07
1,2-Dichloroethane	Monitor and Report	Monitor and Report	0.26
1,1-Dichloroethylene	Monitor and Report	Monitor and Report	0.03
1,2-Dichloropropane	Monitor and Report	Monitor and Report	0.14
1,3-Dichloropropylene	Monitor and Report	Monitor and Report	0.06
Ethylbenzene	Monitor and Report	Monitor and Report	0.14
Methyl Chloride	Monitor and Report	Monitor and Report	0.24
Methylene Chloride	Monitor and Report	Monitor and Report	0.11
Tetrachloroethylene	Monitor and Report	Monitor and Report	0.07
Toluene	Monitor and Report	Monitor and Report	0.10
1,1,1-Trichloroethane	Monitor and Report	Monitor and Report	0.07
1,1,1,2-Trichloroethane	Monitor and Report	Monitor and Report	0.07
Trichloroethylene	Monitor and Report	Monitor and Report	0.07
Vinyl Chloride	Monitor and Report	Monitor and Report	0.34
Acenaphthene	Monitor and Report	Monitor and Report	0.07
Acenaphthylene	Monitor and Report	Monitor and Report	0.07
Anthracene	Monitor and Report	Monitor and Report	0.07
Benzo (a)anthracene	Monitor and Report	Monitor and Report	0.03
Benzo (a)pyrene	Monitor and Report	Monitor and Report	0.03
3,4-Benzofluoranthene	Monitor and Report	Monitor and Report	0.03
Benzo (k)fluoranthene	Monitor and Report	Monitor and Report	0.03
Bis(2-Ethylhexyl)phthalate	Monitor and Report	Monitor and Report	0.35
Chrysene	Monitor and Report	Monitor and Report	0.03
1,2-Dichlorobenzene	Monitor and Report	Monitor and Report	0.20
1,3-Dichlorobenzene	Monitor and Report	Monitor and Report	0.05
1,4-Dichlorobenzene	Monitor and Report	Monitor and Report	0.04
Diethyl Phthalate	Monitor and Report	Monitor and Report	0.25
Dimethyl Phthalate	Monitor and Report	Monitor and Report	0.06
Di-n-butyl Phthalate	Monitor and Report	Monitor and Report	0.07
2,4-Dinitrotoluene	Monitor and Report	Monitor and Report	0.31
2,6-Dinitrotoluene	Monitor and Report	Monitor and Report	0.31
Fluoranthene	Monitor and Report	Monitor and Report	0.09
Fluorene	Monitor and Report	Monitor and Report	0.07
Hexachlorobenzene	Monitor and Report	Monitor and Report	0.005
Hexachlorobutadiene	Monitor and Report	Monitor and Report	0.06
Hexachloroethane	Monitor and Report	Monitor and Report	0.07
Naphthalene	Monitor and Report	Monitor and Report	0.07
Nitrobenzene	Monitor and Report	Monitor and Report	0.07
Phenanthrene	Monitor and Report	Monitor and Report	0.07
Pyrene	Monitor and Report	Monitor and Report	0.08
1,2,4-Trichlorobenzene	Monitor and Report	Monitor and Report	0.18

The proposed effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report	Quarterly
Chemical Oxygen Demand	Monitor and Report	Monitor and Report	Quarterly
Total Suspended Solids	Monitor and Report	Monitor and Report	Quarterly
Total Phosphorus	Monitor and Report	Monitor and Report	Quarterly
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report	Quarterly
Oil and Grease	XXX	Monitor and Report	Quarterly
pH (S.U.)	XXX	Monitor and Report	Quarterly
Total Copper	Monitor and Report	Monitor and Report	Quarterly
Total Iron	Monitor and Report	Monitor and Report	Quarterly
Total Lead	Monitor and Report	Monitor and Report	Quarterly
Total Zinc	Monitor and Report	Monitor and Report	Quarterly
Color (P.C.)	Monitor and Report	Monitor and Report	Quarterly
Total Cobalt	Monitor and Report	Monitor and Report	Quarterly
P-Cresidine	Monitor and Report	Monitor and Report	Quarterly
3,3 Dimethoxybenzidine Hydrochloride	Monitor and Report	Monitor and Report	Quarterly



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Diethanolamine	Monitor and Report	Monitor and Report	Quarterly
Dimethyl Sulfate	Monitor and Report	Monitor and Report	Quarterly
Ethylene Glycol	Monitor and Report	Monitor and Report	Quarterly
Phenol	Monitor and Report	Monitor and Report	Quarterly
Color (P. L.)	Monitor and Report	Monitor and Report	Quarterly

The proposed effluent limits for Outfall 003 for a design flow of 0.006 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S.U.)		From 6.0 to 9.0 inclusive	
Total Suspended Solids	Monitor and Report	Monitor and Report	XXX
Temperature	Monitor and Report	Monitor and Report	XXX

In addition to these effluent limits, this permit contains monitoring and reporting of groundwater from monitoring wells number 1, 2, 4, 5, 7, 13, 16 and well number 3.

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

The EPA waiver is not in effect.

**Application No. PA 0088854, Jeremiah and James Sensenig Farm**, 114 Widdowson Road, Quarryville, PA 17566.

Jeremiah and James Sensenig submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Jeremiah and James Sensenig Farm, Widdowson Road, Little Britain Township, **Lancaster County**. The CAFO is situated in the Little Conowingo Creek watershed, which is classified as High Quality-Cold Water Fishes (HQ-CWF). The CAFO is designed to maintain an animal population of 379 animal equivalent units (AEUs) consisting of 2,100 finishing swine, 60 dairy cows and 34 dairy heifers.

Manure generated at the existing swine barn is collected and stored underneath the confined structure and has a capacity of 674,000 gallons. The liquid dairy manure is stored in a concrete storage structure with a capacity of 184,000 gallons. A release or discharge to waters of this 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 including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual 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 proposed draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

The Environmental Protection Agency permit review waiver provision under 40 CFR 123.24(e) does not apply to this individual NPDES permit.

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. A public meeting/hearing may be held if the Department considers the public response or interest significant.

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 0088862, Jeremiah Sensenig Farm**, 2671 Noble Road, Quarryville, PA 17566.

Jeremiah Sensenig submitted an application for an individual NPDES permit for an existing CAFO known as Jeremiah Sensenig Farm, Noble Road, Little Britain Township, **Lancaster County**. The CAFO is situated near West Branch Octoraro Creek, which is classified as High Quality-Cold Water Fishes-Migratory Fishes (HQ-CWF-MF). The CAFO is designed to maintain an animal population of 326 animal equivalent units (AEUs) consisting of 2,000 finishing swine and 75 beef steers.

Manure generated at the existing barn is collected and stored underneath the confined structure and has a capacity of 701,684 gallons. A release or discharge to waters of this 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 including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual 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 proposed draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

The Environmental Protection Agency permit review waiver provision under 40 CFR 123.24(e) does not apply to this individual NPDES permit.

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. A public meeting/hearing may be held if the Department considers the public response or interest significant.

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.

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

**PA0228435**, Sewerage SIC, 4952, **Brady Township**, 1986 Elimsport Road, Montgomery, PA 17752. This proposed facility is located in Brady Township, **Lycoming County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a proposed discharge of treated sewage wastewater.

The receiving stream, unnamed tributary of Black Run, is in the State Water Plan watershed 10C and classified for: Warm Water Fishes. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River is 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.012 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Instantaneous Minimum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50	
TSS	30	45		60	
Ammonia-N (6-1 to 10-31)	3.8	5.7		7.6	
(11-1 to 5-31)	11	17		23	
Dissolved Oxygen					5.0
Total Cl <sub>2</sub> Residual	0.44			1.0	
Fecal Coliforms: (5-1 to 9-30)	200 col/100 ml as a geometric mean				
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean				
pH	6.0 to 9.0 at all times				

**PA0228397**, CAFO 0241, **Penn State University**, 201A Ag Administration Building, University Park, PA 16802

This existing facility is located in Benner Township, College Township, Ferguson Township, Patton Township and State College Borough in **Centre County**.

Description of Existing Activity: Concentrated animal feeding operation (CAFO) for 1,642.5 animal equivalent units of bovine, sheep, poultry, pigs and horses.

The receiving stream, named and unnamed tributaries of Spring Creek, is in the State Water Plan watershed 9C (Bald Eagle Creek) and classified for High Quality Cold Water Fishes (HQ-CWF)

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

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0002917**, Industrial Waste, SIC, 4911, **Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, stormwater, leachate and untreated cooling water stormwater from Armstrong Power Station in Washington Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River and its tributaries, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Kittanning Suburban Joint Water Authority, located at Kittanning, 6.7 miles below the discharge point.

*Internal Monitoring Point 101:* existing discharge, design flow of 0.0476 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 (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH (S.U.)	not less than 6.0 nor greater than 10.5				

*Outfall 001:* existing discharge to Allegheny River, 166.74 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 (mgd)	Monitor and Report				
Temperature (°F) (1-1 to 12-31)	0.2			110	
Total Residual Chlorine					
pH (S.U.)	not less than 6.0 nor greater than 9.0				

*Outfall 003:* existing discharge to the Allegheny River, 0.0038 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 (mgd)	0.038				
CBOD <sub>5</sub>			25		50
Suspended Solids			30		60
Total Residual Chlorine			1.4		3.3
Fecal Coliform (5-1 to 9-30)			200/100 ml as a geometric mean		
(10-1 to 4-30)			2000/100 ml as a geometric mean		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006:* Plant area stormwater runoff and emergency overflow (North Detention Lagoon, IMP 106) discharge to the Allegheny River.

<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>
	The discharge from this outfall is restricted by the requirements in item nos. 10 and 13 in part c of the permit.				

*Outfall 007:* existing discharge to Allegheny River, 3.107 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	Monitor and Report This discharge shall consist of intake screen backwash water only.				

*Outfall 008:* emergency overflow (hydrobin) discharge to Allegheny River.

<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 (mgd)	Monitor and Report				
Suspended Solids			30		100
Oil and Grease			15		20
pH (S.U.)	not less than 6.0 nor greater than 9.0				

*Outfall 009:* existing discharge to Allegheny River, 2.44 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 (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH (S.U.)	This outfall may also receive metal cleaning wastewater from IMP 109 upon written authorization from the Department. not less than 6.0 nor greater than 9.0				

*Internal Monitoring Point 109:* Impoundment tank (metal cleaning wastewater) in the industrial wastewater treatment plant.

<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>
	There shall be no discharge of metal cleaning wastewater without prior written authorization from the Department.				

*Outfall 010:* Plant area stormwater runoff and emergency overflow (South Detention Basin, IMP 110) discharge to the Allegheny River.

<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>
	The discharge from this outfall is restricted by the requirements in Item No. 13 in Part C of the permit.				

*Outfalls 004, 011, 012 and 014:* Stormwater discharge to Allegheny River.

<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>
	The discharge from these outfalls shall consist of uncontaminated stormwater runoff only.				

*Outfall 013:* Proposed discharge to Allegheny River, 0.45 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 (mgd)	Monitor and Report				
Suspended Solids			30	100	
Iron			3.5	7.0	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Outfalls 002 and 005 have been eliminated.

The EPA waiver is not in effect.

**PA0021768**, Sewage, **Borough of Somerset**, 340 West Union Street, P. O. Box 71, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Main Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Coxes Creek, 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 Ohiopyle Water Works.

*Outfall 001:* existing discharge, design flow of 2.0 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 <sub>5</sub>	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 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.0	7.5		10.0
Iron	2.2		4.4	5.5
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	.38			1.23
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0021768**, Sewage, **Borough of Somerset**, 340 West Union Street, P. O. Box 71, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Main Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Coxes Creek, 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 Ohiopyle Water Works.

*Outfall 001*: existing discharge, design flow of 2.0 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 <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.0	7.5		10.0
Iron	2.2		4.4	5.5
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	.38			1.23
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0205524**, Sewage, **Amy C. Smeltzer**, 297 Ford City Road, Freeport, PA 16229.

This application is for Renewal of an NPDES permit to discharge treated sewage from Smeltzer Single Residence STP in South Buffalo Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Hill Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001*: existing discharge, design flow of 0.0004 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 <sub>5</sub>	25			50
Suspended Solids	30			60
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	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218928**, Sewage, **Cadogan Township**, P. O. Box 309, Cadogan, PA 16212.

This application is for issuance of an NPDES permit to discharge treated sewage from Cadogan Township Sewage Treatment Plant in Cadogan Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Glade Run, 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 Buffalo Township Municipal Authority located on the Allegheny River.

*Outfall 001*: new discharge, design flow of 0.075 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	20			40
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 10,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0238686**, Sewage. **Brandywine Village**, P. O. Box 449, Mars, PA 16046. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Activity: A Part I NPDES Permit for a new discharge.

The receiving stream, unnamed tributary to Little Connoquenessing Creek, is in watershed 20-C and classified for: cold water fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Harmony Borough intake on Little Connoquenessing Creek located at approximately 10 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0239.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	3 9		6 18
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 4,200/100 ml as a geometric average		
Phosphorus as P (4-1 to 10-31)	2		4
Total Residual Chlorine	0.5		1.2
Dissolved Oxygen	minimum of 4 mg/l at all times		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**PA0238651**, Industrial Waste. **Unimold—A G Industries**, 671 Colbert Avenue, Oil City, PA 16301. This proposed facility is located in Oil City, **Venango County**.

Description of Proposed activity is the discharge of wastewater from a reverse osmosis unit and stormwater. It is in watershed 16E and classified for: WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 36.5 miles below point of discharge.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000857 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 (MGD)	XX				
C-Biochemical Oxygen Demand (5-day)				XX	
Chemical Oxygen Demand				XX	
Oil and Grease				XX	
SARA Title III Section 313				XX	
Water Priority Chemicals*				XX	
Total Suspended Solids				XX	
Total Phosphorous				XX	
Total Kjeldahl Nitrogen				XX	
Iron (Dissolved)				XX	
Nickel				XX	
Copper				XX	
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 004 are 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 (MGD)	XX				
C-Biochemical Oxygen Demand (5-day)				XX	
Chemical Oxygen Demand				XX	
Oil and Grease				XX	
SARA Title III Section 313				XX	
Water Priority Chemicals*				XX	
Total Suspended Solids				XX	
Total Phosphorous				XX	
Total Kjeldahl Nitrogen				XX	
Iron (Dissolved)				XX	
Nickel				XX	
Copper				XX	
pH	Within limits of 6.0 to 9.0 standard units at all times.				

\* Any section 313 water priority chemical discharged in stormwater outfalls for which the permittee is subject to reporting requirements under SARA Title III, Section 313 XX—Monitor and report.

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

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.

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

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

**WQM Permit No. 4601414**, Sewerage, **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction to upgrade existing pump station.

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

**WQM Permit No. 1401405**, Sewerage SIC 4952, **Spring Benner Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. This proposed facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: Sewer line extension to Burnham Farm Estates Subdivision application received on February 22, 2001.

**WQM Permit No. 4101408**, Sewerage SIC 4952, **Brady Township**, 1986 Elimsport Road, Montgomery, PA 17752. This proposed facility is located in Brady Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant and collection system application received on September 5, 2001.

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

**Application No. 0287456-A1**, Sewerage, **Municipality of Penn Hills**, 12245 Frankstown Road, Penn Hills, PA 15235. Application for the construction and replacement of sanitary sewers to serve the Universal and Stotler Road area located in Penn Hills Township, **Allegheny County**.

**Application No. 5601408**, Sewerage, **Gabrielle Michalek**, 529 Pacific Avenue, Pittsburgh, PA 15221. Application for the construction and operation of a single residence sewage treatment plant to serve the Michalek Property located in the Upper Turkeyfoot Township, **Somerset County**.

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**NPDES Stormwater Individual Permit**

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The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions.

These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices 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.

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

**NPDES Permit PAS10 G489**, Stormwater, **Chesterfield Development Corporation, c/o Brandolini Company**, 1301 Lancaster Avenue, Berwyn, PA 19312, has applied to discharge stormwater associated with a construction activity located in Westtown Township, **Chester County** to tributary to Hunters Run/Ridley Creek (HQ-TSF) and tributary of East Branch Chester Creek (TSF).

**NPDES Permit PAS10 G490**, Stormwater, **Charles Burgy**, 313 South Warren Avenue, Malvern, PA 19355-0315, has applied to discharge stormwater associated with a construction activity located in Malvern Borough, **Chester County** to UNT to Crum Creek (HQ-WWF).

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*



<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q230	Allentown Arena Corp. 219 N. 9th St. Allentown, PA 18102	Lehigh County City of Allentown	Little Lehigh HQ-CWF

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

**NPDES Permit PAS10W084**, Stormwater. **PA American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317 has applied to discharge stormwater associated with a construction activity located in Buffalo Township and South Franklin Township, **Washington County** to Buffalo Creek (HQ-WWF).

*Washington County Conservation District: 100 West Beau Street, Suite 602, Washington, PA 15301-4402, (724) 228-6774.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10W084	PA American Water Company P. O. Box 1290 300 Galley Road McMurray, PA 15317	Washington County Buffalo Township South Franklin Township	Buffalo Creek/HQ-WWF

**PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days 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. Comment 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 the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. 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 permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

**SAFE DRINKING WATER**

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

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

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<b>Permit No. 4601510</b> , Public Water Supply.	
Applicant	<b>Philadelphia Suburban Water Company</b>
Township	Perkiomen
Responsible Official	Morris Coulter 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	Public Water Supply System
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Application Received Date	October 2, 2001
Description of Action	Construction of a new public water supply well, clearwell, chemical feed including disinfection and pumping facilities.

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

<b>Permit No. 0601516</b> , Public Water Supply.	
Applicant	<b>Mountain Village L P</b>
Municipality	Longswamp Township
County	<b>Berks</b>
Responsible Official	Linda Beiler, Vice President 2620 Egypt Road Norristown, PA 19403
Type of Facility	Public Water Supply
Consulting Engineer	Todd M. Duerr, P.E. American Water Services 453 Boot Road Downingtown, PA 19335
Application Received Date	September 24, 2001
Description of Action	Construction of 125,000 gallon finished water storage tank, pump station, new well and expand by 108 units.

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

**Permit No. 1401504**, Public Water Supply.  
 Applicant **College Township Water Authority**  
 Township College Township, **Centre County**  
 Responsible Official David R. Derr, Chairperson  
 College Township Water Authority  
 1481 East College Avenue  
 State College, PA 16801  
 Type of Facility Public Water Supply  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603  
 Application Received Date September 28, 2001  
 Description of Action Construction permit application for Matilda Avenue Pump Station and Strubel Road Storage Tank.

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

**Permit No. 5601503**, Public Water Supply.  
 Applicant **Somerset Township Municipal Authority**  
 Township or Borough Somerset Township  
 Responsible Official Carmel D'Arrigo  
 Somerset Township Municipal Authority  
 2209 North Center Avenue  
 Somerset, PA 15501  
 Type of Facility Wells  
 Consulting Engineer Crouse & Company  
 332 South Lynn Avenue  
 Somerset, PA 15501  
 Application Received Date August 30, 2001  
 Description of Action New deep well and distribution system

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

**Permit No. 1601505**, Public Water Supply.  
 Applicant **Pa-American Water Company**  
 800 West Hershey Park Drive  
 P. O. Box 888  
 Hershey, PA 17033.  
 Township or Borough Clarion Township, **Clarion County**  
 Responsible Official Dave Swanson, Operations Superintendent  
 1073 E. Main Street  
 Clarion, PA 16214.  
 Type of Facility PWS  
 Consulting Engineer Jerry Hankey, P.E., Engineering Manager  
 PA-American Water Company  
 1909 Oakland Avenue  
 Indiana, PA 15701

Application Received Date September 26, 2001  
 Description of Action Installation of an ammonia feed system at the Clarion Plant.

#### MINOR AMENDMENT

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

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

**Application No. 5906**, Minor Amendment  
 Applicant **College Township Water Authority**  
 Township College Township, **Centre County**  
 Responsible Official David R. Derr, Chairperson  
 College Township Water Authority  
 1481 East College Avenue  
 State College, PA 16801  
 Type of Facility Public Water Supply  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603  
 Application Received Date September 28, 2001  
 Description of Action Request for cancellation of permit for Wells #1 and #2 along with a spring as sources of supply

**Application No. 6418**, Minor Amendment  
 Applicant **College Township Water Authority**  
 Township College Township, **Centre County**  
 Responsible Official David R. Derr, Chairperson  
 College Township Water Authority  
 1481 East College Avenue  
 State College, PA 16801  
 Type of Facility Public Water Supply  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603  
 Application Received Date September 28, 2001  
 Description of Action Request for cancellation of permit for Well #3 as a source of supply

**Application No. A-1028**, Minor Amendment  
 Applicant **College Township Water Authority**  
 Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for Hamill Bathgate Spring as a source of supply

**Application No. 8696W**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for John Bathgate Spring as a source of supply

**Application No. 1473501**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for Well #4 (Jonas Well) as a source of supply and hypochlorination facilities for Well #4

**Application No. 1488501**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for Well #5 as a source of supply and expansion of chlorine detention at Lemont Pump Station

**Application No. 1490503**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for aspirator to remove PCE from Bathgate Springs

**Application No. Minor Amendment**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for Giardia control disinfection of Wells #4 and #5.

**Application No. Minor Amendment**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for increased flows from the Lemont Pump Station

**Application No. Minor Amendment**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for gas chlorination at the Lemont Pump Station

**Application No. Minor Amendment**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for flow meters, turbidimeters and chart recorders at the Lemont Pump Station on Wells #4 and #5

**Application No. 1495507**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of filter plant permit to treat Wells #4 and #5

**Application No. 1497501**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for cancellation of permit for calcium sequestration at the Puddingtown Pump Station.

**Application No. 5906-T1**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for transfer of permit for original distribution system and Nittany Mountain Reservoir.

**Application No. 261-W-008-T1**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for transfer of permit for Dale Street Reservoir

**Application No. 1488501-T1**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for transfer of permit for booster pumps at the Lemont Pump Station

**Application No. Minor Amendment-T1**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for transfer of permit for lining and covering of the Dale Street Reservoir.

**Application No. Minor Amendment-T1**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for transfer of permit for various distribution and transmission mains constructed using PENNVEST moneys.

**Application No. Minor Amendment-T1**, Minor Amendment

Applicant **College Township Water Authority**

Township College Township, **Centre County**

Responsible Official David R. Derr, Chairperson  
College Township Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received Date September 28, 2001

Description of Action Request for transfer of permit for a two-inch distribution line along Rainlo Street constructed using PENNVEST moneys.

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

**Application No. 2592503-MA4**, Minor Amendment.

Applicant **Fairview Township Water Authority**  
P. O. Box U, 7471 McCray Road  
Fairview, PA 16415.

Township or Borough	Fairview Township, <b>Erie County</b>
Responsible Official	John R. Agnello, Manager
Type of Facility	PWS
Consulting Engineer	Fairview Township Water Authority
Application Received Date	October 4, 2001
Description of Action	Waterline extension to West Lake Road

## 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 Regional Office after which 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 has received the following Notices of Intent to Remediate:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Penn Fuel Gas Lewistown MGP (formerly)**, Lewistown Borough, **Mifflin County**. PPL Services Corporation, Two North Ninth Street, GENTW8, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heavy metals, BTEX, PAHs, phenol compounds and cyanide. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site Specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lewistown Sentinel* on October 3, 2001.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit Application No. WMGR038SW007. Recovery Technologies Group of Pennsylvania, Inc.**, 700 Boulevard East, Guttenberg, NJ 07093. Braddock Tire Processing Facility, 8th and Washington Streets, Braddock, PA 15104. An application for a General Permit determination of applicability in Braddock Borough, **Allegheny County** was received in the Regional Office on October 2, 2001.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Persons interested in obtaining more information about the general permit application may contact the DEP Southwest Regional Office at (412) 442-4000. TDD users may contact DEP 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.

**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.**

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

**Permit Application No. 400246. Delaware County Regional Water Quality Control Authority (DELCO),** 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This application was received for a radiation protection action plan. Facility located in the City of Chester, **Delaware County**. This application was received in the Southeast Regional Office on September 27, 2001.

**Permit Application No. 101541. Delaware Valley Recycling, Inc.,** 3107 S. 61st Street, Philadelphia, PA 19153. This application was received for a radiation protection action plan. Facility located in The City of Philadelphia. This application was received in the Southeast Regional Office on September 28, 2001.

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

**Permit Application No. 400561. York County Solid Waste & Refuse Authority,** 2700 Blackbridge Road, York, PA 17402-7901, Manchester Township, **York County**. The application is for permit modification for the Radiation Monitoring Action Plan for the York County Resource Recovery Center. The application was determined to be administratively complete by Southcentral Regional Office on September 28, 2001.

**Permit Application No. 101584. Edward Armstrong & Sons, Inc.,** 205 Greenfield Road, Lancaster, PA 17601, East Lampeter Township, **Lancaster County**. The application is for permit renewal and the Radiation Monitoring Action Plan for the Processing Facility. The application was determined to be administratively complete by Southcentral Regional Office on September 28, 2001.

**Permit Application No. 101544. Greater Lebanon Refuse Authority,** 1610 Russell Road, Lebanon, PA 17045-1437, North Lebanon and North Annville Townships, **Lebanon County**. The application is for permit modification and for the Radiation Monitoring Action Plan for the Great Lebanon Refuse Authority Municipal Waste Landfill. The application was determined to be administratively complete by Southcentral Regional Office on September 28, 2001.

**Permit Application No. 100758. The Harrisburg Authority,** One Keystone Plaza, Suite 104, Harrisburg, PA 17101, City of Harrisburg, **Dauphin County**. The application is for the Radiation Protection Action Plan for the Harrisburg Materials, Energy, Recycling and Recovery Facility. The application was determined to be administratively complete by the Southcentral Regional Office on September 28, 2001.

**Permit Application No. 400592. Lancaster County Solid Waste Management Authority,** 1299 Harrisburg Pike, Lancaster, PA 17604-4425, Conoy Township, **Lancaster County**. The application is for the Radiation Protection Action Plan for the Resource Recovery Facility.

The application was determined to be administratively complete by Southcentral Regional Office on September 28, 2001.

**Permit Application No. 101389. Lancaster County Solid Waste Management Authority,** 1299 Harrisburg Pike, Lancaster, PA 17604-4425, Manor Township, **Lancaster County**. The application is for the Radiation Protection Action Plan for the Frey Farm Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on September 28, 2001.

**Permit Application No. 100009. Lancaster County Solid Waste Management Authority,** 1299 Harrisburg Pike, Lancaster, PA 17604-4425, Manheim Township, **Lancaster County**. The application is for the Radiation Protection Action Plan for the Jack D. Lausch Sr. Transfer Station. The application was determined to be administratively complete by the Southcentral Regional Office on September 28, 2001.

Comments concerning the application should be directed to Keith Kerns, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Keith Kerns, (717) 705-4704. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## AIR QUALITY

### NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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 identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

#### 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.**

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

**36-05084A: Ephrata Community Hospital** (169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522-1002) for installation of a wet scrubber to control emissions from a medical waste incinerator in Ephrata Borough, **Lancaster County**. The source is subject to 40 CFR 60, Subpart Ce—Emission Guidelines and Compliance Times for Hospital/Medical Infectious Waste Incinerators.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**08-316-012D: CraftMaster Acquisition Co., Inc.** (P. O. Box 311, Towanda, PA 18848) for modification of a hardboard production line (Line I) in Wysox Township, **Bradford County**.

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

**63-00629A: Better Materials Corp.** (P. O. Box 187, Berkeley Springs, WV 25411) for operation of asphalt plant to use recycled oil #4 or #6 instead of #2 or natural gas at Dunningsville Plant in Somerset Township, **Washington County**.

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

**10-087: Du-Co Ceramics Co.** (155 South Rebecca Street, P. O. Box 568, Saxonburg, PA 16056) for construction of a new tunnel kiln in Saxonburg, **Butler 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.*

**15-0109A: Cypress Energy, L.P.** (Two Houston Center, 909 Fannin, Suite 2222, Houston, TX 77010) for transfer and use of nitrogen oxides (NOx) emission reduction credits (ERCs). Cypress Energy intends to use 439 tons per year of NOx ERCs as emission offsets for the proposed combined-cycle power plant in East Pikeland Township, **Chester County**.

The Department intends to grant approval, under 25 Pa. Code § 127.208(2) and (5), for transfer and use of 439 tpy of NOx ERCs generated from shutdown coke oven batteries at Bethlehem Steel Corporation's Sparrows Point facility in Baltimore, MD. Upon transfer of the NOx ERCs to Pennsylvania's ERC Registry, the credits will expire for use as emission offsets if they are not included in 15-0109A by December 6, 2001. Plan Approval 15-0109A would not authorize construction, modification, reactivation or installation of the proposed combined-cycle power plant in East Pikeland Township, Chester County.

**15-0014D: Saint-Gobain Performance Plastics Corp.** (57 Moreland Road, Frazer, PA 19355) for modification of its medical device manufacturing process in East Whiteland Township, **Chester County**. This facility is a Title V facility. This modification will result in volatile organic compound emissions increase of 7 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**23-0045: Sunoco, Inc. (R&M)** (1801 Market Street, Philadelphia, PA 19103) for installation of an enclosed vapor combustion system, located at Sunoco's Twin Oaks facility at 4041 Market Street in Upper Chichester Township, **Delaware County**. The Twin Oaks facility is a major (Title V) facility. The enclosed vapor combustion system is replacing a control device that currently is operating at the Twin Oaks facility. The installation of the enclosed vapor combustion system will result in emissions of 70.1 tons per year of volatile organic compounds, 8 tons per year of nitrogen oxides and 20 tons per year of carbon monoxide. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0124B: S.W.E.C., LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) To expand their plant in the USX Industrial Park in Falls Township, **Bucks County**. This plan approval will authorize the applicant to construct and double the size of its combined-cycle electric power generation plant to 1190 mw. The plant will include two additional combined-cycle combustion turbines, two respective heat recovery steam generators and a single steam turbine. The emissions from the plant will be controlled by selective catalytic reduction and catalytic oxidizer. The sources and air pollution control devices are described in the applicant's application of January 4, 2001 AND subsequent submissions.

Based on the information provided by the applicant and DEP's own analysis, the operation of the completed facility will emit 488.7 tons per year of nitrogen oxides (NOx), 88.4 tons per year of volatile organic compounds (VOC), 360.5 tons per year of carbon monoxide (CO), 386.7 tons per year of particulate matter (PM/PM-10) and 96.3 tons per year of sulfur oxides (SO<sub>2</sub>). These emissions will consume the following the Prevention of Significant Deterioration air quality increments available in the area of the maximum impact of the facility:



<i>Pollutant</i>	<i>Averaging Time</i>	<i>Maximum Modeled Impact μg/m<sup>3</sup></i>
CO	1-hour	65.15
CO	8-hour	35.32
NO <sub>2</sub>	Annual	0.83
PM-10	24-hour	4.34
PM-10	Annual	0.50
SO <sub>2</sub>	3-hour	2.66
SO <sub>2</sub>	24-hour	0.81
SO <sub>2</sub>	Annual	0.09

In order to assure compliance with the applicable standards, DEP will place the following conditions on the plan approval:

#### *General Requirements*

A. This Plan Approval is issued to the owner and operator for the construction of a major modification to its combined cycle electric generating plant with a nominal electric output of 1,190 megawatts. After completion of the major modification the plant will include the following sources and associated air pollution control devices:

- i. Four GE PG7241-FA combined cycle combustion turbines, each equipped with a heat recovery steam generator with duct burners and two single steam turbines. The emissions from each turbine and associated duct burner shall be controlled by dry low NOx combustion, a selective catalytic reduction system and an oxidation catalyst system.
- ii. Two cooling towers equipped with mist eliminators.
- iii. Two auxiliary boilers, each rated at 45 million Btu heat input per hour.
- iv. Two emergency diesel generators, each rated at 750 kW.
- v. One diesel fired emergency pump rated at 140 kW output.

B. This Plan Approval authorizes temporary operation of the additional sources covered by this Plan Approval, provided the following conditions are met:

- i. DEP must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days, prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.
- ii. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.
- iii. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided DEP receives notice from the owner/operator under subpart i.
- iv. The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted, in writing, at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

v. The notice submitted by the owner/operator under subpart i, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

vi. The emission reduction credit (ERC) use and transfer are approved by the Department for this major modification.

D. This approval to construct shall become invalid if:

- i. Construction, as defined in 40 CFR 52.21(b)(8), has not commenced within 18 months from the issue date of this Plan Approval; or
- ii. Construction is discontinued for a period of 18 months or more; or
- iii. Construction is not complete within a reasonable time as defined in the Plan Approval Application.

E. If construction has commenced, but cannot be completed before the expiration of Plan Approval No. PA-09-0124B, an extension of the Plan Approval must be obtained to continue construction. To allow adequate time for DEP action, a request for the extension must be postmarked at least 30 days prior to the expiration date. DEP will not issue an extension after the Plan Approval expires. Requests for extension shall comply with 25 Pa. Code § 127.13. The request for an extension shall include the following:

- i. A justification for the extension and
- ii. A schedule for the completion of the construction.

#### *New Source Review (NSR) and ERC Requirements:*

A. The owner and operator shall comply with all the requirements of 25 Pa. Code § 127.208 prior to the initial startup of any of the sources specified in the previous condition.

B. The owner and operator provided ERC at a 1.3:1.0 ratio to offset the nitrogen oxides (NOx) emissions of 488.7 tons per year and volatile organic compounds (VOC) emissions of 88.4 tons per year. The required ERC of 635.3 tons of NOx and 114.9 tons of VOC have been provided per Plan Approval No. PA-09-0124C.

#### *New Source Performance Standards Requirements:*

The combustion turbines are subject to Subpart GG, the duct burners are subject to Subpart Da and the auxiliary boilers are subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of the subparts. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and DEP. The EPA copies shall be forwarded to Director, Air Protection Division, United States EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

Any variations from the compliance monitoring, testing and reporting methods specified in the New Source Performance Standards shall be approved in advance by the EPA.

#### *Acid Rain Requirements:*

A. Upon start-up, the facility is subject to the applicable requirements contained in 40 CFR Parts 72—78. In addition, the facility is subject to the applicable requirements contained in 25 Pa. Code § 127.531, regarding special conditions related to acid rain.

B. The owners and operators of each affected source and each affected unit at the source shall:

i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority.

ii. Have an Acid Rain permit.

*NOx Allowance Requirements*

A. The facility shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101—123.120.

B. The owner and operator shall establish a compliance account prior to the commencement of operations and shall be responsible to acquire any required NOx allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

C. The owner and operator shall comply with 25 Pa. Code Chapter 145.

*Operating Requirements:*

A. Each unit and its associated air cleaning devices shall be installed, maintained and operated in accordance with manufacturers' specifications and good air pollution control practices.

B. All combustion turbines, duct burners, auxiliary boilers and natural gas preheaters located at this facility shall fire natural gas only.

C. The operation of each auxiliary boiler shall not exceed 3,500 hours per year in a 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that, at the request of the Department, the total operating hours of each boiler can be measured.

D. The operation of each emergency diesel generator shall not exceed 500 hours in a consecutive 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that, at the request of the Department, the total operating hours of each emergency generator can be measured.

E. The operation of the fire pump shall not exceed 500 hours in a consecutive 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that, at the request of the Department, the total operating hours of the fire pump can be measured.

F. The dissolved/suspended solids in the cooling tower blow down water shall not exceed 1,000 ppm by weight. Prior to commencing the combustion turbine operation, the owner and operator shall submit to the Department for approval the methods to demonstrate compliance with this requirement.

G. The following condition applies to the start-up or shutdown of each combustion turbine:

i. A cold start-up shall be defined as an event that occurs after the combustion turbine has not been operating for at least 48 hours. A cold start-up shall not last longer than 5 hours after ignition.

ii. A warm start-up shall be defined as an event that occurs after the combustion turbine has not been operating for 8 to 48 hours. A warm start-up shall not last longer than 3 hours after ignition.

iii. A hot start-up shall be defined as an event that occurs after the combustion turbine has not been operating for less than 8 hours. A hot start-up shall not last longer than 2 hours after ignition.

iv. The emissions from a start-up or shutdown shall be included in the 12-month rolling sum.

v. A shut down commences with the termination of fuel injection into the combustion chambers.

*Emission Limitations*

A. The emissions from each combustion turbine shall not exceed the limitations specified:

<i>Pollutants</i>	<i>Units</i>	<i>Emissions*</i>
Nitrogen Oxides (NOx)	ppmvd@%O <sub>2</sub>	3.0
Volatile Organic Compounds (VOC)**	lb/MMBtu	0.002
Carbon Monoxide (CO)	ppmvd@%O <sub>2</sub>	3.0
Particulate Matters (PM and PM-10)	lb/MMBtu	0.014
Sulfur Dioxide (SO <sub>2</sub> )	lb/MMBtu	0.002
Ammonia Slip Concentration	ppmvd@%O <sub>2</sub>	10

\* The emission limit shall be calculated as a 1-hour average.

\*\* The VOC emissions shall be reported as methane.

B. The short-term emission limitations contained in the previous condition do not apply during startup and shutdown of the combustion turbines. The combustion turbine startup and shutdown emissions shall be calculated using the following emission factors:

<i>Pollutants</i>	<i>Cold Startup</i>	<i>Warm Startup</i>	<i>Hot Startup</i>	<i>Shutdown</i>
	<i>lb/</i> <i>start-up</i>	<i>lb/</i> <i>start-up</i>	<i>lb/</i> <i>start-up</i>	<i>lb/</i> <i>shutdown</i>
NOx	321	223	219	48
VOC	181	70	23	8.5
CO	474	435	192	28.8
PM/PM <sub>10</sub>	43.2	43.2	43.2	43.2
SO <sub>2</sub>	10.9	10.9	10.9	10.9

C. The emissions from each auxiliary boiler shall not exceed the limitations specified:

<i>Pollutants</i>	<i>Emission Limits</i>		
	<i>lb/</i> <i>MMBtu</i>	<i>lb/hr/</i> <i>boiler</i>	<i>TPY(total)</i>
Nitrogen Oxides	0.035	1.60	5.6
Volatile Organic Compounds (VOC)	0.004	0.19	0.7
Carbon Monoxide (CO)	0.037	1.67	5.8
Particulate Matter (PM)	0.010	0.45	1.6
Sulfur Dioxide (SO <sub>2</sub> )	0.002	0.09	0.3

D. The emissions from all facility natural gas preheaters shall not exceed the limitations specified:

<i>Pollutants</i>	<i>Emission Limits</i>		
	<i>lb/</i> <i>MMBtu</i>	<i>lb/hr/</i> <i>heater</i>	<i>TPY(total)</i>
Nitrogen Oxides	0.035	0.27	4.8
Volatile Organic Compounds (VOC)	0.003	0.02	0.4
Carbon Monoxide (CO)	0.082	0.64	11.3
Particulate Matter (PM)	0.010	0.08	1.4
Sulfur Dioxide (SO <sub>2</sub> )	0.002	0.02	0.28

E. The emissions from all facility emergency diesel generators shall not exceed the limitations specified:

<i>Pollutants</i>	<i>Emission Limits</i>		
	<i>g/hp-hr</i>	<i>lb/hr/</i> <i>unit</i>	<i>TPY(total)</i>
Nitrogen Oxides	6.9	18	9.0
Volatile Organic Compounds (VOC)	0.17	0.4	0.2
Carbon Monoxide (CO)	8.5	22.1	11.1
Particulate Matter (PM)	3.28	1.0	0.5
Sulfur Dioxide (SO <sub>2</sub> )	1.0	2.6	1.3

F. The emissions from the fire pump shall not exceed the limitations specified:

<i>Pollutants</i>	<i>Emission Limits</i>		
	<i>g/hp-hr</i>	<i>lb/hr</i>	<i>TPY</i>
Nitrogen Oxides	7.2	3.5	0.88
Volatile Organic Compounds (VOC)	0.17	0.1	0.02
Carbon Monoxide (CO)	1.2	0.6	0.15
Particulate Matter (PM)	0.22	0.1	0.03
Sulfur Dioxide (SO <sub>2</sub> )	0.47	0.2	0.06

G. The PM emissions from the cooling towers shall not exceed 0.53 pounds per hour and 4.6 tons per year as a 12-month rolling sum.

H. The combined emissions from the entire facility shall not exceed the limitations specified:

<i>Pollutants</i>	<i>Facility Annual Emission Limits (TPY)*</i>
Nitrogen Oxides	488.7
Volatile Organic Compounds (VOC)	88.4
Carbon Monoxide (CO)	360.5
Particulate Matter (PM)	386.7
Sulfur Dioxide (SO <sub>2</sub> )	96.3
Sulfur Acid (H <sub>2</sub> SO <sub>4</sub> ) Mist	29.3

\* The facility annual emission limits are a 12-month rolling sum calculated monthly. The facility annual emission limits include the emissions during startups and shutdowns.

*Continuous Source Monitoring Requirements:*

A. Each combustion turbines shall be equipped with continuous monitoring systems to monitor and record nitrogen oxides (NO<sub>x</sub>) emissions, carbon monoxide (CO) emissions and oxygen (O<sub>2</sub>) content in the flue gas.

B. The continuous emission monitoring systems for NO<sub>x</sub>, CO and O<sub>2</sub> shall be approved by DEP and installed, calibrated, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139.

C. The continuous emission monitoring system for the parameters in the previous condition must be approved by the Department. The continuous emission monitoring system shall be installed, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139. Proposals containing the information as listed in Phase I section of DEP's Continuous Source Monitoring Manual for the continuous emission monitoring system must be submitted at least 180 days prior to the start-up of each combined cycle combustion turbine.

D. Testing as listed in the Phase II section of DEP's Continuous Source Monitoring Manual must be completed for the CEMs no later than 180 days after initial source start-up date and no later than 60 days after the source achieves normal process capacity.

E. The final report as listed in the Phase III section of DEP's Continuous Source Monitoring Manual must be submitted no later than 60 days after the completion of testing.

F. The continuous monitoring systems shall be installed, maintained and operated to achieve the following data availability requirements:

*Monitored Pollutants or Parameters*  
NO<sub>x</sub>, CO, O<sub>2</sub>

Data Availability	<ul style="list-style-type: none"> <li>• 90% valid hours/calendar month</li> <li>• 95% valid hours/calendar quarter</li> </ul>
Valid Hour	<ul style="list-style-type: none"> <li>• 75% valid readings (45 minutes/hour)</li> </ul>

G. Equipment shall be installed, operated and maintained to continuously monitor and record the ammonia solution injection rate and the pH or ammonia concentration of the solution to the SCR system.

H. Equipment shall be installed, operated and maintained to continuously monitor and record the amount of natural gas combusted in the combustion turbines and the duct burners.

*Recordkeeping Requirements*

A. The owner and operator shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this Plan Approval.

B. The owner and operator shall maintain a copy of the manufacturer's specifications for the combustion turbines, the duct burners, cooling towers and air cleaning devices onsite.

C. The owner and operator shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this Plan Approval.

D. The owner and operator shall keep a record of all the stack tests that are required in this Plan Approval.

E. The owner and operator shall keep a monthly record of the fuel usage.

F. The owner and operator shall keep a record of the date of any malfunction, the time period of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

G. The owner and operator shall keep a record, on a monthly basis, of the facility's emissions in order to demonstrate compliance with the emission limits in emission limitations condition of this Plan Approval.

H. The owner and operator shall keep all records that are required under 40 CFR Part 60 Subparts Da, Dc and GG and 40 CFR Parts 72-78, unless the permittee receives approval of an alternative method from the EPA.

I. The owner and operator shall keep a record of each startup and shutdown of the combustion turbines.

J. The owner and operator shall keep a record of the results of the testing for cooling tower blow down water total dissolved and suspended solids.

*Testing Requirements*

A. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after the initial startup of the facility, the owner or operator shall conduct performance tests as per 25 Pa. Code § 60.8 and Subparts GG and Db of 40 CFR Part 60 and 25 Pa. Code Chapter 139.

B. The perform test shall be conducted on the gas turbines and the duct burners for nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide, ammonia slip concentration and total particulate matter and PM<sub>10</sub>.

C. During the stack test, the ammonia solution flow rate in GPM and its pH shall be measured and recorded.

D. At least 60 days prior to the test, the company shall submit to DEP for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

E. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

F. Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

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

**13-318-006: Kovatch Mobile Equipment Corp.** (t/a KME Fire Apparatus, One Industrial Complex, Nesquehoning, PA 18240) for construction of one sandblasting and four paint booths controlled by dry filters/cyclone/fabric collectors in Nesquehoning Borough, Carbon County. HVLP spray guns will be used along with low VOC paints. VOC emissions will not exceed 39.9 TPY based on a 12-month rolling sum from these new spray booths and the particulate emissions from the sandblasting booth will not exceed 0.04 grain dscf. The company currently has a Title V Permit 13-00008. The Plan Approval and Operating Permit will include monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

**48-302-103: Newstech PA LP—formerly known as Northampton Pulp LLC** (6 Horwith Drive, Northampton, PA 18067) for reactivation and operation of a natural gas-fired boiler in Northampton Borough, **Northampton County**. The facility is a non-Title V (State only) facility. The boiler will have the potential to emit 3.2 tons of particulate, 0.25 ton of SO<sub>x</sub>, 13.4 tons of NO<sub>x</sub>, 35.3 tons of CO and 2.3 tons of VOC per year. The plan approval will include monitoring, reporting and recordkeeping requirements designed to keep the source operating within all applicable air quality requirements.

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

**06-03079A: Interstate Container LLC** (P. O. Box 317, Reading, PA 19603) for modification of a boiler controlled by a low NO<sub>x</sub> burner, flue gas recirculation and low sulfur fuel oil in the City of Reading, **Berks County**. The boiler is at a non-Title V (State only) facility. This modification will result in an increase in potential emissions of 77.5 tons per year of sulfur oxides and 18.1 tons per year of nitrogen oxides. The boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The sulfur content in the fuel oil fired in the boiler will be limited to 0.3% by weight. The approval will include monitoring, record keeping and reporting conditions designed to keep the source operating within all applicable air quality requirements.

**36-03125: Susquehanna Valley Organics, Corp.** (3705 Trindle Road, Camp Hill, PA 17011-4334) for the

construction of a sludge (biosolids) heat drying facility that will accept dewatered municipal wastewater solids and convert it into palletized granules for use as commercial fertilizer. The facility is located in Lancaster Township, **Lancaster County**. The facility will consist of biosolids handling, biosolids drying, product storage and handling and air emission controls. The air emission control system consists of a condensing scrubbing unit and a coriolis scrubber unit. Estimated atmospheric emissions for SO<sub>x</sub>, CO, NO<sub>x</sub> and VOC are projected to be 0.07, 9.81, 5.84 and 0.64 tons per year, respectively. The facility is a non-Title V (State only) facility. This project is subject to 40 CFR Part 61—National Emission Standards for Hazardous Air Pollutants, Subpart E—National Emission Standard for Mercury. The Plan Approval and Operating Permit will contain reporting, record keeping and operating conditions designed to keep the facility operating within all applicable air quality requirements.

**67-03109: Bickel's Snack Foods, Inc.** (1120 Zinns Quarry Road, West Manchester, PA 17405) for construction of a potato snack stick and ring fryer line controlled by a mist eliminator in Manchester Township, **York County**. The facility is a non-Title V (State only) facility. The applicant expects that outlet emissions from the unit will have negligible amounts of vegetable oil and moisture vapor. The approval will include monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits 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: Leif Ericson, Program Manager, (717) 705-4702.*

**06-05024A: Reliant Energy Mid-Atlantic Power Holdings, LLC** (1001 Broad Street, Johnstown, PA 15907-1050) for the modification of a coal handling operation controlled by covers and wet suppression at the Titus Power Plant in Cumru Township, **Berks County**. The facility is subject to Title V. This modification will have the potential to emit 25 tons per year of particulate. The net increase in the potential emissions is 10 tons per year. The applicant will be required to conduct monitoring, recordkeeping and reporting designed to keep the source operating within all applicable air quality requirements.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**39-309-046D: Lafarge Corp.** (5160 Main Street, Whitehall, PA 18052) for operation of an air cleaning device on Cement Kiln #3 at the Whitehall Plant in Whitehall Township, **Lehigh County**.

**35-318-084: Chamberlain Manufacturing Corp.** (156 Cedar Avenue, Scranton, PA 18505) for operation of a paint booth and associated air cleaning device in Scranton, **Lackawanna County**.

**40-310-029C: Pennsy Supply** (Slusser Brothers Trucking and Excavating Co., Inc., Small Mountain Quarry, 125

North Warren Street, West Hazleton, PA 18201) for operation of a stone crushing plant and associated air cleaning device in Dorrance Township, **Luzerne County**.

**54-310-027A: Wheelabrator Technologies** (Wheelabrator Culm Services, Inc., 500 Morea Road, Frackville, PA 17934) for operation of a culm crushing operation and associated air cleaning device in Mahanoy Township, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.*

**22-03046: Handwerk Materials, Inc. division of Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on October 4, 2001, for the operation of a limestone quarry in Lower Swatara Township, **Dauphin County**.

**36-03055: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on October 4, 2001, for the operation of a limestone quarry in Salisbury Township, **Lancaster County**.

**36-03095: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on October 4, 2001, for operation of a limestone quarry in Caernarvon Township, **Lancaster County**.

**36-03105: Binkley & Ober, Inc.** (P. O. Box 7, East Petersburg, PA 17520) on October 4, 2001, for the operation of a limestone quarry in East Hempfield Township, **Lancaster County**.

**38-03029: Elk Corporation of Texas** (401 Weavertown Road, Myerstown, PA 17067) on October 4, 2001, for operation of an asphalt shingle manufacturing facility at its Myerstown Facility in Jackson Township, **Lebanon County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**19-322-002C: White Pines Corporation** (515 State Route 42, Millville, PA 17846) for operation of a rock screening and conveying operation at their residual waste landfill facility in Pine Township, **Columbia County**. The operation will process onsite rock that will be used for daily cover at the landfill. Fugitive particulate matter from the operation of the respective equipment is controlled by a water spray dust suppression system and the resultant emissions are minimal. The generator which is used to power the operation has the potential to emit up to 2.26 tons of nitrogen oxides, 0.40 ton of carbon monoxide and 0.07 ton of hydrocarbons per 12 consecutive month period.

The Department has determined that the rock screening and conveying operation has been constructed and is operating, in conformance with all conditions contained in Plan Approval 19-322-002C as well as in compliance with all applicable requirements contained in 25 Pa. Code Article III including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the rock screening and conveying operation.

The Department plans to place conditions in the operating permit to be issued which are intended to ensure continued compliance with all applicable requirements as well as require appropriate record keeping practices to be employed. The following is a summary of these conditions:

1. The screening and conveying operation shall not be operated at any time that the associated water spray dust suppression system cannot be operated due to freezing weather or any other reason.

2. The generator used to power the screening operation shall not be operated more than 500 hours during any 12 consecutive month period. The company shall maintain a record of the number of hours the generator is operated each month.

3. If at any time it is determined the air contaminant emissions from the screening and conveying operation are in excess of any applicable air contaminant emissions limitation, the company shall immediately install additional water spray nozzles and/or take other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**37-00234: Praxair Surface Technologies, Inc.** (3225 Honeybee Lane, New Castle, PA 16105) for a Natural Minor Permit to operate surface coating deposition process along with laser welding and cladding services in Wilmington Township, **Lawrence County**.

**25-00961: Loger Industries Inc.** (10015 Railroad Street, Lake City, PA 16423) for a Synthetic Minor Permit to operate a miscellaneous manufacturing facility in Lake City Borough, Erie County. The facility accepted a restriction on emission of VOC (Volatile Organic Compound), Single HAP (Hazardous Air Pollutants) and Multiple HAP to become a Synthetic Minor facility.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. 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 previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

#### Coal Applications Received

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**54950101R. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965-1211), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 246.0 acres, receiving stream—none. Application received: September 26, 2001.

**54910204R2. Louis Pagnotti, Jr.** (20 Garber Street, Old Forge, PA 18518), renewal of an existing anthracite coal refuse reprocessing operation in North Manheim Township, **Schuylkill County** affecting 10.0 acres, receiving stream—none. Application received: October 2, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**17930120 and NPDES Permit No. PA 0219614, Al Hamilton Contracting Company**, R. D. 1, Box 87, Woodland, PA 16881. Renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County**. The application also includes and application for a Change in Permit Acreage from 116.0 acres to 88.8 acres. Receiving streams: unnamed tributaries of Wallace Run to Wallace Run, Wallace Run to Little Clearfield Creek and Laurel Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received: September 5, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26-01-06. Patterson Coal Co.** (41 Elizabeth Drive, Smithfield, PA 15478). Received an application for a

government financed construction contract located in North Union and Franklin Townships, **Fayette County** affecting 7.1 acres. Receiving stream: none. There are no known public water supply intakes within 10 miles downstream of the point of discharge. Application received: September 17, 2001.

**26870202. Carriage Mining, Inc.** (1406 Highview Drive, Greensburg, PA 15601). Revision to add acres for commencement, operation and reclamation of a bituminous surface mine located in German Township, **Fayette County** affecting 113.2 acres. Receiving streams: unnamed tributaries to Browns Run to the Monongahela River, classified for the flowing uses: warm water fishery. There are no known public water supply intakes within 10 miles downstream of the point of discharge. Revision application received: September 14, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56830201. Y & M Salvage** (3110 Whistler Road, Stoystown, PA 15563). Permit Revision for a land use change request from abandoned refuse pile to wildlife habitat in Shade Township, **Somerset County**, affecting 17.9 acres. Receiving streams: unnamed tributary to Stony Creek classified for the following uses: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority and Cambria/Somerset Water Authority Border Dam. Application received: October 3, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**33000103. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Revision to an existing bituminous surface strip and auger operation in McCalmont Township, **Jefferson County** affecting 57.1 acres. Revision to add 1.1 support acres. Receiving streams: Big Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received: October 5, 2001.

**5616-33000103-E-1. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Application for a stream encroachment to construct a haul road and erosion and sedimentation controls no closer than 50 feet to Big Run in McCalmont Township, **Jefferson County** affecting 57.1 acres. Receiving streams: Big Run, classified for the following uses: Statewide water uses; CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received: October 5, 2001.

#### Noncoal Applications Received

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**28010302 and NPDES Permit #PA0224162, David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), commencement, operation and restoration of a quarry operation in Antrim Township, **Franklin County** affecting 49.0 acres, receiving stream—unnamed tributary to Muddy Run classified as a High Quality stream with no potable water supply intakes within 10 miles. Application received: September 26, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**4774SM4, Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044-0231), renewal of existing NPDES

Permit No. PA 0115789. The permit is located in Fairfield Township, **Lycoming County** affecting 939.3 acres. Receiving streams: West Branch Susquehanna River and Bennett's Run to Tules Run, to West Branch Susquehanna River. Application received: September 4, 2001.

**4775SM14, Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044-0231), renewal of existing NPDES Permit No. PA 0115525. The permit is located in Lamar Township, **Clinton County** affecting 163.2 acres. Receiving streams: Fishing Creek to Bald Eagle Creek to West Branch Susquehanna River. Application received: September 4, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**37900308. Atlantic States Materials of PA, Inc.** (P. O. Box 146, Slippery Rock, PA 16057). Transfer of an existing sand and gravel operation in New Beaver Borough, **Lawrence County** affecting 55.9 acres. Receiving streams: North Fork of Little Beaver Creek, classified for the following uses: Statewide water uses; HQW and CWF. No public water supplies are within 10 miles downstream of this proposed operation. Transfer from Russell Minerals (Pennsylvania), t/d/b/a Darlington Ready Mix Co. Application received: September 24, 2001.

**37900303. Atlantic States Materials of PA, Inc.** (P. O. Box 146, Slippery Rock, PA 16057). Transfer of an existing sand and gravel operation in Taylor Township, **Lawrence County** affecting 53.5 acres. Receiving streams: unnamed tributary to the Beaver River, classified for the following uses: Statewide water uses. No public water supplies are within 10 miles downstream of this proposed operation. Transfer from Russell Minerals (Pennsylvania), t/d/b/a Darlington Ready Mix Co. Application received: September 24, 2001.

**37930307. Atlantic States Materials of PA, Inc.** (P. O. Box 146, Slippery Rock, PA 16057). Transfer of an existing sand and gravel operation in North Beaver Township, **Lawrence County** affecting 44.5 acres. Receiving streams: Beaver River, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Transfer from Russell Minerals (Pennsylvania), t/d/b/a Darlington Ready Mix Co. Application received: September 24, 2001.

**37950303. Cemex, Inc.** (1200 Smith Street, Suite 2400, Houston, TX 77002). Renewal of NPDES No. PA0227129, Shenango and Taylor Townships, **Lawrence County**. Receiving streams: McKee Run; and Beaver River, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. NPDES Renewal application received: September 25, 2001.

**2170-10000305-E-2. G. L. McKnight, Inc.** (P. O. Box 773, Slippery Rock, PA 16057). Application for a stream encroachment to construct and maintain a stream crossing over unnamed tributary No. 2 to Black Run in Worth Township, **Butler County**, classified for the following uses: Statewide water uses; CWF. No public water supplies are within 10 miles downstream of this proposed operation. Receiving streams: Black Run. Application received: September 14, 2001.

#### **PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immuni-

ties from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

#### *Project Proposals Received*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**EGS 56001, AMD and ART** (411 Third Avenue, Johnstown, PA 15906). A project to conduct a site assessment, cleanup, restoration and redevelopment of a 1.5-acre tract of the Reitz No. 4 property located on the north side of S.R. 1018 in Shade Township, **Somerset County**. Receiving stream Dark Shade Creek. Project received: September 24, 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 (Department). 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, contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-823. John Feher, Inc.**, 46 Wildrose Lane, Levittown, PA 19054, Falls Township, **Bucks County**, ACOE Philadelphia District.

To place and maintain an unspecified amount of fill in and along approximately 750 linear feet of an existing body of water (WWF) and within the 100 year floodplain of Martins Creek (WWF) for the reported purpose of stabilizing the edge of the body of water. The body of water has formed within an area, which was previously quarried for sand and gravel. The project is situated west side of Fallsington Tullytown Road, 200 feet north of the intersection of Penn Valley Road (S.R. 2053) and Fallsington Tullytown Road (S.R. 2107) (Trenton West, PA USGS Quadrangle N: 5.9 inches; W: 7.5 inches).

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

**E21-330. Jeffrey Austin, Letterman Incorporated**, 716 N. West Street, Carlisle, PA 17013 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a 4-inch diameter ductile iron pipe with precast DW end wall and intake screen for the purpose of supplying water to a system of irrigation ponds for the Rich Valley Golf Club located within the Conodoguinet Creek approximately 200 feet North of the intersection of the Creek and SR 81 South (Wertzville, PA Quadrangle N: 1.3 inches; W: 9.4 inches) in Silver Spring Township, Cumberland County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-406. Pennsylvania State University**, Physical Plant Building, University Park, PA 16802, Duck Pond Improvements, in State College Borough, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 9.5 inches; W: 13.75 inches).

The permit application proposes to stabilize 800 linear feet of stream channel with a riprap energy dissipater, riprap bedding, vegetative banks and over excavated banks. The upstream limit of the project is located at the stormwater outfall and extends to the duck pond. The project is located in Thompson Run, which is designated as a Cold Water Fishery and will not impact any wetlands.

**E41-488. Charles Bidelspacker III, Williamsport Yacht Club**, 428 Market Street, Williamsport, PA 17701. River Lot Permit, in the City of Williamsport and Woodward Township, **Lycoming County**, ACOE Baltimore District (Williamsport, PA Quadrangle N: 5.5 inches; W: 3.5 inches).

The permit application proposes to obtain a maintenance permit for several structures in the floodway and 70 individual boat docks on the West Branch of the Susquehanna River, Warm Water Fishery. This permit proposes to have a temporary impact of 1.54 miles of river frontage during the summer when the boat docks are in the water.

**E47-073. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. SR 0642, Sect. 011 Bridge Over Mahoning Creek, in West Hemlock Township, **Montour County**, ACOE Baltimore District (Millville, PA Quadrangle N: 8.8 inches; W: 12.5 inches).

The permit application proposes to construct, operate and maintain a 12-foot by 6.5-foot cast in-place reinforced concrete box culvert with a 45 degree skew and to relocate 150 linear feet of Mahoning Creek. The structure is proposed to have a length of 51-feet and a curb-to-curb width of 32 feet. The permit also proposes to have a temporary stream crossing with three 24-inch culvert pipes to convey vehicular traffic around the project site. This project will impact 350 linear feet of the watercourse, which is designated as a Trout Stocked Fishery and does not intend to impact any wetlands.

**E47-074 Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. SR 0642, Sect. 006 Bridge Over Mahoning Creek, in West Hemlock Township, **Montour County**, ACOE Baltimore District (Millville, PA Quadrangle N: 9.8 inches; W: 12.2 inches).

The permit application proposed to construct, operate and maintain an 8-foot by 6.5-foot cast in place reinforced concrete box culvert with a 45 degree skew and relocate 230 linear feet of Mahoning Creek. The structure is proposed to have a length of 51-feet and a curb-to-curb width of 32 feet. This project will impact 200 linear feet of the watercourse, which is designated as a Trout Stocked Fishery and does not intend to impact any wetlands.

**E55-183. Mr. Carmen, Inc.**, P. O. Box 160, Shamokin Dam, PA 17876. Champs Sports Factory in Shamokin Dam Borough, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle N: 11 inches; W: 17 inches).

The permit application proposes to relocate 120 linear feet of an unnamed tributary to the West Branch of the Susquehanna River a maximum of 20 linear feet from its current location. This application also proposes to place fill in the floodway to stabilize the slopes of the current channel along with riprap reinforcing. This application will impact 200 linear feet of watercourse, which is designated as a Warm Water Fishery and does not impact any wetlands.

**E60-150. Union County Industrial Railroad Company**, 356 Priestley Avenue, Northumberland, PA 17857. Maintenance permit for Culverts, in White Deer Township, **Union County**, ACOE Baltimore District (Milton, PA Quadrangle N: 3.19 inches; W: 15.97 inches).



The permit application proposes to obtain a maintenance permit for a 12-foot stone arch enclosure with a distance of 465 linear feet and a 60 inch corrugated plastic pipe enclosure measuring 250 linear feet on an unnamed tributary to the West Branch of the Susquehanna River. This arch structure was constructed to convey stream flow under a railroad turnbuckle a minimum of 50 years ago. After the September 1999, flood events, a 60-inch smooth bore corrugated plastic pipe was installed to convey the additional 100-year flood flows that the existing structure could not convey. This area was severely damaged by the flood, which prompted an Emergency Permit (EP6099503) for restoration of the site. One condition of the Emergency Permit was to obtain a maintenance permit for the corrective action of which this application is serving. There are no stream or wetland impacts associated with this project since it has been completed. The watercourse is classified as a Warm Water Fishery.

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

**E02-1355. Borough of Glassport**, Fifth and Monongahela Avenues, Glassport, PA 15045. Glassport Borough, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain an elevated 4' & wide gangway over a de minimis wetland and to construct and maintain a boat dock and a wood 20' x 20' overlook along the right bank of the Monongahela River (WWF) near River Mile 17.3 (Glassport, PA Quadrangle N: 15.8 inches; W: 2.4 inches).

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

**E37-142. Pennsylvania Department of Transportation, District 11**, 45 Thomas Run Road Bridgeville, PA 15017-2853. S.R. 1002, Segment 0019, Offset 0032 Across Hottenbaugh Run, in Hickory Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 7.1 inches; W: 6.2 inches).

To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge

having a clear span of 63.0 feet and an underclearance of 6.4 feet on a 70 degree skew across Hottenbaugh Run on S.R. 1002, Segment 0019, Offset 0032 approximately 2.8 miles north of New Castle.

**E42-285, Allegheny Partners, L.P.**, 312 W. Main Street, Smethport, PA 16749. Timber Access Bridge Across Colegrove Brook, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 16.4 inches; W: 15.5 inches).

To construct and maintain a steel beam bridge having a clear span of 35 feet and an underclearance of 4.5 feet across Colegrove Brook (HQ-CWF) on a timber access road approximately 1.5 miles east of S.R. 46 near Colegrove.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received 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 the comment and the relevant facts upon which it based.

**The following applications have been received for 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.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
SSIP 01016	Robert L. Coons Wickett & Craig of America Inc. 120 Coopers Road Curwensville, PA 16833	Clearfield	Curwensville Township	5 ASTs storing Hazardous Substances	24,500 gallons each

**ACTIONS**

**FINAL ACTIONS TAKEN UNDER THE 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 Environmental Hearing Board (Board) within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of

itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**NPDES Permit No. PA0028380**, Sewerage, **Tinicum Township**, 629 North Governor Printz Boulevard, Essington, PA 19029. This proposed facility is located in Tinicum Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into Darby Creek.

**NPDES Permit No. PA0025488**, Sewerage, **Borough of Avondale**, 110 Pomeroy Street, P. O. Box 247, Avondale, PA 19311. This proposed facility is located in Avondale Borough, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to East Branch White Clay Creek—3I Watershed.

**WQM Permit No. 1501414**, Sewerage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the construction and operation of a sewer system to serve Welsh Tract Subdivision.

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

**NPDES Permit No. PA-0063487**, Sewerage, **Northside Heights Estates, Inc.**, 97 Sam Brooke Circle, Lehighton, PA 18235-4226. This proposed facility is located in East Penn Township, **Carbon County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge .1 MGD of treated sewage to unnamed tributary to Lizard Creek.

**WQM Permit No. 5401402**, Sewerage, **Kline Township Municipal Authority**, 76 South Kennedy Drive, McAdoo, PA 18237. This proposed facility is located in Kline Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Part II Permit for construction of a wastewater collection system.

**WQM Permit No. 1301405**, Sewerage, **Kline-Banks-McAdoo Regional Authority**, P. O. Box 14, 412 East Grant Street, McAdoo, PA 18237. This proposed facility is located in Banks Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of Part II Permit for construction of a regional wastewater treatment plant.

**WQM Permit No. 5401401**, Sewerage, **McAdoo Borough Sewer Authority**, P. O. Box 55, McAdoo, PA 18237. This proposed facility is located in McAdoo Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Permit approval for the replacement of a combined sewer system with a separate gravity sewer collection and conveyance system. The collected sewage will be pumped from the new pumping station to the proposed sewage treatment plant at Bank Township for ultimate disposal.

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

**NPDES Permit No. PA0044571**, **Dart Container Corporation**.

The Department, after public notice, has on October 1, 2001, issued a NPDES Permit to Dart Container Corporation.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Outfalls 005 and 008 for the period of October 1, 2001, through December 31, 2001.

<i>Parameter</i>	<i>Monthly Average</i>	<i>Daily Average</i>	<i>Instantaneous Maximum</i>
Total Dissolved Solids	Monitor	Monitor	
Osmotic Pressure		76 mos/kg	95 mos/kg
Oil and Grease	15		30
Total Phosphorus	2	4	5
Suspended Solids	30	60	75
Total Copper	Monitor	Monitor	
Total Lead	Monitor	Monitor	
Total Zinc	0.27	0.54	0.68
Sulfates	Monitor	Monitor	
Chlorides	Monitor	Monitor	
pH		From 6.0 to 9.0 inclusive	
Iron Dissolved	Monitor	Monitor	
Temperature			
(3-1 to 10-31)	100°F		Daily
(11-1 to 2-29)	80°F		Daily

Outfalls 005 and 008 for the period beginning January 1, 2002.

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
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Discharge shall be terminated.

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

**NPDES Permit No. PA0087564**, Sewerage, **Donald and Linda Yingling**, 3574 Taneytown Road, Gettysburg, PA 17325. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Plum Run in Watershed 13-D.

**NPDES Permit No. PA0027316**, Sewerage, **City of Lebanon**, 400 S. 8th Street, Lebanon, PA 17042. This proposed facility is located in North Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Quittapahilla Creek in Watershed 7-D.

**WQM Permit No. 2201406**, Sewerage, **Lower Paxton Township Authority**, 75 South Houcks Road, Suite 200, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization for the construction /operation of Pump Stations.

**WQM Permit No. 6701408**, Sewerage, **Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Authorization for the construction /operation of Pump Stations.

**WQM Permit No. 6780402 (00-1)**, Sewerage, **Dillsburg Area Authority**, 4 Barlo Circle, Suite E, P. O. Box 370, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Modifications to the construction/operation of Sewage Treatment Facilities.

**WQM Permit No. 6701407**, Sewerage, **Conewago Township Sewer Authority**, 490 Copenhaffer Road, York, PA 17404. This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of Sewers, Appurtenances and 1 Pump Station.

**NPDES Permit No. PA0007552**, Industrial Waste, **Empire Kosher Poultry, Inc.**, R. R. 5, Box 228, Mifflintown, PA 17059-9803. This proposed facility is located in Walker Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to Juniata River in Watershed 12-A.

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

**Permit No. 0201411**. Sewerage. **South Versailles Township**, Box 66, Coulter, PA 15028. Construction of gravity sanitary sewers, force main, pump station located in South Versailles Township, **Allegheny County** to serve South Versailles Township sanitary sewer extension and pump station.

**Permit No. 2601401**. Sewerage. **North Union Township Municipal Services Association**, 6 South Evans Station Road, Lemont Furnace, PA 15456. Construction of Pump Station located in North Union Township, **Fayette County** to serve University Technology Park.

**Permit No. 6301402**. Sewerage. **Borough of California**, Third Street, California, PA 15419. Construction of Pumping Station and Force Main replacement located in California Borough, **Washington County** to serve College Farm Pump Station.

**Permit No. 6586421-A1**. Sewerage. **Hempfield Township Municipal Authority**, R. D. 1, Box 501, Greensburg, PA 15601. Construction of Grinder Pump and Pressure Sewer System located in Hempfield Township, **Westmoreland County** to serve eight single family residential lots, Renaissance II, Phase IV Development.

#### 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 (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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-J032-R	Edward and Deborah Keinath 12 Pine View Drive Media, PA 19063	Delaware	Edgmont Township	Chester Creek (HQ)
PAS10-G389	Wright Development Company 532 Bryn Mawr Avenue Swarthmore, PA 19081	Chester	West Bradford Township	Broad Run (EV)
PAS10-G465	EIM Associates P. O. Box 1200 Exton, PA 19341	Chester	East Vincent Township	Stony Run (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U154	T.J.F. Land Development, LLC 4547 Foxtail Drive Nazareth, PA	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
ESCP #6601801	Precision Lumber, Inc. HC-31, P. O. Box 486 Dushore, PA 18614	Wyoming	Eaton Township	Bowman Creek HQ-CWF

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities			
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)			
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities			
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant			
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems			
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)			
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application			
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site			
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage			
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site			
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage			
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines			
PAG-11	(To Be Announced)			
PAG-12	Concentrated Animal Feeding Operations (CAFOs)			

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Pennsbury Township Chester County	PAR10 G358	Jeff Berlin 329 South Gurnsey Avenue West Grove, PA 19390	Ring Run (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Caln and Valley Townships Chester County	PAR10 G431	Caln Valley Development Co. 1853 William Penn Way Lancaster, PA 17605	UNT to Rock Run (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
East Bradford Township Chester County	PAR10 G438	Roz Abrahams 702 Lenape Road West Chester, PA 19382	Plum Run (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Phoenixville Borough Chester County	PAR10 G443	Church Housing of Phoenixville 111 Church Street Phoenixville, PA 19460	French Creek (TSF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAR10 T787	Glen Enterprises, Inc. P. O. Box 973 Worcester, PA 19490	Indian Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10 T417-1	The Cutler Group P. O. Box 629 Horsham, PA 19044	Little Neshaminy Creek (WF—MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10 T760	Penn Gwynn, LP 538 East Main Street Lansdale, PA 19446	UNT Little Neshaminy Creek (WF— MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10 T746	Greg Shorten 900 West Sproul Road Springfield, PA 19064	Little Neshaminy Creek (WF— MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County N. Whitehall Township	PAR10Q160	Daniel Kelly Gateway North LLC 188 Jefferson St. Emmaus, PA 18049	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Black Creek Township	PAR10R229	Larock Family Limited Partnership R. R. 2, Box 246 Sugarloaf, PA 18249	Unnamed tributary to Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Cumberland Township Adams County	PAR 100125	Linwood Kern 1958 Emmitsburg Road Gettysburg, PA 17325	Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Cumberland Township Adams County	PAR 100132	Boyd's Collection, LTD. 350 South Street McSherrystown, PA 17344	Marsh Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Menallen Township Adams County	PAR 100133	Mott's, Inc. 45 Aspers-North Road Aspers, PA 17304	Opossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636

NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Conewago Township Adams County	PAR 100137	Conewago Resources, L.P. P. O. Box 407 Hanover, PA 17331	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Cumberland Township Adams County	PAR 100138	RLMC 1270 Fairfield Road Gettysburg, PA 17325	Willoughby Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Straban Township Adams County	PAR 100139	Adams County Board of Commissioners 111-117 Baltimore Street Gettysburg, PA 17325	Beaverdam Creek WWF	Adams County Conserva- tion District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
Taylor Township Blair County	PAR100724	Faith Assembly of God 731 E. Main Street Roaring Spring, PA 16673	Plum Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Antis Township Blair County	PAR100725	Robert Brubaker P. O. Box 172 Bellwood, PA 16617	Bells Gap Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Ontelaunee Township Berks County	PAR10C381	Darryl F. Shoff, CEO Redner's Dev. Corp 207 E. Bellevue Ave Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Maxatawny Township Berks County	PAR10C383	R. Jeff Grim, Dir. of Facilities Management Kutztown University 20 N. Penn St. Kutztown, PA 19530	Municipal Storm Sewer Sacony Creek Watershed	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Centre Township Berks County	PAR10C390	Chris Poulson, Chairperson Centre Township Municipal Authority 356 Cornerstone Dr. Mohrsville, PA 19541	Schuylkill River and Irish Creek WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Centre Township Berks County	PAR10C378	Walter Greth Greth Dev. Group P. O. Box 305 Temple, PA 19560	Unnamed tributary Irish Creek WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Centre Township Perry County	PAR105136	St. Bernard's Church 4800 Union Deposit Road Harrisburg, PA 17111	UNT to Little Juniata Creek	Perry County Conservation District P. O. Box 36 (31 W. Main St.) New Bloomfield, PA 17068 (717) 582-8988

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
New Bloomfield Borough Perry County	PAR105137	New Bloomfield Elem. 300 West High Street New Bloomfield, PA	UNT to Little Juniata Creek	Perry County Conservation District P. O. Box 36 (31 W. Main St.) New Bloomfield, PA 17068 (717) 582-8988
Manchester Township York County	PAR10Y550	Shiloh Nurseries Inc. 3100 N. George St. P. O. Box 234 Emigsville, PA 17318	UNT to Codorus Creek	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAR10Y551	Joseph W. Delozier 1051 Frogtown Rd. Hanover, PA 17331	Gitts Rin WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAR10Y547	Stillmeadow Church of the Nazerene 400 Still Meadow Lane York, PA 17404	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Heidelberg Township York County	PAR10Y543	Covenant Life Worship Center Ken Martz R. D. 2 Glenville, PA 17329	Porters Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAR10Y544	Vito Spagnola 449 Penn Blvd. York, PA 17402-8879	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAR10Y553	Giant Food Store New Plan Excel Realty Trust Inc. Michael Carroll 1120 Ave of the Americans New York, NY 10036	UNT to Yellow Breeches CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bradford County Towanda Township	PAR100824	Bradford County Airport Authority R. R. 2, Box 69A Towanda, PA 18848	Towanda Creek CWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Ct. Towanda, PA 18848 (570) 265-5530 Ext. 205

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Adams County Menallen Township	PAR213504	Magnesium Elektron, Inc. 500 Point Breeze Road Flemington, NJ 08822	Opossum Creek/ TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Guilford Township	PAR703518	Allegheny Energy Supply Company Chambersburg Units 12 and 13 4350 Northern Pike Monroeville, PA 15146-2841	Conococheague Creek/ WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Berks County Sinking Spring Borough	PAR143503	Grafika Commercial Printing, Inc. P. O. Box 2153 710 Johnston Street Sinking Spring, PA 19608	UNT to Cacoosing Creek	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Carlisle Borough	PAR203520	Lane Enterprises, Inc. Carlisle Facility 1244 Claremont Road Carlisle, PA 17013	Spring Run/ WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
New Sewickley Township Beaver County	PAR606171	Michael J. Zelenak 1299 Airport Road Aliquippa, PA 15001	Crows Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene Township Beaver County	PAR606172	Michael J. Zelenak 1299 Airport Road Aliquippa, PA 15001	One Mile to Mill Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Independence Township Beaver County	PAR606173	Michael J. Zelenak 1299 Airport Road Aliquippa, PA 15001	Unnamed Feeder to Raredon Run	Southwest Regional Office: Water Management Pro- gram Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Independence Township Beaver County	PAR606174	Michael J. Zelenak 1299 Airport Road Aliquippa, PA 15001	Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Penn Hills Township Allegheny County	PAR606175	Edward Dowling, Sr. 3780 Fairview Drive Murrysville, PA 15668	Sandy Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
McKees Rocks Borough Allegheny County	PAR806175	Roadway Express Inc. 1077 Gorge Boulevard P. O. Box 471 Akron OH 44309-0471	Chartiers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Perry County Penn Township	PAG043565	Barry and Theresa Weaver 279 Cove Road Duncannon, PA 17020-9521	UNT to Cove Creek/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**PUBLIC WATER SUPPLY PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users



may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days from the date of issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

### SAFE DRINKING WATER

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

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

#### Permit No. 0901501, Public Water Supply.

Applicant **Upper Makefield Township**  
1076 Eagle Road  
Newtown, PA 18940

Township Upper Makefield

County **Bucks**

Type of Facility Public Water Supply System

Consulting Engineer Carroll Engineering Corporation  
949 Easton Road  
Warrington, PA 18976

Permit to Construct October 2, 2001  
Issued

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

**Operations Permit** issued to **Great Spring Waters of America, Inc.**, 405 Nestle Way, Breingsville, PA 18031, Lynn Township, **Lehigh County** on September 19, 2001.

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

#### Permit No. 3801507 MA, Minor Amendment, Public Water Supply.

Applicant **Cornwall Borough Municipal Authority**

Municipality Cornwall Borough

County **Lebanon**

Type of Facility Construction of a new 200,000 gallon water storage tank and the repainting of the existing 200,000 gallon Miners Village water storage tank.

Consulting Engineer Gene C Koontz, P.E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct September 28, 2001  
Issued:

#### Permit No. 0600512 MA, Minor Amendment, Public Water Supply.

Applicant **Wernersville Municipal Authority**

Municipality Wernersville Borough

County **Berks**

Type of Facility Interconnection with the Western Berks Water Authority

Consulting Engineer Steven E Riley, P.E.  
Spotts Stevens and McCoy  
345 North Wyomissing Boulevard  
Hyde Park  
Reading, PA 19530 0307

Permit to Construct September 28, 2001  
Issued:

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

#### Permit No. 1801502, Public Water Supply.

Applicant **Oakridge Personal Care Home**  
82 Oak Ridge Lane  
Mill Hall, PA 17751

Township Colebrook Township

County **Clinton**

Type of Facility Public Water Supply—new water system consisting of disinfection, Well #1, contact piping, finished water storage, booster pumps and distribution lines

Consulting Engineer Richard M. Mulfinger, P.E.  
207 Irish Hollow Road  
Bellefonte, PA 16823

Permit to Construct September 21, 2001  
Issued

#### Permit No. 4146426, Public Water Supply.

Applicant **H<sub>2</sub>O-to-Go**  
49 Village Square Drive  
Marietta, PA 17547

Town Town of Bloomsburg

County **Columbia**

Type of Facility Water vending machine at Weis Markets #6 (Bloomsburg)

Consulting Engineer None

Permit to Operate Issued October 1, 2001

#### Permit No. Minor Amendment, Public Water Supply.

Applicant **Borough of Renovo**  
128 Fifth Street  
Renovo, PA 17764

Borough Renovo Borough

County **Clinton**

Type of Facility Public Water Supply—change from gas chlorination to sodium hypochlorite at the Paddy's Run Treatment Plant

Consulting Engineer Kerry A. Uhler & Associates  
140 West High Street  
Bellefonte, PA 16823

Permit to Operate Issued September 26, 2001

**Permit No. Minor Amendment, Public Water Supply.**

Applicant **Borough of Shamokin Dam**  
144 West Eighth Street  
P. O. Box 273  
Shamokin Dam, PA 17876

Borough Shamokin Dam Borough

County **Snyder**

Type of Facility Public Water Supply—10-inch line to allow direct feed from filter plant to new 250,000 gallon storage tank

Consulting Engineer Gannett-Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Operate Issued September 20, 2001

**Permit No. 5500501, Public Water Supply.**

Applicant **Borough of Shamokin Dam**  
144 West Eighth Street  
P. O. Box 273  
Shamokin Dam, PA 17876

Borough Shamokin Dam Borough

County **Snyder**

Type of Facility Public Water Supply—250,000 gallon elevated steel storage tank and booster gas chlorination facilities

Consulting Engineer Gannett-Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Operate Issued September 20, 2001

**Permit No. 5701501, Public Water Supply.**

Applicant **Borough of Dushore**  
P. O. Box 248  
Dushore, PA 18614

Borough Dushore Borough

County **Sullivan**

Type of Facility Public Water Supply—10,500 feet of 8-inch and 6-inch water-line, booster pump station and 75,000 gallon storage tank

Consulting Engineer MacNiell-Tagg Engineers  
122 Fireside Lane  
Camillos, NY 13031

Permit to Operate Issued October 3, 2001

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

**Operations Permit # 5014-MA1** issued to **Sykesville Municipal Authority**, 213 E. Main Street, Sykesville, PA 15865, Sandy Township, **Clearfield and Jefferson Counties** on September 24, 2001.

**Permit No. 2595501-MA1, Minor Amendment, Public Water Supply.**

Applicant **Erie City Water Authority**  
340 West Bayfront Parkway  
Erie, PA 16507.

Borough or Township Harborcreek Township

County **Erie**

Type of Facility PWS

Consulting Engineer KLH Engineers  
5173 Campbells Run Rd.  
Pittsburgh, PA 15205

Permit to Construct Issued September 27, 2001

**Permit No. 2787501-MA2, Minor Amendment, Public Water Supply.**

Applicant **Cornell Abraxas Group Inc.**  
Cornell Abraxas I  
Forest Road, P. O. Box 59  
Marienville, PA 16239-0059

Borough or Township Howe Township

County **Forest**

Type of Facility PWS

Consulting Engineer Scott Jackovitz, Maintenance Supervisor  
Cornell Abraxas Group  
Cornell Abraxas I  
Forest Road, P. O. Box 59  
Marienville, PA 16239-0059

Permit to Operate Issued October 1, 2001

**WATER ALLOCATIONS**

**Actions taken on applications received under the Act of June 24, 1939 (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

**WA WA 06-1016, Water Allocations, Wernersville Municipal Authority, Berks County.** Consulting Engineer: Steven E. Riley, P.E., Spotts Stevens and McCoy, Permit Issued: September 28, 2001.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	1145 Garver Ln. Scotland, PA 17254	Franklin County

Plan Description: The approved plan provides for a sewer extension to serve 17 existing dwellings on Starr Avenue and Sycamore Grove Road. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Allegheny Township	3131 Old Sixth Ave. North Duncansville, PA 16635	Blair County

Plan Description: The approved plan of October 3, 2001, provides for approval of a revision to the Official Sewage Plan of Allegheny Township, Blair County. Project involves connection to the public sewer system of the Hollidaysburg Sewer Authority located within the Lehigh Pines Development to serve a proposed single-family dwelling and is located north of Cemetery Lane and west of St. Mary's Cemetery with ultimate treatment at the Hollidaysburg Regional wastewater treatment plant. 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 Hollidaysburg Borough Sewer Authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the 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 Man-

ager 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:

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**PPL Utilities—Former Penn Fuel Gas Manufactured Gas Plant (Jim Thorpe site)**, Mahoning Township, **Carbon County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Risk Assessment Report (on behalf of their client, PPL Utilities, Two North Ninth Street, Allentown, PA 18101) concerning the baseline risk to human health and the environment associated with residual contamination in soils, groundwater and adjacent surface water and sediments, related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of the Statewide health and site-specific standards and was approved on October 2, 2001.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Goss Graphic Systems, Inc.**, Borough of Wyomissing, **Berks County**. ARCADIS Geraghty & Miller, 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19047 and JMH, Inc., 1090 Spring Street, Wyomissing, PA 19610 and Goss Graphic Systems, Inc., 700 Oakmont Lane, Westmont, IL 60559-5546 submitted a combined remedial investigation report and cleanup plan concerning the remediation of groundwater contaminated with lead, heavy metals, solvents, BTEX, PHCs, PAHs, sulfate and chloride. The combined remedial investigation report and cleanup plan was disapproved by the Department on September 28, 2001.

**Sunset Landfill Site (Olmstead AFB, Sunset Annex)**, Londonderry Township, **Dauphin County**. Parsons Engineering Science, Inc., 19101 Villaview Road, Cleveland, OH 44119, on behalf of Londonderry Township, 783 South Geysers Church Road, Middletown, PA 17057 and United States Air Force, HQ AFCEE/PA, 3207 North Road, Brooks AFB, TX 78235-5363, submitted a remedial investigation report concerning the remediation of site groundwater contaminated with solvents. The report was disapproved by the Department on October 2, 2001.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Charus L. Goss Estate**, Wysox Township, **Bradford County**. Chambers Environmental Group, Inc., on behalf of Charus L. Goss Estate, Route 6 and Sullivan Street, Towanda, PA 18848, has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil and groundwater contaminated with lead, BTEX and PHCs. The Remedial Investigation Report was approved; the Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department on September 10, 2001.

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

**Engelhard Corporation/Mallinckrodt Inc.**, South Parcel, 1729 East Avenue, City of Erie, **Erie County**, had submitted a Final Report concerning remediation of the

groundwater. The report was approved by the Department on October 2, 2001, and did demonstrate attainment of the Statewide Health Standard.

#### 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

**Vernon Milling Company, Inc.**, P. O. Box 1617, Vernon, AL 35592. License No. **PA-AH 0640**. Effective October 4, 2001.

#### HAZARDOUS WASTE TRANSPORTER LICENSE EXPIRED

**Rust & Sons Trucking, Inc.**, 15260 Willow Road, Lakeside, CA 92040. License No. **PA-AH 0496**. Effective October 3, 2001.

**Solvents & Petroleum Services, Inc.**, 1405 Brewerton Road, Syracuse, NY 13208. License No. **PA-AH 0629**. Effective October 3, 2001.

**Plainfield Motor Service**, 724 W. Route 126, Plainfield, IL 60544. License No. **PA-AH 0573**. Effective October 3, 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 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

**Sanford Motors, Inc.**, 1307 South Pennsylvania Avenue, Morrisville, PA 19067-1275. License No. **PA-HC 0122**. Effective October 1, 2001.

#### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit No. WMGR067. Scrubgrass Generating, L.P.**, R. R. 1, Box 238, Kennerdell, PA 16374. The beneficial use of dried holding pond sediment consisting of filter backwash, coal pile runoff, river silt and boiler

and cooling tower blowdown for use as a soil additive to facilitate revegetation on disturbed land at permitted and abandoned mine sites. The permit was issued on September 4, 2001, by Division of Municipal and Residual Waste.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

**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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 301333. Waste Recovery Solutions, Inc.**, 343 King Street, Myerstown, PA 17067, Jackson Township, **Lebanon County**. The major permit modification was approved for the operation of Waste Recovery Solutions, Inc. The permit was approved by the Southcentral Regional Office on October 3, 2001.

Persons interested in reviewing the general permit may contact Keith Kerns, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### 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.**

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

**66-399-004GP: Procter and Gamble Paper Product Co.** (P. O. Box 32, Mehoopany, PA 18629) for construction and operation of a storage tank in Washington Township, **Wyoming County**.

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

**GP1-28-03035: Nitterhouse Concrete Products, Inc.** (2655 Molly Pitcher Highway South, Box N, Chambersburg, PA 17201) on October 4, 2001, was authorized to operate the small gas and No. 2 oil fired boiler under GP1 at its Plant G and S facility in Guilford Township, **Franklin County**.

**GP1-36-05068A: Masonic Homes** (One Masonic Drive, Elizabethtown, PA 17022-2199) on October 4, 2001, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in Elizabethtown Borough, **Lancaster County**.

**GP1-38-05019: AES Ironwood, L.L.C.** (305 Prescott Road., Lebanon, PA 17042) on September 28, 2001, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in South Lebanon Township, **Lebanon County**.

**GP3-67-05069A: CEMEX, Inc.** (Biesecker Road, P. O. Box 220, Thomasville, PA 17364) on October 3, 2001, was authorized to operate a portable nonmetallic mineral processing plant under GP3 at its Thomasville Plant in Jackson Township, **York County**.

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**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 construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*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.*

**15-0085A: Lincoln University** (1570 Baltimore Pike, Lincoln University, PA 19352) on October 2, 2001, for operation of two boilers in Lower Oxford Township, **Chester County**.

**15-0112: Merck and Co., Inc.** (466 Devon Park Drive, Wayne, PA 19087) on September 28, 2001, for operation of a Diesel Generator in Tredyffrin Township, **Chester County**.

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

**06-05090A: Chiyoda America, Inc.** (P. O. Box 470, Morgantown, PA 19543-0470) on October 2, 2001, for modification of a decorative coating facility controlled by a thermal oxidizer at its Morgantown Plant in Caernarvon Township, **Berks County**.

**67-05004C: P. H. Glatfelter Company** (228 South Main Street, Spring Grove, PA 17362) on October 2, 2001, for modification of a HVLC project in Spring Grove Borough, **York County**. This source is subject to 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.

**67-05064A: York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) on October 2, 2001, for modification of a batch asphalt plant controlled by cyclone and baghouse in Spring Garden Township, **York County**.

**67-05069A: CEMEX, Inc.** (P. O. Box 220, Thomasville, PA 17364) on October 4, 2001, for installation of grinding mill equipment with respective control device at its Thomasville Facility in Jackson Township, **York County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**38-318-036A: American LaFrance Aerials** (18th and Lehman Streets, Lebanon, PA 17046) on October 4, 2001, for installation of a paint booth operation in West Lebanon Township, **Lebanon County**.

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**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.**

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*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.*

**46-302-213: Lockheed Martin Corp.** (230 East Mall Boulevard, King of Prussia, PA 19406) on October 2, 2001, for operation of a Combustion Unit—Boiler in Upper Merion Township, **Montgomery County**.

**15-0067A: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362) on October 5, 2001, for operation of a Natural Gas Fueled Boiler and Fryer in West Nottingham Township, **Chester County**.

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

**06-01007V: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) on October 1, 2001, for operation of a melt shop controlled by a fabric collector at its Reading Plant in the City of Reading, **Berks County**. This plan approval was extended.

**67-05016B: R. H. Sheppard Company, Inc.** (P. O. Box 877, Hanover, PA 17331-0877) on October 4, 2001, for operation of a core-making operation controlled by a packed bed gas scrubber and a bin vent filter at its Plant No. 7 in Hanover Borough, **York County**. This plan approval was extended.

**67-317-033C: Starbucks Coffee Company** (3000 Espresso Way, York, PA 17402) on September 24, 2001, for operation of coffee roaster controlled by a cyclone and catalytic oxidizer at its York Roasting Plant in East Manchester Township, **York County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**14-309-044: Gensimore Trucking** (P. O. Box 5210, Bellefonte, PA 16823) on October 3, 2001, to extend authorization to operate a bulk cement blending facility and associated air cleaning device (a fabric collector) on a temporary basis until January 31, 2002, in Spring Township, **Centre County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**46-00090: Tube Methods, Inc.** (416 Depot Street, Bridgeport, PA 19405) on October 4, 2001, for operation of a Facility Title V Operating Permit in Bridgeport Borough, **Montgomery County**.

**46-00078: G-Seven LTD** (2289 North Penn Road, Hatfield, PA 19440) on September 28, 2001, for operation of a Facility Title V Operating Permit in Hatfield Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Facilities Permitting Chief, (717) 705-4702.*

**06-05073: Dyer Quarry, Inc.** (P. O. Box 188, Birdsboro, PA 19508) on October 4, 2001, for operation of a limestone quarry in Robeson Township, **Berks County**.

**06-05077: Can Corporation of America, Inc.** (P. O. Box 170, Blandon, PA 19510) on October 4, 2001, for operation of metal can manufacturing facility in Maiden Creek Township, **Berks 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.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-00065: Allegheny Mineral Corp.—Harrisville Plant** (133 Campground Road, Harrisville, PA 16038) on October 3, 2001, for a Synthetic Minor Operating Permit in Mercer Township, **Butler County**.

**37-00308: Glacial Sand and Gravel Co.** (1043 New Castle Road, Slippery Rock, PA 16057) on September 27, 2001, for a Natural Minor Permit to operate a nonmetallic mineral processing plant in Plain Grove and Scott Townships, **Lawrence County**.

**25-00006: Russell Standard Corp.—Waterford Plant** (Wheelerstown Road, Waterford, PA 16438) on October 2, 2001, for a Synthetic Minor Operating Permit in LeBoeuf Township, **Erie 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 and the NPDES permit application. Mining activity permits issued in response to the 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 Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**13010201. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 580.0 acres, receiving stream—none. Application received April 9, 2001. Permit issued: October 2, 2001.

**54830702R3 and NPDES #PA0613576. Swatara Coal Company** (345 Freemans Road, Schuylkill Haven,

PA 17972), renewal of an existing coal refuse disposal operation in Reilly Township, **Schuylkill County**, affecting 180.4 acres, receiving stream—Swatara Creek. Application received July 6, 2001. Renewal issued: October 3, 2001.

**54851305R3. D & F Deep Mine Coal Co.** (R. R. 1 Box 33A, Klingerstown, PA 17941), renewal of an existing anthracite underground mine operation in Cass and New Castle Townships, **Schuylkill County** affecting 1.08 acres, receiving stream—none. Application received January 25, 2001. Renewal issued: October 3, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**17980121 and NPDES Permit No. PA 0238147. R. J. Coal Company** (P. O. Box 277, LaJose, PA 15753.) Commencement, operation and restoration of a bituminous surface mine permit in Bloom Township, **Clearfield County** affecting 87.6 acres. Receiving streams: unnamed tributary to Bilgers Run to Bilgers Run to Anderson Creek to the West Branch of the Susquehanna River. Application received: March 19, 2001. Permit issued: September 27, 2001.

**17000110 and NPDES Permit No. PA 0243019. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838.) Commencement, operation and restoration of a bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 51 acres. Receiving streams: unnamed tributary to Kratzer Run and unnamed tributary to West Branch Susquehanna River. Application received: May 21, 2001. Permit issued: October 1, 2001.

**17000111 and NPDES Permit No. PA 0243027. Gregg Barrett Coal** (Lot #5, Capricorn Court, Clearfield, PA 16830.) Commencement, operation and restoration of a bituminous surface mine-auger permit in Ferguson Township, **Clearfield County** affecting 47.5 acres. Receiving streams: unnamed tributaries to Watts Creek and Watts Creek to the West Branch of the Susquehanna River. Application received: December 7, 2000. Permit issued: October 3, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26910110 and NPDES PA0203033. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Renewal for reclamation of a bituminous surface mine located in Georges Township, **Fayette County** affecting 46.0 acres. Receiving streams: unnamed tributaries to York Run, to York Run. Application received: August 8, 2001. Renewal permit issued: October 4, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32980115. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit revision for a land use change on the John M. Stilley property to change the proposed postmining land use currently classified as “forestland” and “coal waste piles (currently forestland)” to a postmining land use of “developed water resources” in Rayne Township and Ernest Borough, **Indiana County**, affecting 27.5 acres. Receiving streams: McKee Run classified for the following uses: cold water fishery. Application received: July 5, 2001. Permit issued: October 4, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**32901601. NPDES Permit #0213586, Mill Creek Processing**, 110 Cedar Lane, McMurray, PA 15317, to

renew the permit for the Challenger Coal Yard in East Wheatfield Township, **Indiana County**, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, the first downstream potable water supply intake from the point of discharge is N/A, Permit issued: September 24, 2001.

**30831303. NPDES Permit #0013511, RAG Cumberland Resources, L.P.**, R. D. 3, Box 184, Waynesburg, PA 15370, to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to install No. 8 Shaft, 30 surface acre stock pile, sedimentation ponds, Surface Acres Proposed 30, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, the first downstream potable water supply intake from the point of discharge is N/A, Permit issued: September 27, 2001.

**30940701. NPDES Permit #0215465, Dunkard Mining Company**, P. O. Box 8, Dillner, PA 15327, to renew the permit for the Dunkard CRDA No. 4 in Monongahela Township, **Greene County**, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, the first downstream potable water supply intake from the point of discharge is N/A, Permit issued: October 2, 2001.

**03961302. NPDES Permit #0214990, TJS Mining, Inc.**, R. D. 1, Box 260D, Shelocta, PA 15774, to revise the permit for the TJS #4 Mine in Plumcreek Township, **Armstrong County**, Surface Acres Proposed N/A, Underground Acres Proposed 150, SCP Acres Proposed 76, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, to add permit and subsidence control plan acres, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A, Permit issued: October 2, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**33990113. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201) Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the John W. Dinger property in Perry Township, **Jefferson County**. Receiving streams: unnamed tributary to Rose Run. Application received: May 24, 2001. Permit Issued: September 14, 2001.

**10950106. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Muddy Creek Township, **Butler County** affecting 72.9 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Little Yellow Creek. Application received: July 30, 2001. Permit Issued: September 19, 2001.

**33930102. John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711) Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 120.3 acres. Receiving streams: Two unnamed tributaries to Little Sandy Creek. Application received: July 23, 2001. Permit Issued: September 19, 2001.

**33970109. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Revision to an existing bituminous strip operation to change the post-mining land use from

forestland to unmanaged natural habitat on the Allen E. and Ruth L. Park and the Donald L. and Donna J. Hoffman properties in Oliver Township, **Jefferson County**. Receiving streams: unnamed tributaries to Lick Run and unnamed tributaries to Little Sandy Creek. Application received: June 13, 2001. Permit issued: September 24, 2001.

#### *Noncoal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**6276SM1A1C3 and NPDES Permit #PA0594571. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit in Salisbury Township, **Lancaster County**. Receiving stream—unnamed tributary to Pequea Creek. Permit issued: October 2, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**02010301 and NPDES PA0202916. Redland Brick, Inc.** (Rich Hill Road, R. D. 3, Cheswick, PA 15024). Commencement, operation and reclamation of a noncoal surface mine located in Harmar Township, **Allegheny County** affecting 48 acres. Receiving stream: Deer Creek. Application received: March 2, 2001. Permit issued: October 3, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**20010801. Jeffrey C. Benlisa** (13011 Shadeland Road, Springboro, PA 16435) Commencement, operation and restoration of a small noncoal sand and gravel operation in Cussewago Township, **Crawford County** affecting 5.1 acres. Receiving streams: Cussewago Creek. Application received: July 30, 2001. Permit Issued: September 14, 2001.

**25930305. Wroblewski Sand and Gravel, Inc.** (12907 Half Moon Road, Wattsburg, PA 16442) Revision to an existing sand and gravel operation to add 3.5 acres in Venango Township, **Erie County**. New SMP acreage is 36.3 acres. Receiving streams: unnamed tributary to West Branch of French Creek. Application received: February 12, 2001. Permit Issued: September 14, 2001.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161) and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**21014013. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of May 15, 2002. Permit issued: October 3, 2001.

**36014017. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Salisbury Township, **Lancaster County** with an expiration date of December 15, 2001. Permit issued: October 3, 2001.

**36014018. Norman L. Graham, Inc.** (1940C Old Philadelphia Pike, Lancaster, PA 17602), construction blasting in East Lampeter and Upper Leacock Townships, **Lancaster County** with an expiration date of November 30, 2006. Permit issued: October 3, 2001.

**36014019. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of November 30, 2006. Permit issued: October 3, 2001.

**36014021. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Rapho Township, **Lancaster County** with an expiration date of November 1, 2002. Permit issued: October 3, 2001.

**38014014. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Union Township, **Lebanon County** with an expiration date of February 15, 2002. Permit issued: October 3, 2001.

**38014015. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Jackson Township, **Lebanon County** with an expiration date of November 30, 2006. Permit issued: October 3, 2001.

**38014016. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in S. Londonderry Township, **Lebanon County** with an expiration date of November 1, 2001. Permit issued: October 3, 2001.

**38014017. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in S. Londonderry Township, **Lebanon County** with an expiration date of December 1, 2001. Permit issued: October 3, 2001.

**38014018. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in N. Londonderry Township, **Lebanon County** with an expiration date of December 15, 2001. Permit issued: October 3, 2001.

**46014020. T. H. Properties** (345 Main Street, Harleysville, PA 19438), construction blasting in Richland Township, **Montgomery County** with an expiration date of December 31, 2001. Permit issued: October 3, 2001.

**54014003. Arthur "Pat" Aungst, Inc.** (45 Tremont Road, Pine Grove, PA 17963), construction blasting in Gordon Borough and Butler Township, **Schuylkill County** with an expiration date of November 30, 2001. Permit issued: October 3, 2001.

**06014005. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Amity Township, **Berks County** with an expiration date of August 31, 2002. Permit issued: October 3, 2001.

**01014002. Conewago Enterprises, Inc.** (660 Edgegrove Road, Hanover, PA 17331), Orica USA (P. O. Box 511, Hanover, PA 17331), construction blasting in Cumberland Township, **Adams County** with an expiration date of November 1, 2002. Permit issued: October 3, 2001.

**22014007. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Swatara Township, **Dauphin County** with an expiration date of November 1, 2002. Permit issued: October 3, 2001.

**22014008. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of November 1, 2002. Permit issued: October 3, 2001.

**21014014. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower Allen Township, **Cumberland County** with an expiration date of December 15, 2002. Permit issued: October 3, 2001.

**21014015. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Upper Allen Township, **Cumberland County** with an expiration date of December 15, 2001. Permit issued: October 3, 2001.

**01014003. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting in Straban Township, **Adams County** with an expiration date of December 15, 2004. Permit issued: October 4, 2001.

**06014009. Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474), construction blasting in Cumru Township, **Berks County** with an expiration date of December 31, 2001. Permit issued: October 4, 2001.

**09014008. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Buckingham Township, **Bucks County** with an expiration date of November 30, 2001. Permit issued: October 4, 2001.

**15014011. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Salisbury Township, **Chester County** with an expiration date of January 6, 2002. Permit issued: October 4, 2001.

**28014011. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Metal Township, **Franklin County** with an expiration date of August 30, 2002. Permit issued: October 4, 2001.

**36014022. Miller-Warner Construction, Inc.** (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting in Mt. Joy Borough, **Cumberland County** with an expiration date of December 15, 2001. Permit issued: October 4, 2001.

**36014023. Land Mark Builders** (1656 W. Main Street, Ephrata, PA 17572), construction blasting in Clay Township, **Lancaster County** with an expiration date of November 1, 2003. Permit issued: October 4, 2001.

**39014002. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of June 30, 2002. Permit issued: October 4, 2001.

**39014003. Musclitz Excavating** (586 Moorestown Road, Bath, PA 18014), construction blasting in the City of Allentown, **Lehigh County** with an expiration date of December 10, 2001. Permit issued: October 4, 2001.

**46014017. Allan A. Myers, Inc.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Upper Gwynedd Township, **Montgomery County** with an expiration date of October 31, 2001. Permit issued: October 4, 2001.



**14014018. AMROC, Inc.** (7531 Chester Street, Zionville, PA 18092), construction blasting in Lower Providence Township, **Montgomery County** with an expiration date of November 8, 2002. Permit issued: October 4, 2001.

**14014019. AMROC, Inc.** (7531 Chester Street, Zionville, PA 18092), construction blasting in New Hanover Township, **Montgomery County** with an expiration date of December 11, 2001. Permit issued: October 4, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**18014001. Associated Pipe Line Contractors, Inc.** (872 Youngs Road, Linden, PA 17744), construction blasting in Grugan, Gallaher, Cummings and Watson Townships, **Clinton and Lycoming Counties**, expected duration of 120 days. Permit issued: July 27, 2001.

**14014002. New Enterprises Stone & Lime Company, Inc.** (P. O. Box 77, Church Street, New Enterprise, PA 16664-0077), construction blasting in Worth Township, **Centre County**, with an expected duration of 350 days. Permit issued: August 7, 2001.

**14014003. HRI, Inc.** (1750 West College Avenue, P. O. Box 155, State College, PA 16804-0155), construction blasting in College Township, **Centre County**, with an expected duration of 20 days. Permit issued: August 1, 2001.

**14014004. Ameron Construction Company** (2501 N. Atherton Street, State College, PA 16803), construction blasting in Ferguson Township, **Centre County**, with an expected duration of 15 days. Permit issued: July 26, 2001.

**14014005. Trumbull Corporation** (R. D. 1, Box 385, Port Matilda, PA, 17870), construction blasting in Worth, Huston and Patton Townships, **Centre County**, with an expected duration of 730 days. Permit issued: August 10, 2001.

**14014006. Sunrise Homes** (2790 West College Avenue, Suite 900, State College, PA 16801), construction blasting in Harris Township, **Centre County**, with an expected duration of 7 days. Permit issued: August 10, 2001.

**14014007. Paradise Contracting** (223 Paradise Road, Bellefonte, PA 16823), construction blasting in Ferguson Township, **Centre County**, with an expected duration of 10-a5 days. Permit issued: August 10, 2001.

**17014008. HRI, Inc.** (P. O. Box 135, State College, PA 16804-0135), construction blasting in Lawrence Township, **Clearfield County**, with an expected duration of 1-2 days. Permit issued: August 21, 2001.

**14014009. New Enterprises Stone & Lime Company, Inc.** (P. O. Box 77, Church Street, New Enterprise, PA 16664), construction blasting in Benner Township, **Centre County**, with an expected duration of 90 days. Permit issued: September 6, 2001.

**14014010. New Enterprises Stone & Lime Company, Inc.** (P. O. Box 77, Church Street, New Enterprise, PA 16664), construction blasting in Patton Township, **Centre County**, with an expected duration to December 31, 2001. Permit issued: September 7, 2001.

**14014011. A & L, Inc.** (4201 State Route 5, Belle Vernon, PA 15012), construction blasting in College and Benner Townships, **Centre County**, with an expected duration to December 31, 2001. Permit issued: September 7, 2001.

**14014012. HRI, Inc.** (1750 West College Avenue, Box 155, State College, PA 16804-8155), construction blasting in Walker and Porter Townships, **Clinton and Centre Counties**, with an expected duration of 365 days. Permit issued: September 7, 2001.

**14014013. Glenn O. Hawbaker, Inc.** (P. O. Box 135, State College, PA 16804-0135), construction blasting in Spring Township, **Centre County**, with an expected duration of 30 days. Permit issued: September 25, 2001.

**14014014. D & M Contracting** (R. R. 3, Box 374, New Alexandria, PA 15670), construction blasting in Walker and Porter Townships, **Centre County**, with an expected duration of 365 days. Permit issued: September 27, 2001.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (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.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection 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 of Environmental Protection 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—504 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 Environmental Hearing Board (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.

**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.*

**WL4001406 and EA40-009NE. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square—5th Floor, Wilkes-Barre, PA 18711-0790. Sugarloaf Township, Luzerne County, United States Army Corps of Engineers, Baltimore District.**

To backfill four existing water bodies in conjunction with an abandoned mine reclamation project (Conyngham, PA Quadrangle N: 18.0 inches; W: 7.5 inches).

**E40-540. City of Wilkes-Barre, 40 East Market Street, Wilkes-Barre, PA 18711. The City of Wilkes-Barre, Luzerne County, Army Corps of Engineers Baltimore District.**

To maintain an existing temporary road crossing of Mill Creek, consisting of 9 48-inch-diameter CPP culverts. The road crossing was installed under the authorization of General Permit BDWM-GP-8 and provides access to an ongoing culm removal project. The project is located immediately upstream of S.R. 0309 (Cross Valley Expressway) (Pittston, PA Quadrangle N: 1.9 inches; W: 14.8 inches).

**E40-563. CAN DO, Inc., One South Church Street, Hazleton, PA 18201. Hazle Township, Luzerne County, Army Corps of Engineers Baltimore District.**

To place fill in approximately 1.3 acres of wetlands for the purpose of constructing eight roadway and railroad crossings and one sewer line crossing associated with the proposed 705 acre expansion of the Humboldt Industrial Park. This project, known as Humboldt Industrial Park North, is located in Cranberry Creek and Stony Creek Watersheds on the north side of S.R. 0924, approximately 1 mile east of S.R. 0081 (Conyngham, PA Quadrangle N: 13.0 inches; W: 7.0 inches). The permittee is required to provide 1.4 acres of replacement wetlands.

**E54-286. Branch Township, P. O. Box 265, Llewellyn, PA 17944. Branch Township, Schuylkill County, Army Corps of Engineers Philadelphia District.**

To remove the existing structure and to construct and maintain a reinforced concrete box culvert having a span of 18 feet and underclearance of 6.0 feet which includes a 6-inch culvert depression in West Creek. The project is located along Township Road T557 (Main Street), approximately 0.2 mile west of T568 (Railroad Street) (Minersville, PA Quadrangle N: 10.1 inches; W: 7.0 inches).

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

**E01-225. Cumberland Township Authority, 1370 Fairfield Road, Gettysburg, PA 17325 in Cumberland Township, Adams County, Baltimore District.**

To construct and maintain: (1) a sewer plant expansion project consisting of several process structures; lift station, sequencing batch reactors, screening building, lab office, equipment building/UV room, sludge storage tank, digesters, reed beds, a parking lot and access road in the floodplain of Willoughby Run (WWF); (2) a 14-inch diameter outfall pipe with endwalls in Willoughby Run (WWF); and (3) the construction of waivered 19-inch by 30-inch, 30-foot long reinforced concrete pipe and replacement of two 18-inch reinforced concrete pipes with two 18-inch, 12-foot long reinforced concrete pipes in a tributary to Willoughby Run (WWF) (Fairfield, PA Quadrangle N: 13.1 inches; W: 1.3 inches) in Cumberland Township, Adams County.

**E22-423. Department of General Services, 18th and Herr Streets, Harrisburg, PA 17120 in the City of Harrisburg, Dauphin County, Baltimore District.**

To construct and maintain (1) a 55,500 square foot Horse Barn; (2) 65,100 square foot Equine Arena; (3) a 171,100 square foot Exposition Center; (4) 7.03 acres of gravel parking area; and (5) a 20,000 square foot connector link all in the floodway/floodplain of Paxton Creek (WWF) for the purpose of expanding the facilities at the Pennsylvania Farm Show Complex located along the west side of Cameron Street (SR 0022) at its intersection with Maclay Street (SR 3022) (Harrisburg West, PA Quadrangle N: 6.5 inches; W: 1.15 inches) in the City of Harrisburg, Dauphin County.

**E22-432. Hummelstown Borough, 136 S. Hanover Street, Hummelstown, PA 17036 in Hummelstown Borough, Dauphin County, Baltimore District.**

To construct and maintain: (1) an 8-foot wide pedestrian trail; and (2) a waivered 60-foot span timber footbridge, with fill at the north approach, in a tailrace channel all situated in the floodway of the Swatara Creek (WWF) located along the north side of Sweet Arrow Drive near the Dauphin Consolidated Water Company's filtration plant (Hershey, PA Quadrangle N: 3.9 inches; W: 13.2 inches) in Hummelstown Borough, Dauphin County.

**E67-702. Dillsburg Area Authority, P. O. Box 370, Dillsburg, PA 17019 in Carroll Township, York County, ACOE Baltimore District.**

To construct and maintain: (1) two final clarifiers; (2) two aeration tanks by converting existing aeration/clarifier tanks; (3) the replacement of an existing chlorine disinfection system with an ultraviolet disinfection system; (4) a raw water pump station; and (5) a new discharge outfall pipe and additional sludge handling equipment; all located in the floodway/floodplain of Dogwood Run (CWF) located at the existing Dillsburg Area Wastewater Treatment facility along the north side of Old Mill Road (T-885) (Dillsburg, PA Quadrangle N: 20.5 inches; W: 5.7 inches) in Carroll Township, York County.

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

**E02-1344. Kossman Development Corporation, 11 Parkway Center, Suite 300, Pittsburgh, PA 15220. Collier Township, Allegheny County, ACOE Pittsburgh District.**

To construct and maintain an approximately 1,100 feet long retaining wall and associated fill and to place and

maintain approximately 175 feet of R-5 riprap bank stabilization along the left bank of Chartiers Creek (WWF) to provide a paved access to the rear of a proposed Home Depot building. The site is located at the existing Chartiers Valley Shopping Center (Bridgeville, PA Quadrangle N: 21.5 inches; W: 15.3 inches).

**E04-253-A1. Empire Terminal, Inc.**, 731-733 Washington Road, Suite 101, Pittsburgh, PA 15228-0999. Monaca Borough, **Beaver County**, ACOE Pittsburgh District.

To construct and maintain an addition of a 176 feet long embedded barge on the upstream end of the existing embedded barge and to construct and maintain a new access road to the dock. (Beaver, PA Quadrangle N: 11.1 inches; W: 1.7 inches).

**E26-285. Fayette City Borough**, R. D. 1, Box 544, 2nd and Cook Streets, Fayette City, PA 15438. Borough of Fayette City, **Fayette County**, ACOE Pittsburgh District. to maintain an existing 25' x 8' bridge and construct and maintain stream bank protection consisting of a gabion wall and rock riprap for a length of approximately 296 feet along the west bank of Downers Run (WWF) for the purpose of protecting a public road. The project includes planting and maintenance of live willow stakes and/or new trees incorporated within or along the rock riprap. The project is located along Brightwell Drive at a point approximately 0.4 mile north of the intersection of S.R. 201 and S.R. 4044 (Fayette City, PA Quadrangle N: 19.15 inches; W: 12.2 inches).

**E26-287. Lower Tyrone Township**, P. O. Box H, Dawson, PA 15428. Lower Tyrone Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing timber plank deck and superstructure and to construct and maintain a superstructure on the Lower Tyrone Bridge, having a clear span of 14 feet and an underclearance of 5 feet across Hickman Run (WWF). The project is located on T-735 (Spring Grove Church Road) at a point just east of its intersection with T-754 (Dawson, PA Quadrangle N: 8.6 inches; W: 1.67 inches).

**E32-432. Pennsylvania Department of Transportation, Engineering District 10-0**, P. O. Box 429, Indiana, PA 15701. East Wheatfield Township, **Indiana County**, ACOE Pittsburgh District.

To place and maintain fill in 3.11 acres of wetland (0.86 acre PEM/PSS; 0.22 acre PEM/PSS/POW; 2.03 acres PSS/PFO) in the Blacklick Creek Watershed (CWF) for the purpose of reconstructing and widening approximately 3.5 miles of S.R. 0022 from its interchange with S.R. 0403 to the Indiana-Cambria County line including realignment and widening of S.R. 0022 at the Village of Gas Center. Replacement wetlands will be created at a 1:1 ratio at the AMD and ART Vintondale Demonstration Project (Begin: New Florence, PA Quadrangle N: 14.3 inches; W: 0.8 inch; End: Vintondale, PA Quadrangle N: 12.1 inches; W: 10.1 inches).

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

**E16-116. Knox Borough**, P. O. Box 366, Knox, PA 16232. Knox Borough Sewage Treatment Plant Effluent Line, in Beaver Township, **Clarion County**, ACOE Pittsburgh District (Knox, PA Quadrangle N: 18.1 inches; W: 3.0 inches).

To construct and maintain a 12-inch diameter PVC pipe treated sewage effluent line beginning at the existing Knox Borough Sewage Treatment Plant having a total

length of approximately 984 feet across/along a tributary to Canoe Creek (HQ-CWF), also crossing an adjoining wetland area approximately 55 feet long and having an outfall with a concrete endwall along the right bank of Canoe Creek (HQ-CWF) approximately 1200 feet downstream of T-400.

**E25-634. Millcreek Township**, 3608 West 26th Street, Erie, PA 16506-2037. Edgevale Drive Channel Cleaning, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 15.3 inches; W: 10.0 inches).

To excavate debris and accumulated sediments from a total of approximately 250 feet of the channel of a tributary to Mill Creek (WWF/MF) southeast of the intersection of Edgevale Drive and West 52nd Street.

**E37-138. North Beaver Township Municipal Authority**, 861 Mount Jackson Road, New Castle, PA 16102. Mt. Jackson/Jackson Knolls Sanitary Sewer Collection System, in North Beaver Township, **Lawrence County**, ACOE Pittsburgh District.

To conduct the following activities associated with extension of the existing sanitary sewer collection system into Mount Jackson/Jackson Knolls in North Beaver Township, Lawrence County:

1. To construct and maintain sanitary sewer lines across the following:

a. Approximately 400 feet across a wetland beginning at and extending south from the proposed sewage pump station east of Andrews Trace.

b. Approximately 100 feet across a wetland area 640 feet west of S.R. 551 (Edinburg Road) 0.4 mile north of S.R. 517

c. Within 50 feet of top of bank along a reach of approximately 920 feet of Hickory Run beginning approximately 600 feet south of the intersection of Andrews Trace and Knoll Drive and extending west with two crossings of Hickory Run and one crossing of a tributary to Hickory Run.

2. Fill 0.16 acre of wetland for construction of the Andrew Trace Pump Station approximately 400 feet east of the intersection of Andrews Trace and Knoll Drive.

Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.16 acre of wetland impact.

**E37-139. Lawrence County**, Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. T464 Lakewood Road Across Hottenbaugh Run, in Hickory Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 7.25 inches; W: 10.25 inches).

To replace the deck and to rehabilitate and maintain the existing steel beam bridge having a clear, normal span of 50 feet and an underclearance of 8.5 feet across Hottenbaugh Run (WWF) on T-464 (Lakewood Road) approximately 200 feet north of S.R. 1007.

**E62-380. Allegheny Partners, L.P. c/o Forest Investment Associates**, P. O. Box 1474, Smethport, PA 16749. Timber Access Road Across Wade Run, in Pittsfield Township, **Warren County**, ACOE Pittsburgh District (Pittsfield, PA Quadrangle N: 5.9 inches; W: 5.1 inches).

To install and maintain twin 77-inch wide by 52-inch high corrugated metal pipe arch culverts in Wade Run approximately 0.5 mile upstream of Birch Springs Run on a timber harvesting access road approximately 2.4 miles

southwest of the intersection of S.R. 3007 (Davey Hill Road) and T-362 (Andrews Run Road).

#### ENVIRONMENTAL ASSESSMENTS

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

**WL4001406 and EA40-009NE. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square—5th Floor, Wilkes-Barre, PA 18711-0790. Sugarloaf Township, Luzerne County, United States Army Corps of Engineers, Baltimore District.**

To backfill four existing water bodies in conjunction with an abandoned mine reclamation project (Conyngham, PA Quadrangle N: 18.0 inches; W: 7.5 inches).

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

**EA17-003NC. M B Energy, Inc., 175 McKnight Road, Blairsville, PA 15717-7960, unnamed tributary—Haslett Run Restoration, in Bell and Greenwood Township, Clearfield County, ACOE Baltimore District (Mahaffey, PA Quadrangle N: 7.58 inches; W: 11.0 inches).**

To repair, operate, maintain and remove a temporary rock dam and diversion channel in and along an unnamed tributary to Haslett Run (Cold Water Fishery); to install and maintain 100-foot of rock stream bank protection in the same water for the restoration of a sediment impaired reach of the unnamed tributary. The rock dam shall be repaired and maintained as a rock filter for sediment removal in accordance with the plans, drawings and specifications submitted to the Department on January 31, 2001. Upon written approval of the Pennsylvania Fish and Boat Commission, the rock dam shall be removed and diversion channel blocked or filled in a manner to preclude any further excessive sediment to further degrade the water quality.

**EA41-003MC. United States Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801-4850. Big Bear Creek Restoration Project, in Plunketts Creek Township, Lycoming County, ACOE Baltimore District (Barbours, PA Quadrangle N: 1.7 inches; W: 5.1 inches).**

This project is being amended to delete 1,600 feet of stream originally proposed as part of a fluvial geomorphology project on a 10,800 length of Big Bear Creek. The purpose of the project is to control bank erosion, reduce sediment load and improve fish habitat. The original work was proposed to extend from the confluence of Big Bear Creek and Shingle Run downstream to the confluence of Big Bear Creek and Loyalsock Creek. The project now deletes the 1,600 foot stretch of stream located on property known as the Worthington property.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D46-033CO. Abington Township, 1176 Old York Road, Abington, PA 19001. Abington Township, Montgomery County, ACOE Philadelphia District.**

To construct a nonjurisdictional dam (Upper Dam) across a tributary to Sandy Run (TSF) as part of the Susquehanna Woods Flood Control Improvement Project to reduce flooding in the Sandy Run watershed and improve aesthetics. The project also proposes to construct

a jurisdictional dam (Lower Dam), permit requirements waived under 25 Pa. Code § 105.12(a)(1), downstream of the nonjurisdictional dam. The project will directly impact 40 feet of intermittent stream channel to construct the dams and indirectly impact, by temporary inundation, 0.7 acre of wetland (PEM/PSS) and approximately 210 feet of intermittent stream channel. The dams are located adjacent to the Hillside Cemetery (Germantown, PA Quadrangle; N: 21.7 inches, W: 3.5 inches).

## SPECIAL NOTICES

### BUREAU OF DEEP MINE SAFETY

#### REQUEST FOR VARIANCE

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BDMS), has received a request for variance from Genesis, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401

Section 702 of the Bituminous Coal Mine Act (52 P. S. § 702) provides a mechanism for operators to obtain variances from specific requirements of the Act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face are to the main air current.

*Summary of the Request:* Genesis, Inc. requests a variance to use point carbon monoxide early warning fire detection system and entries in common with the belt conveyor entry at the Genesis No. 17 Mine.

[Pa.B. Doc. No. 01-1888. Filed for public inspection October 19, 2001, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "July 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

#### Ordering Paper Copies of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, per-

sons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

*Draft Technical Guidance*

DEP ID: 562-2402-501 Title: Blaster's License Suspension and Revocation Procedure Description: DEP considers blaster's license suspension or revocation to be an appropriate enforcement action to be taken on serious violations, particularly incidents with potential to injure people or damage property or any deliberate act in violations of the blasting regulations. This document will provide a uniform procedure for DEP to suspend or revoke a blaster's license. Anticipated Effective Date: December 15, 2002 Comment Period Ends: November 21, 2001, Contact: Rick Lamkie at (717) 787-5103 or e-mail: rlamkie@state.pa.us.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1889. Filed for public inspection October 19, 2001, 9:00 a.m.]

**Wetlands Protection Advisory Committee; Meeting Cancellation**

The Wetlands Protection Advisory Committee meeting scheduled for Thursday, November 1, 2001, has been canceled. The next meeting is scheduled for Thursday, February 28, 2002, in Room 105, Rachel Carson State Office Building at 10 a.m. For information contact Kelly Heffner at (717) 787-6827.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1890. Filed for public inspection October 19, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

**Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings**

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public

Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)) will hold a public meeting on Wednesday, November 14, 2001.

The meeting will be held at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057, from 9 a.m. to 3 p.m.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010 Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should also contact Thomas DeMelfi at (717) 783-0572 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984[TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1891. Filed for public inspection October 19, 2001, 9:00 a.m.]

**Request for Exception; 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):

St. Mary's Home of Erie  
607 East 26th Street  
Erie, PA 16504

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1892. Filed for public inspection October 19, 2001, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Lucky Ewe Doubler Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Ewe Doubler.

2. *Price:* The price of a Pennsylvania Lucky Ewe Doubler instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Lucky Ewe Doubler instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$8.<sup>00</sup> (EGT DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$500 (FIV HUN), \$5,000 (FIV THO) and a Barn Symbol (BARN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$500 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Lucky Ewe Doubler instant lottery game.

### 6. *Determination of Prize Winners.*

(a) Holders of tickets with three matching play symbols of \$5,000 (FIV THO) in the play area on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets with two matching play symbols of \$40\$ (FORTY) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with two matching play symbols

of \$20\$ (TWENTY) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with two matching play symbols of \$10.<sup>00</sup> (TEN DOL) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching play symbols of \$10.<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with two matching play symbols of \$5.<sup>00</sup> (FIV DOL) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching play symbols of \$8.<sup>00</sup> (EGT DOL) in the play area on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets with two matching play symbols of \$4.<sup>00</sup> (FOR DOL) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets with three matching play symbols of \$5.<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with three matching play symbols of \$4.<sup>00</sup> (FOR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with two matching play symbols of \$2.<sup>00</sup> (TWO DOL) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with three matching play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with two matching play symbols of \$1.<sup>00</sup> (ONE DOL) and a Barn Symbol (BARN) play symbol in the play area on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with three matching play symbols of \$1.<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
3-\$1	\$1	1:8.82	1,360,000
2-\$1 + BARN	\$2	1:18.75	640,000
3-\$2	\$2	1:50	240,000
2-\$2 + BARN	\$4	1:50	240,000
3-\$4	\$4	1:150	80,000

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
3-\$5	\$5	1:150	80,000
2-\$4 + BARN	\$8	1:200	60,000
3-\$8	\$8	1:600	20,000
2-\$5 + BARN	\$10	1:150	80,000
3-\$10	\$10	1:600	20,000
2-\$10 + BARN	\$20	1:1,500	8,000
3-\$20	\$20	1:1,500	8,000
2-\$20 + BARN	\$40	1:3,000	4,000
3-\$40	\$40	1:9,600	1,250
2-\$40 + BARN	\$80	1:12,000	1,000
3-\$80	\$80	1:24,000	500
3-\$500	\$500	1:120,000	100
3-\$5,000	\$5,000	1:1,000,000	12

BARN = Win double the prize shown

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Ewe Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Ewe Doubler, prize money from winning Pennsylvania Lucky Ewe Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Ewe Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Ewe Doubler or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-1893. Filed for public inspection October 19, 2001, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7, the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined, consistent with 58 Pa. Code § 71.7(e)(3), to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at [rapfbcregs@state.pa.us](mailto:rapfbcregs@state.pa.us). A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of more than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Foxton Lake Association	Foxton Lake	Jackson Township Susquehanna County	24 acre lake located on Drinker Creek	Thin leaf pondweed Large leaf pondweed

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 01-1894. Filed for public inspection October 19, 2001, 9:00 a.m.]

# HOUSING FINANCE AGENCY

## Request for Proposals; Conference Planning Consultant for Housing Services Conference

The Housing Finance Agency (Agency) is currently planning a Statewide Housing Services Conference for June 26-28, 2002. The conference will be held at the Hilton Harrisburg and Towers (Hilton). It is anticipated that approximately 300 persons will be in attendance over the 3-day period. The Agency is requesting interested conference and convention planners to respond to this Request for Proposal. The selected conference planner shall be responsible for the following types of services:

1. Assist with identifying conference speakers.
2. Assist with conference speaker logistics and contracts, including but not limited to confirmation of information for brochure, compensation, biographies, room set-ups and handouts.
3. Create a speaker database to record all of the details specific to each speaker and each session.
4. Develop conference brochure.
5. Establish appropriate print deadlines (including brochure and conference materials).
6. Establish mailing deadlines and coordinate brochure mailing.
7. Process conference registrations and send confirmation notices to participants on a timely basis, including the spelling of the registrant's name, company name and session numbers.
8. Create a database to track all conference registrations. This includes contacting participants to clarify registrations or verify information if registration forms are incomplete. Provide a weekly count of registered participants, speakers and Agency staff.
9. Forward registration fees to Agency on a weekly basis along with a copy of the front of each registration form.
10. Consultant will collect all registration fees for the conference.
11. Work with the Hilton to handle the onsite logistics, which include room set ups, registration areas, food, beverages, audio-visual equipment needs, special events, speaker and staff overnight rooms and any other onsite requirements. Work with the Hilton staff to finalize financial documentation for conference.
12. Create participant badges, speaker badges and name tents, including first, last and company names; prepare participant conference packets; obtain tourist information to include in the packet, copy conference materials and deliver to conference site.
13. Create a conference schedule (at-a-glance) and individual conference signs that list session titles, rooms and times.
14. Obtain continuing education credit approvals for applicable sessions.
15. Provide staff for onsite conference registration and coordination with the Hilton staff on sessions, meals, keynote addresses, audio-visual equipment needs and special events.

16. Mail each speaker a list of attendees, their titles and organizations sorted by session 5 days after the early bird deadline.

17. Create, distribute and collect conference evaluations for all sessions, keynote addresses, meals and special events and present them to Agency at the close of the conference.

18. Provide a final conference report within 2 weeks of the conclusion of the conference. This report must include copies of all conference materials as well as:

- Final count of number of participants, speakers and Agency staff.
- A review of conference activities with recommendations for improvement of conference planning and onsite activities and facilities.
- Disk containing the speaker and participant databases.

19. Submit a formal written financial report within 1 month of the conclusion of the conference. This report must include a line item breakdown of all costs associated with the conference.

Proposals must be received by the Agency no later than 2 p.m. on Friday, November 2, 2001. Identify cost and staff requirements associated with completion of each of the itemized responsibilities in preparing responses to this Request for Proposals. The Agency will evaluate the reasonableness of costs, experience in conference planning and coordination, provision of services and ability to accommodate the Agency's conference needs in making its determination. Proposals and requests for additional information should be directed to Lisa Yaffe, Director of Housing Services, Housing Finance Agency, 2101 N. Front Street, P. O. Box 8029, Harrisburg, PA 17105-8029, (717) 780-3874; TDD for Hearing Impaired (717) 780-1869.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 01-1895. Filed for public inspection October 19, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides 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 committee comment period. The Commission 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 has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.



<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
50-116	Pennsylvania Securities Commission National Securities Markets Improvement Act of 1996 Amendment  (31 Pa.B. 4174 (August 4, 2001))	10/04/01	09/04/03
14-471	Department of Public Welfare Income  (31 Pa.B. 4172 (August 4, 2001))	10/04/01	09/04/03

**Pennsylvania Securities Commission  
Regulation No. 50-116  
National Securities Markets Improvement  
Act of 1996 Amendments  
October 4, 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 Pennsylvania Securities Commission (PSC) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 4, 2003, the regulation will be deemed withdrawn.

**Section 304.041. Examinations of broker-dealers and investment advisers.—Clarity.**

This is a new section added to existing regulations. It instructs broker-dealers and investment advisers to honor all requests of PSC staff “to have physical access to all areas of the office which is the subject of the examination and, upon request, shall permit them to review and examine files in the physical place where the files are routinely kept.” It is our understanding that the term “files” includes books, records, accounts and electronic files. In order to avoid any ambiguity, the term “files” should be defined. An alternative could be to use a descriptive phrase such as “files including books, records, accounts and electronic files.”

**Department of Public Welfare  
Regulation No. 14-471  
Income  
October 4, 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 Public Welfare must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 4, 2003, the regulation will be deemed withdrawn.

**1. Section 183.2. Definitions.—Clarity.**

*Lump sum income*

The term “lump sum income” is used in the regulation but is not defined. However, the regulation repeatedly uses the term “lump sum income.” We have two concerns.

First, since “lump sum income” is not defined, it is unclear what would specifically be considered “lump sum income.” For example, if a person receives an annuity 1 month of a year, is that considered a lump sum for the month of receipt or a resource? Also, does lump sum income occur at actual receipt of the income or the deemed receipt of income? Could multiple disbursements of a single amount be treated as lump sum income?

Second, it is not clear how the regulation will be applied to income. The Preamble states insurance payments are lump sum income. However, how is this distinguished from an insurance reimbursement? Also, how would an inheritance with limitations on spending affect a person’s eligibility?

**2. Section 183.105. Increases in income.—Clarity.  
Subsection (i)**

The last sentence in this subsection states, “The lump sum income deductions are applied, as specified in §§ 183.91, 183.93, 183.94, 183.95, and 183.98(1)—(3). . . .” This provision is confusing for three reasons.

First, the reference to Section 183.98 is limited to Subsections (1)—(3). Why are Subsections (4)—(7) excluded, since they also apply to lump sum income?

Second, why wasn’t Section 183.92, which relates to a legally responsible relative residing elsewhere, included in the reference?

Third, this sentence states, “the lump sum income deductions are applied, as specified in §§ 183.91, 183.93, 183.94, 183.95. . . .” However, these sections do not use the specific term “lump sum income deductions.” How are “lump sum income deductions” applied in these sections?

**3. Implementation Procedures.**

Will family groups who were rendered ineligible under the existing regulation be notified that they may now be eligible under the new regulation? If so, how?

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1896. Filed for public inspection October 19, 2001, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-644	State Board of Auctioneer Examiners Application Fees	10/05/01
16A-674	State Board of Occupational Therapy Education and Licensure General Revisions	10/05/01

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5713	State Board of Veterinary Medicine Examinations, Application for Licensure and Certification, Fees	10/05/01
16A-5711	State Board of Veterinary Medicine Continuing Education	10/05/01
18-352	Department of Transportation Distribution of Highway Maintenance Funds	10/05/01
57-218	Pennsylvania Public Utility Commission Natural Gas Emergency Plans and Emergency Actions	10/05/01

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1897. Filed for public inspection October 19, 2001, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Merge

Mutual Fire Insurance Company in Calvert County, a Maryland domiciled mutual property insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Farmers Alliance and Industrial Union Mutual Fire Insurance Company, a Commonwealth domiciled mutual property insurance company. The survivor of the merger would be Mutual Fire Insurance Company in Calvert County. The initial filing was received on October 1, 2001, and was made under requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. §§ 1921—1932 and 21205—21207) and the Insurance Company Act of 1921 (40 P.S. § 991.1402). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, faxed to (717) 787-8557 or submitted by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1898. Filed for public inspection October 19, 2001, 9:00 a.m.]

### Application for Voluntary Dissolution

Lenco Mutual Insurance Company, a domestic mutual property insurance company, has submitted an application for approval for the voluntarily dissolution of its

charter. The filing was made under requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et seq.). Persons wishing to comment on the grounds of public or private interest concerning the dissolution are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1899. Filed for public inspection October 19, 2001, 9:00 a.m.]

### Continental Casualty Company; Rate Filing

Continental Casualty Company is requesting approval to increase its premium 15% for the Long Term Care Policy Form P1-15203-A37. The average premium will increase from \$1,155 to \$1,328 and will affect 2,558 Commonwealth policyholders.

Continental Casualty Company is also requesting approval to increase its premium 15% for the Long Term Care Policy Form P1-59433-A37. The average premium will increase from \$1,082 to \$1,244 and will affect 3,137 Commonwealth policyholders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1900. Filed for public inspection October 19, 2001, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have 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). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, 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 Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Joseph and Sharon E. Mair; file no. 01-280-04016; AAA Mid-Atlantic Insurance Group; doc. no. PH01-10-002; December 6, 2001, at 1 p.m.

Appeal of Joel C. Wilson; file no. 01-267-03352; AAA Mid-Atlantic Insurance Group; doc. no. PH01-10-006; December 6, 2001, at 2 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. 01-1901. Filed for public inspection October 19, 2001, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer 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). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Erie Insurance Exchange; file no. 01-183-06363; Kristen Whaley; doc. no. PH01-10-005; December 6, 2001, at 3 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 previously-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. 01-1902. Filed for public inspection October 19, 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 insureds' policies. These administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellants to appear at the scheduled hearings may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of John A. Kozura; file no. 01-188-05922; USAA; doc. no. P01-10-003; November 13, 2001, at 10 a.m.

Appeal of Diane M. Lukoskie; file no. 01-188-06133; State Farm Fire and Casualty Insurance Company; doc. no. P01-10-004; November 15, 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. 01-1903. Filed for public inspection October 19, 2001, 9:00 a.m.]

### Dorothy A. Yackamovich; Hearing

*Appeal of Dorothy A. Yackamovich; Under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF01-10-008*

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for November 14, 2001, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 17, 2001. A date and place for a hearing shall be determined, if necessary, at the telephone conference.

If an attorney or representative for a party participating in the prehearing telephone conference does not have complete settlement authority relative to this matter, the party or person with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. On or before October 17, 2001, each party shall file with the Administrative Hearings Office via facsimile (717) 787-8781, and serve upon the other party via facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall

similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1904. Filed for public inspection October 19, 2001, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed but not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-01-249, Dated September 21, 2001. This resolution authorizes the side letter of understanding with AFSCME that implements compensation provisions for the period July 1, 2001, through June 30, 2002, for employees compensated on the Corrections Supervisory Pay Schedule (Schedule K). The side letter encompasses approximately 182 first-level supervisory employees who supervise H1 bargaining unit employees. The approximate annual cost of salary and wage increases is \$305,000. This cost includes the cost of salary sensitive benefits.

#### *Governor's Office*

Management Directive No. 205.21—Commonwealth Child Care Program, Amended September 12, 2001.

Management Directive No. 230.16—Using E-ZPass in Commonwealth Vehicles, Dated September 5, 2001.

Administrative Circular No. 01-28—2002-03 Program Policy Guidelines, Dated August 31, 2001.

Administrative Circular No. 01-29—Relocation—State Bookstore, Dated September 4, 2001.

GARY R. HOFFMAN,  
*Director;*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 01-1905. Filed for public inspection October 19, 2001, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board lease will expire:

Lebanon County, Wine & Spirits Shoppe #3804, 1080 W. Crestview Drive, Lebanon, PA 17042-7415.

*Lease Expiration Date:* September 30, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space located along PA Route 72 in the vicinity of the intersection of West Crestview Drive and Quentin Road in North Cornwall Township.

*Proposals due:* November 9, 2001, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Ronald Hancher, Jr., (717) 657-4228  
 JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 01-1906. Filed for public inspection October 19, 2001, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Default Order

Public Meeting held  
September 26, 2001

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff (2001.0150, 2001.0148 and 1998.  
0232.01) v. Ntegrity Telecontent Services; Doc. Nos.  
C-20015988 and C-20015708; A-310726*

## Default Order

*By the Commission:*

On August 14, 2001, the Law Bureau Prosecutory Staff instituted a complaint against Ntegrity Telecontent Services (the Respondent), an interexchange (IXC) reseller certificated at A-310726. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail separate notices to the Respondent that its monthly Universal Service Fund assessments were overdue by three or more months and that its second semi-annual Telephone Consumer Education Fund assessment was overdue. The complaint charged that the Respondent's failure to pay these assessments violates 52 Pa. Code §§ 63.161—63.171, 66 Pa.C.S. § 3001—3009, and the Commission's Global Order entered on September 30, 1999, at L-00991648 and L-00991649.

In addition, the Law Bureau Prosecutory Staff instituted a separate complaint on June 12, 2001, against the Respondent for failure to file its 1999 Annual Report pursuant to 66 Pa.C.S. § 504.

The Prosecutory Staff complaints sought orders from the Commission canceling the Respondent's certificate of public convenience for failure to pay its assessments and to file its 1999 Annual Report, respectively. The complaints were mailed by the Secretary's Bureau on August 16, 2001, and June 25, 2001, respectively, and according to the postal return receipt, service was perfected on August 22, 2001, and June 27, 2001, respectively. To date, more than 20 days later, no answer has been filed to either complaint, the assessments have still not been paid, and the 1999 Annual Report has still not been filed; *Therefore,*

*It is Ordered:*

1. That the allegations in the Law Bureau Prosecutory Staff's complaints are deemed admitted and the complaints are thereby sustained.

2. That the Secretary serve a copy of this Default Order upon all jurisdictional telecommunication carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. That Ntegrity Telecontent Services immediately cease providing service to any new customers and, within 10 days of the entry of this Default Order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent public comment within the 20-day time period established pursuant to Ordering Paragraph No. 2, above.

4. That absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Ntegrity Telecontent Services at Docket No. A-310726 shall be canceled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. That 60 days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience pursuant to Ordering Paragraph No. 4, above, the Office of Executive Director refer the total outstanding assessment balances in the Universal Service Fund and Telephone Consumer Education Fund to the Attorney General's Office for appropriate civil collection action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1907. Filed for public inspection October 19, 2001, 9:00 a.m.]

**Default Order**

Public Meeting held  
September 26, 2001

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Woodruff Energy, t/a Woodruff Oil  
Company (2000.0227); Doc. No. C-00014714; A-110046*

**Default Order**

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff instituted a complaint against Woodruff Energy, t/a Woodruff Oil Company (the Respondent), an electric generation supplier (EGS) licensed at A-110046. In the complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by letter dated August 18, 1998 that its surety bond was due to expire on October 31, 1998 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 also alleged that by Secretarial letter dated November 24, 1998, the Commission notified Respondent that it had to update its prior license application by December 7, 1998, in order to obtain a permanent license.

Furthermore, the complaint alleged that the Commission sent a second Secretarial letter dated May 6, 1999, informing Respondent that it had 10 days to provide a bond or other approved security in order for its EGS license to remain in force.

Pursuant to Section 2809(c)(1)(i) of the Public Utility 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 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, service of the complaint was perfected on January 22, 2001. To date, more than 20 days after service of the complaint, no answer has been filed to the complaint and the surety bond has not been renewed; *Therefore,*

*It is Ordered:*

1. That the allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.

2. That the EGS license held by Woodruff Energy, t/a Woodruff Oil Company at A-110046, is hereby cancelled.

3. That a civil penalty of \$1,000 is hereby imposed against Woodruff Energy, t/a Woodruff Oil payable to the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, and due within 20 days of the entry date of this Order.

4. That the Secretary strike the name of Woodruff Energy, t/a Woodruff Oil 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. That if the civil penalty is not paid within the time given, pursuant to 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. That notice of this Default Order shall be published in the *Pennsylvania Bulletin*.

7. That the Secretary serve a copy of this Default Order upon all jurisdictional electric distribution companies (EDC) as well as the Pennsylvania Department of Revenue.

JAMES J. MCNULTY,

*Secretary*

[Pa.B. Doc. No. 01-1908. Filed for public inspection October 19, 2001, 9:00 a.m.]

**Rescission Order**

Public Meeting held  
September 26, 2001

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Aaron Wilson, Jr.,  
Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ameritech Payphone Services, Inc.  
(2000.0333); Doc. No. C-00014691; A-310293*

**Rescission Order**

*By the Commission:*

On January 16, 2001, Law Bureau Prosecutory Staff instituted a complaint against Ameritech Payphone Service, Inc. (the Respondent), an IXC reseller certificated at A-310293, for failure to remit payment for its 2000-2001 Annual Assessment. Subsequently, on May 31, 2001, the Commission entered a Default Order which sustained the complaint and cancelled Respondent's certificate of public convenience. The Default Order was published on June 16, 2001 at 31 Pa.B. 3267.

Subsequent to the issuance of the Default Order, Respondent paid its outstanding assessment on August 31, 2001, representing that the reason for delinquency was administrative oversight. In recognition of the importance of promoting the availability of viable competitive service providers, we will rescind the Default Order and reinstate Respondent's certificate of public convenience. If Respondent again fails to timely pay its assessment, we may not be so favorably disposed, and may require Respondent file a new application along with the applicable \$350 application fee; *Therefore,*

*It is Ordered:*

1. That the Default Order entered May 31, 2001 at this docket is hereby rescinded.

2. That the certificate of public convenience held by Ameritech Payphone Services, Inc. at Docket No. A-310293 is hereby reinstated.

3. That a copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,

*Secretary*

[Pa.B. Doc. No. 01-1909. Filed for public inspection October 19, 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 November 12, 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.

### Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

**A-00118316. Sugar creek Township Ambulance Service** (R. D. 1, Box 178, East Brady, Armstrong County, PA 16028), a corporation of the Commonwealth of Pennsylvania, persons in paratransit service, in wheelchair and stretcher transport, for medical reasons, between points in the counties of Armstrong, Butler and Clarion, and from points in said counties, to points in Pennsylvania, and return.

### Applications of the following for the approval of the transfer of stock as described under each application.

**A-00105438, Folder 5000. Jane & Olga Cab Co., Inc.** (316 Surrey Road, Cherry Hill, NJ 08002), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of all of the issued and outstanding shares of stock (100 shares) from Mikhail Apartin to Olga Apartin.

**A-00109666, F. 5002. American Paratransit, Inc.** (333 Jenkintown Commons, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer of 100 shares of the issued and outstanding shares held by Aleph Management Systems, Inc. to Herbert D. Douglas. *Attorney:* Alan N. Escott, Radnor Court, Suite 160, 259 North Radnor-Chester Road, Radnor, PA 19087-5240.

**A-00113582, F. 5002. Concord Limousine, Inc., t/d/b/a Concord Coach Taxi** (2752 Mt. Carmel Avenue, Glenside, Montgomery County, PA 19038), a corporation of the Commonwealth of Pennsylvania, for the approval of the transfer of 50 shares of the issued and outstanding shares held by John Lakis, with 30 shares to Roman Barkan and 20 shares to Alexander Kagan. *Attorney:* John J. Gallagher, 1760 Market Street Suite 1100, Philadelphia, PA 19103.

### 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 November 12, 2001.

- A-00118224 William Joseph Diaz, Jr.  
t/d/b/a Ashley's Stretched Limo Service  
P. O. Box 15  
Whiteford, MD 21160
- A-00118270 Randolph S. Brown  
t/d/b/a R. S. Brown Limousine Service  
314 East Gorgas Lane  
Philadelphia, PA 19119
- A-00118286 K-LaRens Transportation Service, Inc.  
1530 Bustard Road  
Lansdale, PA 19446  
*Attorney:* Harold D. Borek  
1995 Morris Road  
Suite 100  
Blue Bell, PA 19422-1422
- A-00118318 Big League Limousine, Inc.  
260 Nandina Plaza  
Philadelphia, PA 19116  
*Attorney:* John J. Gallagher  
Suite 1100  
1760 Market Street  
Philadelphia, PA 19103
- A-00118319 Michael Allen Homer  
t/d/b/a Deer Lake Limousine Services  
R. D. 2, 53 Rt. 61 South  
Auburn, PA 17922

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1910. Filed for public inspection October 19, 2001, 9:00 a.m.]

## STATE BOARD OF NURSING

Commonwealth of Pennsylvania v. Elaine Burns  
Godard, R.N.; Doc. No. 0287-51-01

### Notice to Elaine Burns Godard, R.N.:

On March 15, 2001, the Probable Cause Screening Committee made a probable cause determination that Elaine Burns Godard (Respondent), License No. RN-344380-L, violated the terms and conditions of the Voluntary Recovery Program Consent Agreement.

Accordingly, the stay of the suspension of respondent's license is now vacated, the period of probation is now terminated, and respondent's license to practice nursing is now actively suspended for 3 years.

Respondent shall immediately cease practicing the profession. Within 10 days, respondent shall surrender the wall certificate, registration certificate, wallet card and other licensure documents by forwarding them to the prosecuting attorney at P. O. Box 2649, Harrisburg, PA 17105-2649.

Within 20 days of this preliminary order, respondent may answer the Commonwealth's petition and request that a formal hearing be convened concerning respondent's violation of probation, in which respondent may seek relief from this preliminary order activating the suspension. Respondent shall serve the prosecuting attorney for the Commonwealth with a copy of the answer and all subsequent filings in this matter.

# STATE EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

- November 1, 2001 Margaret Harlan 1 p.m.  
(Effective date of disability retirement)
- November 14, 2001 Kelly Correll 1 p.m.  
(Denial of disability retirement benefits)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 01-1912. Filed for public inspection October 19, 2001, 9:00 a.m.]

If a request for a formal hearing is received from respondent, the State Board of Nursing (Board) or its duly authorized hearing examiner shall convene a formal hearing within 45 days from the date of the Board's receipt of respondent's request for a formal hearing.

If respondent files an answer and request for a hearing within the 20 day period, this preliminary order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to respondent after holding the formal hearing. The facts and averments in the VRP agreement shall be deemed admitted and uncontested at this hearing.

If after hearing the Board makes a determination adverse to respondent, the Board will issue a final order activating the suspension of respondent's license and imposing any additional disciplinary measures it deems appropriate.

If a request for a formal hearing is not received from respondent within the prescribed 20 day period, the Board's preliminary order shall automatically become the final order in this matter 20 days after the date of its mailing.

If the stay is terminated, respondent shall still comply with all terms and conditions of probation in the VRP agreement during the active suspension, other than those terms and conditions pertaining to practicing the profession. Continued failure by respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against respondent. This order shall take effect immediately.

Answers and any other pleadings should be filed with Deanna S. Walton, Prothonotary, Bureau of Professional and Occupational Affairs, 124 Pine Street, Suite 200, Harrisburg, PA 17101.

M. CHRISTINE ALICHNIE, Ph.D., R.N.,  
*Chairperson*

[Pa.B. Doc. No. 01-1911. Filed for public inspection October 19, 2001, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

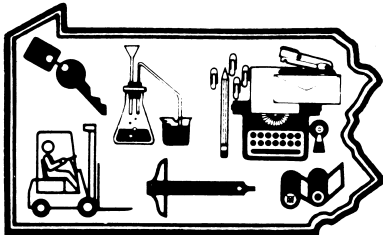
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

Effective October 1, 2001, the Department of General Services website, [www.dgs.state.pa.us](http://www.dgs.state.pa.us) (under "Bidding Opportunities"), will be the official site for public notice of Commonwealth executive and independent agency contracting opportunities for supplies, services and construction over \$10,000. All public notices of invitations for bids and requests for proposals for those procurements which are under the policy control of the Department of General Services shall be published electronically at the Department of General Services website. Until September 30, 2001, these notices will appear both in the *Pennsylvania Bulletin* and the Department of General Services website. After September 30, 2001, Commonwealth executive and independent agencies will be given the option of including notices of contracting opportunities in the *Pennsylvania Bulletin*. Therefore, as of October 1, 2001, the *Pennsylvania Bulletin* will not include all Commonwealth agency contracting opportunities.



### Commodities

**Trsp. #22 836** Cases - Oil filters, 12 per case. Acceptable manufacturers/part numbers as follows: Motorcraft #FL820, Fram #PH2, Defense #DL5636, Napa #2-1372, or Mighty #M4651. NO SUBSTITUTIONS WILL BE ACCEPTED!

**Department:** State Police  
**Location:** Pennsylvania State Police, Transportation Division, 20th & Herr Streets, Harrisburg, PA 17103  
**Duration:** E-mail & fax requests for bid packages will be accepted until 10/30/01. Phone requests for bid packages will be accepted 10/15 through 10/30/01. The bid opening date will be 11/6/01 at 1 p.m. The fax number for bid package requests is (717) 772-4709.  
**Contact:** Mike Knepp (717) 783-5502

**1141211** Carpet. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Public Welfare  
**Location:** Philadelphia, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**7440-01** Tapes, Cartridges, Electronic. For a copy of bid package fax request to (717) 787-0725. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Various, PA  
**Duration:** 12/01/01—11/31/02  
**Contact:** Vendor Services (717) 787-2199

**8212640** Transporter Boxes (2 Pieces, Lid & Tray). For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1153151** Replace storm drains State St Bridge, E End Dauphin Co. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

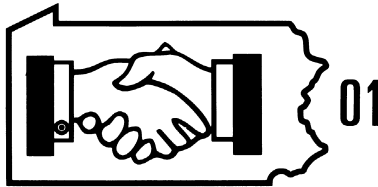
**1139221** 2002 Model Sludge Truck with 2,300 gallon tank. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1127151** STD-330 Request for Leave, 3 Part Snap Set, Poly-Wrap: 100 Sets/Pack. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Commodity Distribution Center, Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

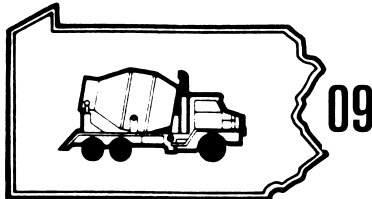
# SERVICES



## Advertising

**08-100010** Qualified outdoor advertisers to use preapproved/existing artwork to provide approximately 12' x 25' billboard advertising on targeted high risk areas along state routes within or adjacent to Armstrong, Butler, Clarion, Indiana and Jefferson Counties for approximately six months. Approximate locations to be determined by Engineering District 10-0 Safety Officer. To receive a bid package, please fax name of company, contact person, address, phone number and fax number to Diane Spence at (724) 357-2872.

**Department:** Transportation  
**Location:** Along State Routes in/or adjacent to Armstrong, Butler, Clarion, Indiana and Jefferson Counties  
**Duration:** Approximately six months  
**Contact:** Diane Spence (724) 357-7987



## Construction & Construction Maintenance

**10776010** To provide all labor and material to repair and make improvements to the roadways of this hospital's grounds. To obtain a copy of the bid proposal please contact the purchasing department of the Allentown State Hospital at 610-740-3425 OR FAX 610-740-3424.

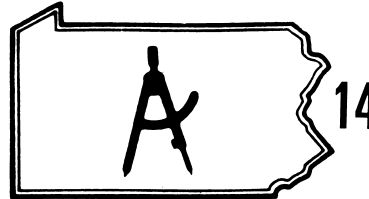
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** 6/30/02  
**Contact:** Robert Mitchell (610) 740-3425

**62-0062** West Chester University of the State System of Higher Education is soliciting sealed bids for Project 62-0062 - Killinger Hall ADA Upgrades. The General Construction Contract consists of renovating the basement and first floor of the building to comply with ADA requirements. The work involves widening doors and frames in masonry construction. The restrooms in the basement require the installation of toilet room partitions and accessories. Two shower rooms on the first floor will include a new ADA shower stall, ceramic tile wall finish, painting, and relocation of existing light fixtures and new ceiling. The Plumbing Construction Contract consists of renovating the basement rest rooms and first floor shower rooms of the building to comply with ADA requirements. The work involves the removal of existing water closets in the basement restrooms. Lavatories will be removed from the first floor shower rooms. Install new lavatories in the basement. Install new ADA compliant water closets and shower stall drains and fixtures on first floor. The site visit is scheduled for October 15, 2001 at 10 a.m. The bids are due at 11 a.m. on October 24, 2001. Prevailing wages apply. Contract Bonds are required.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** 35 days from the Notice to Proceed.  
**Contact:** Marianne Peffall - Contracts Manager (610) 436-2705

**401-BL-634** Renovations to Itza Pizza & Bakery - Provide all labor, equipment, and material necessary to renovate and remodel the existing pizza shop located in the Scranton Commons, to include installation of new fryers, gas fired stone hearth oven steam press and renovate air conditioning for the bakery and dry storage areas. There will be two prime contractors on this project, general and mechanical. To obtain a copy of the bid documents submit a non-refundable deposit in the amount \$40.00 to Comprehensive Design Architects/Engineers, 2013 Sandy Drive, Suite 201, State College, PA 16803 - Phone (814) 238-7706. All information on prebid and bidding requirements will be contained in the package.

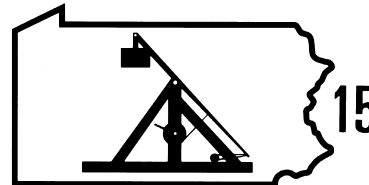
**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 90 Days  
**Contact:** Joseph C. Quinn (570) 389-4311



## Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



## Environmental Maintenance Service

**LBLA6250** Provide fixed curtain wall system for wastewater lagoon, to include all components for installation but NOT to include installation.

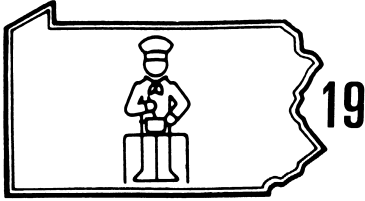
**Department:** Fish and Boat Commission  
**Location:** Huntsdale Fish Culture Station, Carlisle, PA  
**Contact:** Kathi Tibbott, Purchasing Agent (814) 359-5130

**OSM 40(1613)101.1** Abandoned Mine Reclamation, Black Ridge involves approximately 792,130 c.y. grading and seeding 44.4 acres. Federal funds are available for this project from the \$27 million 2000 Pennsylvania AML Grant. This project issues October 19, 2001; payment in the amount of \$10.00 must be paid before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Sugarloaf Township, Luzerne County  
**Duration:** 310 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**BOGM 01-40** Clean Out and Plug One (1) Abandoned Gas Well estimated to be 2,010 feet in depth; prepare and restore well site and mobilize/demobilize plugging equipment. This project issues October 19, 2001; payment in the amount of \$10.00 must be paid before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Joseph V. Stevens Property, Wayne Township, Greene County  
**Duration:** 70 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994



## Food

**3988** Meat Contract, Frozen for January, February and March 2002. Please send a fax to 570-587-7108 with your company name, address, phone and fax numbers and contact person to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** January 1, 2002 through March 31, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**3989** Poultry Contract, Frozen for January, February and March 2002. Please send a fax to 570-587-7108 with your company name, address, telephone and fax numbers and contact person to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** January 1 through March 31, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**3996** Miscellaneous Food Contract, Frozen for January, February and March 2002. Please send a fax to 570-587-7108 with your company name, address, fax and phone number and contact person to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** January 1 through March 31, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**O-5** Meat - To be delivered weekly during contract period.

**Department:** Military Affairs  
**Location:** Southeastern Veteran's Center, One Veterans' Drive, Spring City, PA 19475  
**Duration:** January 1, 2002 thru March 31, 2002  
**Contact:** Patricia M. Urban (610) 948-2448

**3997** Juice, Frozen, 4 oz. Containers for January, February and March 2002. Please send a fax to 570-587-7108 with your company name, address, fax and phone number and contact person to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** January 1 through March 31, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**#AC 8382** Perishable Food Items as follows: Meat & Meat Products, Poultry & Poultry Products, Miscellaneous Foods, Produce, Prepared Salads—Fresh, Fruits & Vegetables—Frozen, Fish & Fish Products—Frozen, Cheese, Dairy Products, Frozen Juices, Ice Cream-Sherbert & Related Novelties and Shell Eggs. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** January 1, 2002 thru March 31, 2002  
**Contact:** Marilyn Cartwright, Purchasing Agent (814) 472-0259

**#8383** Perishable Food Items as follows: Bread, Rolls & Doughnuts and Pies & Cakes. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. To be Commercial Price. Award made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931.  
**Duration:** January 1, 2002 thru June 30, 2002  
**Contact:** Marilyn Cartwright, Purchasing Agent (814) 472-0259

**O-7** Frozen Foods - To be delivered weekly during contract period.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, One Veterans Center, Spring City, PA 19475  
**Duration:** January 1, 2002 thru March 31, 2002  
**Contact:** Patricia M. Urban (610) 948-2448

**#8381** Perishable Food Items as follows: Meat & Meat Products, Poultry & Poultry Products, Miscellaneous Foods, Produce, Prepared Salads—Fresh, Fruits & Vegetables—Frozen, Fish & Fish Products—Frozen, Cheese, Dairy Products, Frozen Juices, Ice Cream-Sherbert & Related Novelties. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

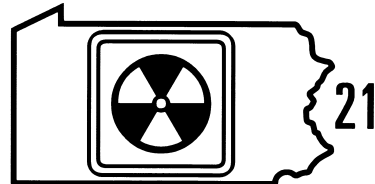
**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building) Rt. 22 W, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** January 1, 2002 thru March 31, 2002  
**Contact:** Marilyn Cartwright, Purchasing Agent (814) 472-0259

**633424** Bread, Rolls & Related Products, Fresh.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** Jan. 1, 2002 - June 30, 2002  
**Contact:** Ms. Bobbie Muntz, PA III (814) 726-4496

**3993** Dairy Contract for January, February and March 2002. Please send a fax to 570-587-7108 with your company name, address, fax and telephone numbers and contact person to request a bid package. Bid packages cannot be faxed.

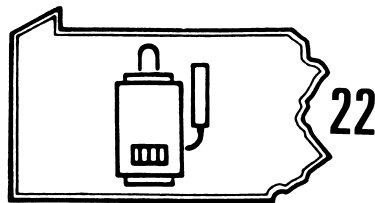
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** January 1 through March 31, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291



## Hazardous Material Services

**060025** The Department of Transportation (District 6) is accepting bids for qualified waste management firms to provide the service of disposing of hazardous and non-hazardous (residual waste) that are located at County Waste Storage Sites and within the roadway right-of-way in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. Services include sampling and testing for identification, providing overpacks when necessary, loading, transporting and disposal. Interested vendors may obtain a bidding package by faxing in your name, address, phone number, and E-mail address to Louis J. Porrini, Highway Maintenance Manager at 610-205-6909 or E-mail your name address and phone number to Louis at LPorrini@dot.state.pa.us. The anticipated time frame for the release of Bid Packages is the week of October 22, 2001. The Bid Opening is anticipated to be held on November 20, 2001 @ 11:00 a.m. in the King of Prussia Office.

**Department:** Transportation  
**Location:** Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.  
**Duration:** One Year with two (2-year renewals)  
**Contact:** Louis J. Porrini, Highway Maintenance Manager (610) 205-6703



## HVAC Services

**010355** Provide the Pennsylvania Department of Transportation, Maintenance District 1-5 with one (1) Roberts-Gordon or equivalent CGTH-30 30,000 BTU/Hr. Natural Gas Infrared Radiant Heating Unit, and two (2) Roberts-Gordon or equivalent HE-125, 125,000 BTU, 41"-10" overall length Natural Gas Infrared Radiant Heating Units. Bid packages with detailed requirements available upon request. All requests MUST be received via FAX at 814-437-1174, and must include Company Name, Address, Phone Number, Fax Number, Contact Person and Federal I.D. Number. Direct requests to the attention of Edward N. Conn.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road, P. O. Box 191, Franklin, PA 16323  
**Contact:** Edward N. Conn (814) 432-3115

**10-H-01** HVAC services: To be provided on as needed, 24 hour basis for the Hazleton Job Center, 75 North Laurel Street, Hazleton, Pa 18201-5950.

**Department:** Labor and Industry  
**Location:** Hazleton Job Center, 75 North Laurel Street, Hazleton, PA 18201-5950.  
**Duration:** Upon approval through September 30,2003. This is a 2 year contract with one 2-year renewal option.  
**Contact:** Cherianita Thomas/Harry Krause (717) 787-2877/7050450

**SP 10783019** Replace Plumbing at Facility/Replace Bathroom Partitions at Facility.  
**Department:** Public Welfare  
**Location:** Youth Forestry Camp No. 2, Hickory Run State Park, R. R. #1 Box 82, White Haven, PA 18661  
**Duration:** July 1, 2000 thru June 30, 2001  
**Contact:** Susan E. Wilkinson (570) 443-9524

**1605** Purchase and install a ductless, split system HVAC unit for the Warplans Room in the Allentown Armory. If you are interested in submitting a bid, please fax your request for a solicitation packet to (717) 861-2932, Attention: Aimmee Heffner.

**Department:** Military Affairs  
**Location:** PA National Guard Armory, 1501 Allen Street, Allentown, PA 18102  
**Duration:** Work must be completed by January 30, 2002.  
**Contact:** Aimmee Heffner (717) 861-8519



### Janitorial Services

**093004** General cleaning contract for offices, lunch rooms, training room, lavatories, consisting of 5607 square feet. Cleaning to be done at the main office building in Ebensburg.

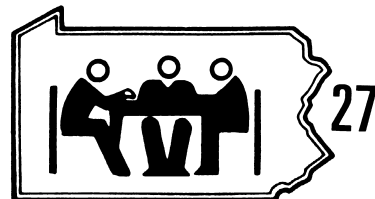
**Department:** Transportation  
**Location:** PA Department of Transportation 9-3, Maintenance Building, 4595 Admiral Peary Highway, Ebensburg, PA 15931  
**Duration:** 01/01/2002 to 12/31/02 with three (3) one year renewal options.  
**Contact:** Gail Prave (814) 472-7100



### Laundry/Dry Cleaning & Linen/Uniform Rental

**087urs** Uniform Rental Bid to provide Equipment Maintenance Personnel with comfortable, durable uniforms that assure a professional appearance.

**Department:** Transportation  
**Location:** PA Dept of Transportation 2105 Lincoln Hwy East, Lancaster, PA 17604  
**Duration:** Three consecutive years  
**Contact:** Jeralyn L. Rettew (717) 299-7621



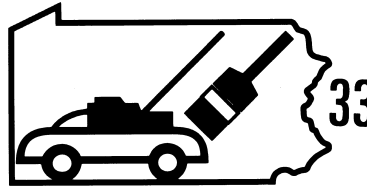
### Lodging/Meeting Facilities

**351S04 Re-Bid** The PA Department of Transportation is soliciting bids from contractors to provide hotel facilities, meals, equipment rental and staff services to coordinate its College of Administrative Support and Maintenance Office Personnel 2002 Conference to be held at a site in the Harrisburg, Hershey, Lancaster, Carlisle, Gettysburg, Monroeville, State College and Altoona Areas in the Commonwealth of Pennsylvania during a period of 4 consecutive days during April or May 2002. Contractor may bid any timeframe as long as it is 4 consecutive days, Monday through Thursday or Tuesday through Friday, beginning April 1 through May 24, 2002. Approximately 300 employees will attend this conference. FAX all requests to Kathy Joy-Brosius at (717) 783-7971. Include the following information with your faxed request: your company name; address (no post office boxes if possible), phone number and FAX number. Please reference SBC 351S04 in your FAX.

**Department:** Transportation  
**Location:** Harrisburg, Hershey, Lancaster, Carlisle, Gettysburg, Monroeville, State College and Altoona Areas in the Commonwealth of Pennsylvania.  
**Duration:** One year with possibility of renewal.  
**Contact:** Tonja Jackson (717) 783-8910

**SP3510021336** Provide lodging, meeting rooms and meals for the Department of Environmental Protection Workshop for approximately 125-150 attendees.

**Department:** Environmental Protection  
**Location:** Within a 15-mile radius of downtown Wilkes-Barre, Pennsylvania.  
**Duration:** Through 6/30/2002  
**Contact:** Sharon Peterson (717) 787-2471



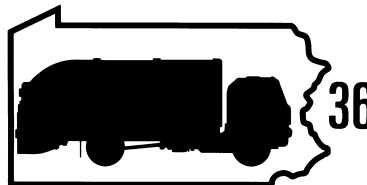
### Property Maintenance

**SP1375027001** Grass Cutting Services - 5 Cuts Per Year.

**Department:** Military Affairs  
**Location:** Fort Mifflin W.E.T. Site, Philadelphia, PA  
**Duration:** 1 May 2002 thru 30 September 2004  
**Contact:** Vicky Lengel (717) 861-8579

**ME10879012** Repair Slate Roof at Building Nos. 10, 11 and 12. Fax requests for bid package to 570-372-5675.

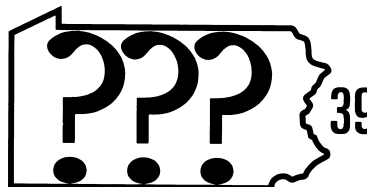
**Department:** Public Welfare  
**Location:** Selingsgrove Center, 1000 US Highway 522, Selingsgrove, PA 17870  
**Contact:** Arletta K. Ney, Purchasing (570) 372-5670



### Sanitation

**SP3862111001** Sealed bids will be received at Dept. of Conservation and Natural Resources, Park Region #2, P.O. Box 387, 195 Park Road, Prospect, PA 16052-0387, until 2:00 p.m. prevailing time October 29, 2001, and then publicly opened and read. For Solid Waste Collection and Disposal at Ohio State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Ohio State Park.

**Department:** Conservation and Natural Resources  
**Location:** Dept. of Conservation and Natural Resources, Ohio State Park, P.O. Box 105 Dinnerbell Road, Ohio State Park, PA 15470-0105  
**Duration:** January 1, 2002 to December 31, 2004  
**Contact:** Ohio State Park (724) 329-8591



### Miscellaneous

**SP10879016** Professional Dental Services which will include oral surgery, extractions and dental restorations which are performed on uncooperative patients while those patients are under anesthesia. Fax request for bid package to 570-372-5675.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, 1000 US Highway 522, Selingsgrove, PA 17870  
**Duration:** January 1, 2002 through December 31, 2006 (5 years)  
**Contact:** Arletta K. Ney, Purchasing (570) 372-5670

**010354** Provide the Pennsylvania Department of Transportation, Maintenance District 1-5 with ten (10) tailgate mounted polyethylene tanks with pump and application system controlled to interface with Component Technology GL-400 computer system. Bid packages with detailed requirements available upon request. All requests MUST be received via FAX at 814-437-1174, and must include Company Name, Address, Phone Number, Fax Number, Contact Person and Federal I.D. Number. Direct requests to the attention of Edward N. Conn.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road, P. O. Box 191, Franklin, PA 16323  
**Contact:** Edward N. Conn (814) 432-3115

**E-3204** Southeastern Veterans Center is in the market for the following: 1 EA. - Portable Generator - 3 Phase, 230 Volt, Gasoline or diesel powered, 20KW Power Output. To include a trailer mount, mounting and hardware (manual, power transfer switch at water tank 200 AMP 3 Phase 600 Volt, outside receptacle plus miscellaneous hardware to hardware to hook-up the transfer switch and outside receptacle, labor to install transfer switch and outside receptacle, transfer switch and receptacle at water tank). For additional information on generator please contact Mr. Thomas Schmidt at 610-948-2430. For bid packages please fax your request to Theresa Barthel at 610-948-2461 or e-mail at TBARTHEL@STATE.PA.US.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** November 1, 2001 thru December 30, 2001  
**Contact:** Theresa Barthel, P.A. (610) 948-2493

**SP1345011015A** Vendor to provide products and services available through Medicare Part B to eligible residents of the Southeastern Veterans Center, Chester County, Spring City, PA 19475. (Example of products: I.V. Food Supplements and related products). Interested parties may request bid packages in the following manner: Fax to my attention at 610-948-2461 OR E-mail to: TBARTHEL@STATE.PA.US

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** January 1, 2002 thru June 30, 2003  
**Contact:** Theresa Barthel, P.A. (610) 948-2493

[Pa.B. Doc. No. 01-1913. Filed for public inspection October 19, 2001, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY LOGAN,  
*Acting Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
8251100-01	10/09/01	Crafco	70,984,00

KELLY P. LOGAN,  
*Acting Secretary*

[Pa.B. Doc. No. 01-1914. Filed for public inspection October 19, 2001, 9:00 a.m.]





# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 105, 125, 133, 140, 141, 145, 151, 153, 165, 177, 178, 181, 183 AND 187]  
TANF Program

### *Statutory Authority*

The Department of Public Welfare (Department) proposes to amend the regulations set forth in Annex A under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)) (code); the Support Law (62 P. S. §§ 1971—1977); Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA) creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; section 5543 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33) (42 U.S.C.A. § 653(p); section 1902(a)(10)(A) and (C) of the Social Security Act, 42 U.S.C.A. § 1396a(a)(10)(A) and (C)); section 4372(b) of the Domestic Relations Code, 23 Pa. C.S. § 4372(b); and the Federal TANF regulations found in 45 CFR 260.10—265.10.

### *Purpose*

The purpose of this rulemaking is to codify rules that implement a welfare reform program focused on moving needy families and individuals from dependency to work and self-sufficiency. This proposed rulemaking implements the TANF Program and provisions of State welfare reform, which could not be implemented under the predecessor Aid to Families with Dependent Children (AFDC) Program, as more fully described in this Preamble.

### *Background*

Title I of the PRWORA, enacted on August 22, 1996, eliminated the AFDC Program under Part A of Title IV of the Social Security Act and replaced it with the TANF Program (42 U.S.C.A. §§ 601—619). Federal TANF regulations found in 45 CFR 260.10—265.10, which govern the TANF Program, became effective October 1, 1999.

The act of May 16, 1996 (P. L. 175, No. 35) (Act 35) amended certain sections of the code which govern eligibility for cash and Medical Assistance (MA) benefits. At the time Act 35 was enacted, some of the provisions could not be implemented in the AFDC Program without Federal approval because they were inconsistent with Federal statutes and regulations. Section 19 of Act 35 (62 P. S. § 403 note) directed the Department to seek these waivers of Federal law and regulations, or any other Federal approval, necessary to implement the provisions of Act 35. Section 20 of Act 35 (62 P. S. § 403 note) further directed the Department to implement changes upon receipt of Federal approval.

A request to waive certain Federal requirements was submitted to the appropriate Federal agencies, including the Department of Health and Human Services (DHHS). While the waiver request was pending, the PRWORA was enacted, eliminating the AFDC Program and replacing it with TANF.

With the enactment of the PRWORA, Federal waivers for Act 35 changes were no longer necessary. Having

already been given statutory authority to implement Act 35 changes by notice of rulemaking change (NORC), the Department proceeded to implement the provisions of both Act 35 and the PRWORA at the same time. In combination, they provided the framework for a complete and integrated Cash and MA Program for needy families. Consequently, these amendments were implemented by a NORC published at 27 Pa.B. 1092 (March 1, 1997), effective March 3, 1997, in accordance with the Joint Committee on Documents (JCD) Resolution 1996-1. In addition, these amendments reflect most of the Family Violence Option (FVO) provisions of the PRWORA as implemented by a NORC published at 30 Pa.B. 2957 (June 10, 2000), based on Federal TANF regulations found in 45 CFR 260.50—260.59.

Under the PRWORA, Federal approval to implement the provisions of State law applicable to TANF is obtained through acceptance of the Commonwealth's TANF State Plan and a determination by the Federal agency that the Commonwealth is eligible for block grant funding for its TANF Program. The Department submitted its initial TANF State Plan, published at 27 Pa.B. 342 (January 18, 1997) to the DHHS and was authorized to implement TANF effective March 3, 1997. An updated TANF State Plan, published at 29 Pa.B. 5658 (October 30, 1999), was submitted to the DHHS on November 1, 1999.

Section 22 of the act of December 16, 1997 (P. L. 549, No. 58) (Act 58) repealed sections 432.6, 432.7, 432.7A, 432.8, 432.9 and 432.11 of the code. Act 58 placed in 23 Pa.C.S. §§ 4371—4381 (relating to Title IV-D program and related matters) the substance of sections formerly found in the code and made amendments to these sections to conform to the PRWORA. The provisions requiring cooperation with the Child Support Enforcement Program established under Title IV-D of the Social Security Act (42 U.S.C.A. §§ 651—679a) as a condition of eligibility for the TANF Program and the General Assistance (GA) Program, are found in Act 58. Act 58 also amended 23 Pa.C.S. § 5103(c) (relating to the acknowledgment and claim of paternity) by removing the requirement that the signatures of the birth parents be notarized. Now, 23 Pa.C.S. § 5103(c) requires only that the signatures be witnessed and subject to the penalties for unsworn falsification to authorities. See 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). For a more in-depth discussion of the changes in child support cooperation requirements from Act 35 to Act 58, refer to Section I, Item 48, of this Preamble which outlines amendments to Chapter 187 (relating to support from relatives not living with the client). Act 58 also provides for a new support pass-through program which the Department implemented on October 1, 1998. See 23 Pa.C.S. § 4374 (relating to State disbursement unit).

Section 402(a)(7) of the Social Security Act (42 U.S.C.A. § 602(a)(7)), gives states the option to include in their TANF State Plan provisions to screen and identify victims of domestic violence, refer these individuals to counseling and supportive services, and waive certain program requirements for these individuals as needed. This option in the Federal statute is known as the FVO. Federal regulations governing this option are found in 45 CFR 260.50—260.59. Since the Commonwealth elected to implement the FVO, the approved TANF State Plan contains an optional certification that the Department will establish and enforce standards to screen and identify victims of domestic violence; refer those individuals to

counseling and supportive services; and waive, under a determination of good cause, other program requirements when compliance with those requirements would make it more difficult for individuals receiving assistance to escape domestic violence or unfairly penalize those individuals who are or have been victimized or individuals who are at risk of further violence.

In April 1997, the Secretary of the Department convened the Domestic Violence/ TANF Task Force to develop policies, procedures and strategies needed to implement the FVO. This task force is comprised of staff from the Department, the Pennsylvania Coalition Against Domestic Violence (PCADV), the Women's Law Project and other advocate groups. As a result of the collaborative efforts of the task force, a NORC was published at 30 Pa.B. 2957 (June 10, 2000) which revised the standards and process for establishing good cause and waiving child/spousal support requirements when the good cause claim is based on domestic violence. Although the FVO permits states to waive additional program requirements that may affect persons who are or have been victims of domestic violence, the task force concentrated its efforts on revising child support requirements when Federal child support regulations found in 45 CFR Part 232 (relating to contract financing), which had been the basis for child support regulations in this Commonwealth, were rescinded in December 1997. These revised requirements were implemented July 3, 2000, and are included in this proposed rulemaking. The Department is continuing to collaborate with the task force on the service plan provision as published in the NORC of June 10, 2000. The plan must be developed by a person with domestic violence training and be designed to lead to work to the extent that work is consistent with helping the individual achieve safety. This provision will be incorporated into a proposed rulemaking package to follow this proposed rulemaking.

#### *Need for Proposed Rulemaking*

The Department is required to comply with Federal and State law. This proposed rulemaking is needed for consistency between Department regulations and legislative changes and to have a complete and integrated Cash and MA Program for families.

Other changes in this proposed rulemaking include editorial corrections and changes needed to make TANF a complete Cash Assistance Program. Because the changes, both Federal and State, were so comprehensive, it is necessary to also change other provisions to make cash assistance regulations integrated and cohesive.

This proposed rulemaking supports the Department's comprehensive welfare reform plan that changes the direction of the public assistance program from one that fosters dependence on the system to one that promotes self-sufficiency through work. The over-riding principle embodied in the regulations is that assistance is temporary and must be seen as a transition to self-sufficiency. Amendments supporting the efforts of persons to become self-sufficient through employment include disregarding 50% of gross earned income and disregarding the value of one motor vehicle when determining eligibility. Implementing requirements that focus on moving needy families from dependence to self-sufficiency has an increased importance given the imposition of the Federally-mandated 5-year limit on receipt of TANF cash assistance.

This proposed rulemaking incorporates stringent work requirements and the Federal 60-month time limit on

receipt of TANF cash assistance. The proposed rulemaking reflects substantial revisions evincing the fundamental change in Federal and State law governing eligibility for cash assistance. With the passage of TANF and Act 35, individuals are required to work toward becoming self-sufficient as a condition of eligibility for cash assistance. Essential to assisting applicants and recipients in becoming self-sufficient is the establishment of the Road to Economic Self-Sufficiency through Employment and Training (RESET) Program. Among other requirements, RESET establishes minimum work requirements as conditions of eligibility for and continued receipt of cash assistance.

After 24 months of receiving cash assistance, recipients are required to work at least 20 hours per week, and more if they are able to do so. This minimum 20-hour-per-week work requirement is a threshold requirement for nonexempt individuals unless they establish good cause. However, if an individual has an opportunity to work more than 20 hours per week, but willfully, without good cause, fails to do so, that individual is subject to sanction under section 432.3(a)(iii) of the code (62 P. S. § 432.3(a)(iii)), for failure to "accept referral to and work in and retain employment in which the applicant or recipient is able to engage." Act 35 requires an individual to work at least 20 hours per week, and more, if possible, up to full-time employment or self-sufficiency. The Department refers to this requirement as "maximizing employment." This requirement to maximize employment is consistent with the goal of TANF and Act 35 that a recipient transition from dependency through increased employment to self-sufficiency in 60 months.

Moreover, nonexempt recipients who willfully, and without good cause, fail to comply with these requirements are subject to sanction, as RESET requires. Consistent with TANF and Act 35, recipients subject to sanction can minimize the duration of their sanction by demonstrating that they are willing to comply with RESET as soon as the minimum period expires. However, equally consistent with TANF and Act 35 is the notion that once a nonexempt recipient has willfully failed, without good cause, to comply with work or work-related requirements, he cannot stop the sanction from ever occurring by agreeing to comply before the Department imposes it. The Department revised § 165.51 (renamed "Compliance Review") to ensure that only willfully noncompliant recipients (without good cause for noncompliance) are sanctioned. The caseworker will develop a new AMR with those recipients who are not subject to sanction.

Provisions establishing exemptions based on hardship or domestic violence whereby certain recipients may continue to receive TANF beyond the 60-month limit prescribed by Federal law will be incorporated into a separate proposed rulemaking package which will follow this rulemaking.

#### *Summary of Requirements*

I. The following are regulations that apply to the TANF and GA Cash Assistance Programs:

A. The following revisions relating to the use and disclosure of information about applicants and recipients are being made to Chapter 105 (relating to safeguarding information):

1. *Sections 105.1(c)(3) and 105.3(g) (relating to policy; and requirements).* Section 105.1(c)(3) is revised and § 105.3(g) is added to provide that information may be released to law enforcement officers in accordance with Federal and State law. This information is generally

limited to an address but may include other identifying information which enables the State Police and Board of Probation and Parole to have access to the records of the Assistance Recipient Identification Program under section 414 of the code (62 P. S. § 414) within the Department to fulfill the objectives of section 414 of the code, as specified in § 105.4(c)(2) (relating to procedures). See 62 P. S. §§ 414 and 432(9); 42 U.S.C.A. § 608(a)(9)(B).

2. *Section 105.4(c)(1)*. This subsection and paragraph are added to specify that the Department may provide information to a Federal, State or local law enforcement officer regarding the address of a fugitive felon, parole or probation violator and the address of a person who may have information that the officer needs to conduct his official duties if the location or apprehension of the recipient is within his official duties. See 42 U.S.C.A. § 608(a)(9)(B).

*Note:* The NORC published at 27 Pa.B. 1092 provided an incorrect citation (§ 105.4(d)) for this requirement. The citation is correct as specified previously.

3. *Section 105.4(c)(2)*. This paragraph is added to specify that the Department will have access to the central repository within the State Police for purposes of identifying persons who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law. The State Police and the Board of Probation and Parole will have access to the records of the Department's Assistance Recipient Identification Program (finger-imaging file to fulfill the objectives of section 414 of the code). See 62 P. S. §§ 414 and 432(9); 42 U.S.C.A. § 608(a)(9)(A).

*Note:* The NORC published at 27 Pa.B. 1092 provided an incorrect citation (§ 105.4(d)) for this requirement. The citation is correct as specified previously.

4. *Subsections 105.4(c)—(e) have been relettered (d)—(f) respectively as a result of the change to subsection (c)*.

B. The following revisions relating to applying for benefits are being made to Chapter 125 (relating to application process):

1. *Section 125.1(f) (relating to policy)*. This subsection is revised to specify that each applicant or recipient of cash assistance and other persons who are required to sign an application for assistance shall be required, as a condition of eligibility, to sign an Agreement of Mutual Responsibility (AMR) that is approved by the Department. The AMR includes the individual responsibilities and obligations to be undertaken by the recipient to achieve self-sufficiency, the time frames within which each obligation is to be completed, the penalties for failure to comply and the actions to be taken by the Department to support the efforts of the applicant or recipient. See 62 P. S. § 405.3(a); 42 U.S.C.A. § 608(b).

2. *Sections 125.1(f)(1)—(4), and 133.23(a)(1)(vi)(A), (B)(I)—(VI), (C) and (D)(I) and (II) (relating to requirements)*. These sections are added to specify the obligations of applicants and recipients for the receipt of benefits. These individuals are obligated to remain free of illegal drugs and alcohol if substance abuse is determined to be a barrier to employment. Those persons must participate in, maintain compliance with and satisfactorily complete an approved drug and alcohol treatment program. Applicants and recipients are also obligated to provide timely and accurate information; cooperate in establishing paternity and obtaining support; seek and participate in an educational program leading to a high school diploma or its equivalent, approved job training or work-related activities; and seek, accept, maximize and

maintain employment, accept referral to, participate in and continue to participate in an available work or work-related activity, whichever is applicable, including those specified on the AMR, and not reduce earnings. See 62 P. S. §§ 405.1(a.2), 405.3 and 432.3.

A person who is required to sign an application for assistance and fails or refuses to complete and sign an AMR without good cause is ineligible for assistance until the person completes and signs the approved AMR. Failure to cooperate with child support requirements will result in penalties described in § 141.21(e). Failure to comply with work or work-related requirements, whichever are applicable, will result in the penalties described in § 165.61 (relating to sanctions).

3. *Section 125.1(g)*. This subsection contains the provision formerly found in § 125.1(f) relating to applicant notices regarding eligibility.

C. The following revision relating to the treatment of earned and unearned income is being made to Chapter 133 (relating to redetermining eligibility):

1. *Section 133.23(a)(1)(i)(A)*. Clause (A) is deleted. The income of a recipient will no longer be subject to the gross income eligibility limit (185% test). Application of this test to recipients was eliminated to provide an incentive for recipients to accept and retain employment. The gross income test applies to applicants only.

D. The following revisions relating to general eligibility requirements for the TANF and GA programs are being made to Chapter 141 (relating to general eligibility provisions):

1. *Section 141.1(b)(5) (relating to policy)*. This paragraph is deleted because the provision that permits a specified relative of the only dependent child in the budget group to continue to receive cash assistance when the child is under a sanction is no longer consistent with State law. State law requires that when a disqualification occurs after a person has received cash assistance for more than 24 months, the disqualification is imposed on the entire budget group. See 62 P. S. § 432.3(a)(1) and (2) and (b).

2. *Section 141.21(e) (relating to policy)*. This subsection is revised. No protective payment will be imposed. Act 58 removed this requirement. Failure to cooperate in establishing paternity or obtaining support without good cause will result in a reduction of the cash assistance allowance by 25%. See 23 Pa.C.S. § 4380(b)(2) (relating to enforcement of cooperation requirements).

*Note:* The NORC published at 27 Pa.B. 1092 provided an incorrect citation (§ 141.21) for this requirement. The citation is correct as specified previously.

3. *Section 141.21(s)*. This subsection is revised to delete the specific reference to GA applicants or recipients, as the provision applies to all categories of cash assistance. An applicant or recipient of GA or TANF who has been convicted of violating section 481(a) of the code (62 P. S. § 481(a)), a crime commonly referred to as welfare fraud, is ineligible for cash assistance for 6 months from the date of a first conviction, 12 months from the date of a second conviction and permanently from the date of a third conviction. See 62 P. S. § 481(f).

4. *Section 141.21(t)*. This subsection is amended because § 141.21(s) as amended (see No. 3 above) makes the provision of § 141.21(t), which applies to TANF applicants or recipients, redundant and unnecessary.

This subsection is amended to specify that a person is ineligible for assistance if the person is fleeing to avoid

prosecution, or custody or confinement following conviction for a felony, or as felonies are classified in the State of New Jersey, a high misdemeanor. See 62 P. S. § 403(b); 42 U.S.C.A. § 608(a)(9).

5. *Section 141.21(u)*. This subsection is added to specify that cash assistance payments will not be made to a person for 10 years from the date of conviction, in a Federal or State court, of fraudulent misrepresentation of residence to receive TANF, GA, MA, Food Stamps or SSI simultaneously in two or more states. See 62 P. S. § 403(b); 42 U.S.C.A. § 608(a)(8).

6. *Sections 141.41(e) and 141.61(a)(1)(xv) (relating to policy)*. These provisions are added to specify that cash assistance applicants and recipients must, among other requirements specified in these sections, agree to seek employment, accept any bona fide offer of employment, and maximize and maintain employment as a condition of eligibility unless they are exempt (such as, by reason of a verified disability). Refer to section 405.1(a.3) of the code (62 P. S. § 405.1(a.3)) for specific exemptions. For the first 24 months of receipt of cash assistance, whether continuous or interrupted, nonexempt applicants and recipients who are not employed for an average of 20 hours per week must participate in an available and approved work-related activity as a condition of eligibility for cash assistance. After the first 24 months of receipt of cash assistance, whether receipt is continuous or interrupted, nonexempt recipients must participate in unsubsidized employment, subsidized employment, work experience, on-the-job training, community service or workfare for at least 20 hours a week, averaged monthly. See 62 P. S. §§ 405.1(a.2), 405.3 and 432.3.

E. The following revisions relating to the deprivation of a TANF child due to the absence or unemployment of a parent are being made to Chapter 153 (relating to deprivation of support or care):

1. *Section 153.42 (relating to definitions)*. This section is revised to add the definition of "cash assistance allowance," a term which is used in Act 58 but not defined at 23 Pa.C.S. § 4380 (relating to enforcement of cooperation requirements).

2. *Section 153.44(a)(1) (relating to procedures)*. This paragraph is deleted since it addresses a now obsolete requirement under the AFDC Program.

3. *Section 153.44(a)(2)*. This paragraph is revised to delete a sentence that relates to the deleted material in § 153.44(a)(1).

4. *Section 153.44(a)(3)*. This paragraph is revised to delete an obsolete reference to a section within Chapter 187.

5. *Section 153.44(a)(11)*. This paragraph is revised to include a reference to a putative father as an individual from whom support must be sought in accordance with support requirements outlined in Chapter 187.

6. *Section 153.44(b)(2)(i)(A)*. This clause is amended to correct the cross reference to a section that has been revised within Chapter 187.

7. *Section 153.44(b)(2)(i)(C)*. Based upon Act 58, this clause is revised to specify that the penalty imposed for noncooperation is now a reduction in the cash assistance allowance by 25%. No protective payment will be imposed. Act 58 removed this requirement. See 23 Pa.C.S. § 4380.

8. *Section 153.44(d)(1)(vi)*. This subparagraph is deleted because the provision that provides for a penalty to

be imposed against both parents in a household is no longer applicable. State law now provides that, during the first 24 months that assistance is received, a penalty is imposed only on the person who commits the violation. After the receipt of 24 months of benefits, a penalty is imposed on the entire household if the county assistance office (CAO) determines that the violation is willful and without good cause. See 62 P. S. § 432.3(a)(1) and (2) and (b).

9. *Section 153.44(e)(1)(i)*. This subparagraph is revised to delete the obsolete form number. The Acknowledgment of Paternity Form is now Form PA/CS 611.

10. *Section 153.44(e)(1)(i)(A)*. This clause is revised to delete the requirement that the signatures of both the putative father and the mother that appear on the Acknowledgment of Paternity Form must be notarized. In accordance with Act 58, the provision that the signatures need only be witnessed by a third party is added. See 23 Pa.C.S. § 5103(c) (relating to acknowledgment and claim of paternity).

11. *Section 153.44(e)(1)(i)(B)*. Based upon Act 58, this clause is revised to delete the word "notarized" since the Acknowledgment of Paternity Form no longer must be notarized prior to sending it to the Bureau of Child Support Enforcement. See 23 Pa.C.S. § 5103(c).

F. The following revisions relating to work requirements, conditions of eligibility for cash assistance, compliance review, good cause, penalties and notifications are being made to Chapter 165 including a change in the chapter title from "Employment and Training Program" to "Road to Economic Self-Sufficiency Through Employment and Training (RESET) Program":

1. *Section 165.1(a) (relating to general)*. This subsection is revised to delete the reference to the Employment and Training Program (ETP) and replace it with a reference to the RESET Program as specified in State law. A provision is added that requires all nonexempt applicants to agree to comply with the requirements of RESET and all nonexempt recipients, among other requirements, to participate in RESET and to seek employment, accept any bona fide offer of employment and maximize and maintain employment. This subsection is also revised to remove the statement that gives priority for services to volunteers for the program. The setting of those priorities is no longer appropriate because all nonexempt recipients are required by State law to participate in activities that promote self-sufficiency. The Department wants to assure that there are sufficient resources to serve those individuals. See 62 P. S. §§ 405.1, 405.2, 405.3 and 432.3.

2. *Section 165.1(b)*. This subsection is revised to delete the reference to the ETP and replace it with the phrase, "The Department." This change broadens the Department's role to provide case management and identify resources.

3. *Section 165.2 (relating to definitions)*. This section is revised to delete the obsolete term "EDP—Employment Development Plan" and to replace it with the term "AMR—Agreement of Mutual Responsibility." The work and work-related activities of RESET are now included in the AMR. This section is also revised to add the definitions of "RESET—Road to economic self-sufficiency through employment and training," "bona fide offer of employment," "grant diversion" and "maximize employment" and to delete the definition of "ETP—Employment and Training Program." See 62 P. S. §§ 402, 405.1(a.4)(3)(c)(1)—(4), 405.3 and 432.3.

4. *Section 165.11 (relating to verification of exemption)*. This section is reserved. The information relating to verification of exemptions which was previously found in this section has been relocated to § 165.22 (relating to verification of exemption) and amended as described in the discussion of § 165.22.

5. *Section 165.21(c)(1) (relating to enrollment)*. This paragraph is revised to specify that a mental or physical disability does not provide for an automatic exemption from the RESET Program. State law requires that to be exempt from RESET due to a physical or mental disability, the disability must temporarily or permanently preclude any form of employment or work-related activity. See 62 P. S. § 405.1(a.3)(1).

6. *Section 165.21(c)(1)(i)*. This subparagraph is revised to remove the reference to licensed midwife as a source of verification of the period of recuperation after childbirth because State law permits disability to be verified only by a physician or psychologist. See 62 P. S. § 405.1(a.3)(1).

7. *Section 165.21(c)(1)(iii)*. This subparagraph is added to require an applicant or recipient with a verified mental or physical disability, including drug or alcohol dependency, to pursue appropriate treatment to restore or improve the individual's ability to work as a condition of receiving assistance if the individual is exempt from the RESET Program. See 62 P. S. § 405.1(a.3)(1).

8. *Section 165.21(c)(1)(iv)*. This subparagraph is added to reflect the Department's authority to require an applicant or recipient to submit to an independent examination as a condition of receiving assistance if the individual is exempt from the RESET Program. See 62 P. S. § 405.1(a.3)(1).

9. *Section 165.21(c)(2)–(4)*. The exemptions previously found in these paragraphs are deleted because their content contained exemption criteria which have been altered by State law. Therefore, persons 60 years of age or older, persons incapacitated due to drug or alcohol dependency and persons needed in the home because of the illness or incapacity of another household member are no longer automatically exempt from participation in RESET. However, those persons have the opportunity in accordance with § 165.52 (relating to good cause) to establish good cause for not meeting a work requirement. See 62 P. S. § 405.1(a.3)(1)–(3).

10. *Section 165.21(c)(5)*. This paragraph is renumbered (2) and revised to provide an exemption for a parent or other caretaker who is personally providing care for a child under 6 years of age for whom alternate child care arrangements are not available. See 62 P. S. § 405.1(a.3)(2).

11. *Sections 165.21(c)(6) and (7)*. The exemptions described in these paragraphs are deleted because State law has changed the exemption criteria for the RESET Program. Therefore, parents or other caretakers personally providing care for a child 3 years of age or older and 5 years of age or younger unless appropriate child care is guaranteed and persons working at least 30 hours per week are no longer exempt from participation in the RESET Program for these reasons. See 62 P. S. § 405.1(a.3).

12. *Section 165.21(c)(8)*. This paragraph is renumbered (3) and is revised to provide an exemption from participation in the RESET Program for a child under age 18. If the child is of school age, he must be pursuing education leading to a high school diploma or certificate of high school equivalency. See 62 P. S. § 405.1(a.3)(3).

13. *Section 165.21(c)(9)*. The exemption described in this paragraph is deleted because State law has changed the exemption criteria for the RESET Program. Therefore, a pregnant woman is no longer exempt from participation in RESET unless it can be appropriately documented that her pregnancy incapacitates her to the extent that she is precluded from any form of employment. This paragraph is also renumbered (4) and provides a new exemption for a custodial parent in a one-parent household who is caring for a child who has not attained 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime. See 62 P. S. § 405.1(a.3)(1); 42 U.S.C.A. § 607(b)(5).

14. *Sections 165.21(c)(10) and (11)*. The exemptions described in these paragraphs are deleted because State law has changed the exemption criteria for the RESET Program. Therefore, persons serving full-time in the Volunteers In Service To America (VISTA) Program and persons residing more than 2 hours round trip from a RESET site are no longer exempt from participation in RESET. See 62 P. S. § 405.1(a.3)(1).

15. *Section 165.21(d)*. This subsection is deleted because State law has changed the participation requirements for the RESET Program. Therefore, the provision requiring a custodial parent between 16 and 20 years of age to participate in the RESET Program is no longer applicable and is being removed. See 62 P. S. § 405.1(a.3)(1) and (2).

16. *Section 165.22(a) (relating to verification of exemption)*. This subsection is added to provide that cooperation requirements for providing information about and verification of exempt status apply to applicants as well as to recipients and that the CAO will help to obtain verification of an exemption when needed. See 62 P. S. § 405.1(a.3).

17. *Section 165.22(a)(1)*. This paragraph is added to specify that the Department may require an applicant or recipient claiming an exemption from work requirements based on a physical or mental disability to submit to an independent examination as a condition of receiving assistance if exempt under the RESET Program. See 62 P. S. § 405.1(a.3).

18. *Section 165.22(a)(2)*. This paragraph is added to require an applicant or recipient with a verified physical or mental disability which temporarily precludes any form of employment to pursue appropriate treatment to restore or improve the individual's ability to work as a condition of receiving assistance if exempt under the RESET Program. See 62 P. S. § 405.1(a.3)(1).

19. *Section 165.22(b)*. This subsection is added to clarify how an exemption from RESET can be verified and the consequences of failure to verify the basis for an exemption. See 62 P. S. § 405.1(a.3)(1).

20. *Section 165.25 (relating to enrollment after an exemption)*. This section is added to clarify how quickly a person who was formerly exempt from the RESET Program is required to participate in work or a work-related activity when the exemption ends. See 62 P. S. § 405.1(a.4).

21. *Section 165.25(1)(i) and (ii)*. This section added to provide that an individual who is exempt from participation in the RESET Program due to a physical or mental disability is required to participate immediately if the condition ceases within the first 22 months that the person receives cash assistance or within 8 weeks if the condition ceases after the person has received cash assist-

ance for 22 months or more, as required by State law. See 62 P. S. § 405.1(a.4)(1)(i) and (ii).

22. *Section 165.25(2)*. This paragraph is added to specify that a person who is exempt from participation in the RESET Program due to providing care for a child under age 6 is required to participate as soon as alternate child care arrangements become available or when the child reaches age 6, whichever occurs first, as required by State law. See 62 P. S. § 405.1(a.4)(2).

23. *Section 165.25(3)(i)–(iii)*. This paragraph and subparagraphs are added to specify that an individual who is under 18 years of age is required to participate in the RESET Program upon reaching 18 years of age, attaining a high school diploma or a certificate of high school equivalency or ceasing to pursue a high school diploma or a certificate of high school equivalency. Paragraph (3)(i) further defines that a client who reaches age 18 may continue to pursue a high school or equivalency program after age 18 as a work-related activity during the first 24 months of receipt of cash assistance. Additionally, if under age 22, the individual may have good cause for not meeting the 20-hour work requirement after 24 months while working to complete a high school or equivalency program for at least 20 hours per week. See 62 P. S. § 405.1(a.4)(3).

24. *Section 165.25(4)(i)–(iii)*. This paragraph and subparagraphs are added to specify that a custodial parent in a one-parent household who is exempt from participation in the RESET Program due to caring for a child under 12 months of age is required to participate when the child reaches 12 months of age, when the custodial parent has claimed the exemption for the maximum 12-month period in the parent's life-time, or if the custodial parent chooses not to claim this exemption. See 42 U.S.C.A. § 607(b)(5).

25. *Section 165.31(a) (relating to RESET participation requirements)*. The provisions previously found in this subsection relating to voluntary participation by persons who are exempt have been deleted, except the provision that exempt individuals may volunteer to participate in RESET is relocated to subsection (h). See 62 P. S. § 405.1(a.1).

26. *Section 165.31(b)*. The provisions previously found in this subsection relating to voluntary participation by persons who are nonexempt are revised and relocated to subsection (g).

27. *Section 165.31(c)*. The previous content of this subsection which concerned priority of educational activities for custodial parents is deleted. This subsection, now (b) contains RESET participation requirements that apply to all nonexempt individuals. Among other requirements, those individuals are required to seek and accept any bona fide offer of employment and maximize and maintain employment as a condition of eligibility or continuing eligibility for cash assistance. See 62 P. S. §§ 405.1 (a.2), 405.4 and 432.3.

28. *Section 165.31(d)*. The provisions previously found in this subsection relating to the EDP are revised and relocated to subsection (e). The requirements that apply in the first 24 months that a nonexempt individual is receiving cash assistance are added. These requirements are in addition to those in subsection (b). See 62 P. S. § 405.1(a.2)(2)

29. *Section 165.31(c)(1)*. This paragraph is added to specify that the initial work-related activity is an initial job search of up to 8 weeks, except for those 18 years of

age or older but under 22 years of age who are pursuing a high school diploma or its equivalent. See 62 P. S. § 405.1(a.2)(3).

30. *Section 165.31(c)(1)(i)*. This subparagraph is added to clarify that for applicants, the initial job search is required upon authorization of cash assistance. See 62 P. S. § 405.1(a.2)(3).

31. *Section 165.31(c)(1)(iii)*. This subparagraph is added to clarify that individuals must document job search efforts and present that documentation to the CAO upon request. Failure to comply with the requirements of this section, without good cause, shall result in sanctions under § 165.61 (relating to sanctions). See 62 P. S. §§ 405.1(a.2)(3) and 432.3.

32. *Section 165.31(c)(2)(i)–(xi)*. This paragraph and subparagraphs are added to list the activities which, after the initial job search, a recipient may participate in to fulfill the work-related activity requirement, if approved, during the first 24 months, whether consecutive or interrupted, that a recipient receives cash assistance. According to State law, the activities are subsidized employment, work experience, on-the-job training, community service, workfare, vocational education, general education, English-as-a-second-language, job skills training, job search and job readiness/ preparation activities subject to the limits found in subsection (c)(3) and (4). See 62 P. S. §§ 402, 405.1(a.2)(5) and 405.3.

33. *Section 165.31(c)(3)*. This paragraph is added to specify that participation in approved vocational education, general education, English-as-a-second-language and job skills meets the work-related activity requirement for a maximum of 12 months, whether consecutive or interrupted, during the first 24 months that an individual receives cash assistance. See 62 P. S. § 405.1(a.2)(5).

34. *Section 165.31(c)(4)*. This paragraph is added to permit recipients who are 18 years of age or older but under 22 years of age who do not have a high school diploma or its equivalent to fulfill the work-related activity requirement by pursuing a high school diploma or its equivalent. See 62 P. S. § 405.1(a.2)(5).

35. *Section 165.31(d)(1)–(6)*. These provisions are added to list the approvable work activities in which nonexempt recipients, after receiving cash assistance for 24 months, whether or not the months are consecutive or interrupted, must participate to fulfill the work requirement. Participating in an available work activity for an average of at least 20 hours per week in any one or a combination of the following activities is required by State law: unsubsidized employment, subsidized employment, work experience, community service, on-the-job training or workfare. Willful failure to comply with this section shall result in the imposition of sanctions under § 165.61 unless good cause for noncompliance is established. See 62 P. S. §§ 405.1 (a.2)(6), 405.3 and 432.3.

36. *Section 165.31(d)*. The provisions, previously found in this subsection, relating to the self-initiated education and training are relocated to subsection (f). The requirements that apply to nonexempt individuals who have received cash assistance benefits for more than 24 months are added. See 62 P. S. § 405.1(a.2)(6).

37. *Section 165.31(e)*. The provisions of this subsection are relocated from subsection (d) and revised to refer to the AMR which has replaced the EDP used in the AFDC Program. Final approval of the work, training and education activities listed on the AMR rests with the Department. The AMR is not considered a contract.

38. *Section 165.31(f)*. The provisions of this subsection are relocated from subsection (e) and revised to delete the reference to EDP and replace it with a reference to the AMR. See 62 P. S. § 405.3.

39. *Section 165.31(f)(4)*. This paragraph is added to specify that after 12 months of participation in any self-initiated education or training activity as specified in subsection (f), nonexempt individuals must also fulfill the work-related activity requirements as specified in subsections (a) and (b) during the first 24 months of receiving cash assistance. See 62 P. S. § 405.1(a.2)(5).

40. *Section 165.31(f)(5)*. This paragraph is added to specify that after receiving cash assistance for 24 months, individuals participating in self-initiated activities as specified in subsection (f) must also fulfill the work requirements as specified in subsection (d). See 62 P. S. § 405.1(a.2)(6).

41. *Section 165.31(g)*. This provision relating to voluntary participation has been relocated from subsection (a). This subsection also provides that exempt volunteers are not required to conduct an initial job search before enrolling in RESET. The rest of the provision is deleted. See 62 P. S. § 405.1(a.4)(3)(b).

42. *Sections 165.51(a)–(c)*. Subsections (a) and (b) are revised and subsection (c) is added. These subsections clarify that information indicating noncompliance will result in a partial review of eligibility that focuses on compliance with work requirements. This review is renamed “Compliance Review.” In a compliance review, a recipient who apparently is not complying with work or work-related requirements has an opportunity to establish that the recipient has been compliant, or if noncompliant, that the noncompliance was not willful and without good cause. Although this represents changes to the process formerly called “conciliation,” by defining its primary purpose and procedure as a determination of facts surrounding an recipient’s apparent noncompliance, this change is entirely consistent with TANF and Act 35. In fact, the former regulation is directly at odds with TANF and Act 35, which require imposition of a penalty for willful failure to comply with work/work-related requirements unless the recipient is exempt or establishes good cause for noncompliance.

As revised, the compliance review is designed to ensure that a sanction is not imposed unless the recipient has willfully, and without good cause, failed to comply with work/work-related requirements. The compliance review may be conducted in person or by telephone, according to the recipient’s preference. If a sanction is not imposed, the caseworker will develop a new AMR with the recipient, if necessary, and review program requirements. The Department implemented this change in policy in the March 1, 1997, NORC. Therefore, the revised section reflects the Department’s policy and practice since that time. These subsections are also revised to delete the reference to the EDP and replace it with reference to the AMR. See 62 P. S. §§ 405.1, 405.2, 405.3 and 432.3.

43. *Section 165.61(a) (relating to sanctions)*. This subsection is revised to add that the willful failure of a nonexempt recipient to cooperate, without good cause, in fulfilling the work or work-related activity requirements specified in the AMR or statutory work or work-related requirements even when those requirements are not specified in the AMR, will result in a sanction. This subsection incorporates the requirements found in 62 P. S. §§ 405.1, 405.3 and 432.3.

44. *Section 165.61(b)*. The requirements previously found in this subsection have been redesignated as

subsection (e), relating to the caretaker continuing to receive benefits when the only TANF child in the budget group is under sanction. This subsection now contains the periods of sanction for failure to cooperate with the requirements of the RESET Program, as required by State law. For the first occurrence, the sanction is 30 days or until the recipient is willing to comply, whichever is longer. For the second occurrence, the sanction is 60 days or until the recipient is willing to comply, whichever is longer. For the third occurrence, the sanction is permanent. See 62 P. S. § 432.3(a)(1) and (2); 42 U.S.C.A. § 607(e)(1).

45. *Section 165.61(c)(1) and (2)*. The provision that both parents would be sanctioned if one parent fails to enroll in or participate in the RESET Program is deleted because State law has changed the sanction requirements. Paragraphs are added to specify the applicability of sanctions as required by State law. During the first 24 months that assistance is received, the sanction is imposed only on the person who fails to comply. After 24 months, the sanction is imposed on the entire budget group. See 62 P. S. § 432.3(a)(1) and (2) and (b); 42 U.S.C.A. § 607(e)(1).

46. *Sections 165.61(d)*. The requirements previously found in this subsection have been redesignated as subsection (b), relating to sanction periods. This subsection now contains the provision that, in lieu of the durational sanctions listed in subsection (b) and subsection (c)(1) and (2), the grant of a budget group will be reduced if an employed member of the budget group voluntarily and without good cause reduces his earnings during the first 24 months that assistance is received by not working an average of at least 20-hours-per-week. The reduction will be the dollar value of the income that would have been earned if the recipient had not voluntarily reduced the hours of employment to less than an average of 20 hours per week. The reduction continues until the minimum 20-hour-per-week work requirement is met. See 62 P. S. § 432.3(a)(1) and (2) and (b).

47. *Section 165.61(e)*. The requirements previously found in this subsection have been redesignated as subsection (f), relating to protective payee payments. Regulations are added regarding the caretaker continuing to receive benefits when the only TANF child in the budget group is under sanction. See 62 P. S. § 432.3(a)(2).

48. *Section 165.61(f)*. The provisions of this subsection are relocated from subsection (e) and revised to clarify that if an individual under sanction during the first 24 months of cash assistance is a parent or other caretaker, protective payments for the remaining budget group members will be made to the caretaker under sanction.

49. *Section 165.71(b)*. This subsection is revised to delete the 3-month time frame for sending a reminder letter to an individual under sanction as the Department now provides that clients receive notification prior to the end of the minimum durational sanction period.

G. The following revisions relating to resources are being made to Chapter 177 (relating to resources):

1. *Section 177.21(a)(2) (relating to personal property)*. This paragraph is revised to specify that the full value of one automobile per TANF or GA budget group is excluded as a resource. The equity value of all other vehicles is counted and applied toward the resource limit applicable to the budget group. See 62 P. S. § 432.5(c)(4).



2. *Section 177.21(a)(11)*. A phrase is added to this paragraph to specify that funds withdrawn from education savings accounts shall be used to pay for education expenses.

*Note:* That the NORC, published at 27 Pa.B. 1092, announced that education savings accounts would be exempt as individual development accounts (IDAs) under TANF as long as contributions were from earned income only. In these regulations, education savings accounts are exempt if they meet the requirements of State law, see 62 P. S. § 408.2(a), which does not require that the contributions to the account come from earned income. After careful analysis of the option to exempt IDAs permitted under the PRWORA, the Department has decided not to implement this option. The requirements for implementation as specified in section 404(h) of the PRWORA are complex, restrictive and not beneficial to clients.

3. *Section 177.21(a)(11)(iii)*. This subparagraph is revised to clarify that only moneys withdrawn to pay for educational expenses are exempt. See 62 P. S. § 408.2.

4. *Section 177.21(a)(13)*. This paragraph is added to specify that student financial assistance in the form of loans, grants and scholarships is excluded as a resource.

5. *Section 177.21(a)(14)*. This paragraph is added to specify that the face and cash value of a life insurance policy is exempt from consideration as a resource.

6. *Section 177.21(a)(15)*. This paragraph is added to specify that Family Savings Accounts established under the Job Enhancement Act (73 P. S. §§ 400.2101—400.2103), are exempt from consideration as a resource. This exemption was not included in the NORC published at 27 Pa.B. 1092 and, consequently, will not be effective retroactively. It will be effective upon publication.

7. *Section 177.22(b)(3)(ii)*. This subparagraph is revised to specify that in cases where a budget group has been unable to sell nonresident property for reasons beyond their control, the 9-month time limit for disposing of property is extended for additional 9-month periods as long as the budget group is making a good-faith effort to sell the property.

8. *Section 177.22(b)(4)*. This paragraph is revised to clarify that the budget group is ineligible for cash assistance if it cannot substantiate for each 9-month exemption period that it has made or is making a good-faith effort to sell the nonresident real property.

9. *Section 177.24(1)(ii), (A) and (B)*. This subparagraph and clauses are deleted because they relate to life insurance which is now excluded as a resource.

H. The following revisions relating to the treatment of earned and unearned income are being made to Chapter 183 (relating to income):

1. *Section 183.23 (relating to income in-kind)*. This section is deleted and reserved. Income-in-kind for services rendered is now excluded when determining eligibility and payment amount. See 62 P. S. § 401(a).

2. *Section 183.38 (relating to educational assistance)*. This section is revised to clarify that Federally-funded student financial assistance, including college work-study income, is excluded as income. This section is also revised to clarify that all other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income unless the assistance is provided solely to meet basic living needs. See 62 P. S. § 401(a).

3. *Section 183.71 (relating to gross income test)*. This section is revised to specify that the income of a recipient will no longer be subject to the gross income eligibility limit (185% test). This test applies to applicants only.

4. *Section 183.81(3)(i)*. The provisions of this subparagraph are deleted and replaced by the provision that Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants or scholarships is excluded as income unless the assistance is provided solely to meet basic living needs.

5. *Sections 183.81(3)(iii) and (iv)*. These subparagraphs are deleted as unnecessary and duplicative.

6. *Section 183.81(29)*. The support pass-through disregard as codified in § 183.81(29) is reinstated as amended by Act 58. Former section 432.7(g) of the code specified that the Department continue payment of support pass-through payments to cash assistance recipients as required by Federal law. There was no Departmental regulation that required payment of the support pass-through. Section 183.81(29) required the Department to disregard receipt of up to the first \$50 per budget month of current court-ordered or voluntary support. The PRWORA, enacted on August 22, 1996, eliminated the Federal requirement to pay the support pass-through. As a result, the Department announced its intention to discontinue payment of the support pass-through with publication of a NORC, which was effective March 3, 1997. See 27 Pa.B. 1092. At that time, the Department announced it would delete § 183.81(29) as well. On April 1, 1997, a lawsuit, *Success Against All Odds, et al. v. Department of Public Welfare*, 700 A.2d 1340 (Pa. Cmlth. 1997), was filed in Commonwealth Court challenging the Department's cessation of the support pass-through. Effective May 1, 1997, the Commonwealth Court ordered the Department to reinstate the support pass-through payment and income disregard pending a determination on the merits. On August 20, 1997, Commonwealth Court ruled that the Department was acting within its statutory mandate when it discontinued support pass-through payments. Plaintiffs appealed to the Pennsylvania Supreme Court. Pass-through payments were then discontinued effective November 1, 1997. On November 13, 1997, the Pennsylvania Supreme Court entered an order, staying the August 20, 1997, Commonwealth Court Order, requiring the Department to resume support pass-through payments and the income disregard pending further order of that Court. *Success Against All Odds et al. v. DPW*, No. 122 M.D. Appeal Dkt. 1997. Effective December 1, 1997, support pass-through payments were again issued to cash assistance recipients and the income was disregarded for eligibility purposes.

Act 58, enacted on December 16, 1997, added 23 Pa.C.S. § 4374(c)(1)(ii) (relating to State disbursement unit) to require the Department to first, pay to the Federal government the Federal share of current support collected, and then, from the amount remaining, pass through to the budget group the first \$50 per month of current support collected without decreasing the amount of cash assistance.

Effective January 1, 1998, Act 58 also repealed section 432.7(g) of the code (62 P. S. § 432.7(g)), the statutory provision upon which the litigation was founded. However, the pass-through requirement under Act 58 was temporarily suspended because of the stay entered by the Pennsylvania Supreme Court on November 13, 1997. On

May 20, 1998, the Pennsylvania Supreme Court affirmed Commonwealth Court's ruling of August 20, 1997, thereby ending the stay.

The Department implemented the new Support Pass-Through Program mandated by Act 58 on October 1, 1998.

I. The following revisions relating to Chapter 187 reflect the changes announced by the NORC and further amended by Act 58. Additionally, the chapter regulations, as appropriate, are reorganized into logical sequence and procedures are eliminated:

1. *Section 187.21 (relating to general policy)*. This section includes the text of the former subsection (a). This section is amended to set forth the policy that the Department grants assistance only to persons who apply for and meet all conditions of eligibility. This section is also amended to set forth the policy for the referral of persons who do not receive assistance but wish to receive child support enforcement services that had been provided in § 187.24(c) (relating procedures). A reference to 23 Pa.C.S. §§ 4301—5104 and 7101—8415 and 62 P.S. §§ 101—1503 and §§ 1971—1977 was added.

2. *Section 187.21(b)*. This subsection is deleted because the requirement concerning the automatic assignment of support rights to the Department is in § 187.23(e) (relating to requirements).

3. *Section 187.21(c)*. This subsection is deleted because it relates to procedures, and the Bureau of Claim Settlement Child Support Unit no longer exists. The Bureau of Child Support Enforcement is the State agency responsible for the administration of Pennsylvania's Support Enforcement Program under Title IV-D of the Social Security Act and State law. See 42 U.S.C.A. §§ 651—669b; 23 Pa.C.S. § 4372(a). The deleted procedural information is appropriately delineated in the Department's *Cash Assistance Handbook*, Chapter 131, Support.

4. *Section 187.21(d)*. This subsection is deleted because it relates to procedures. The procedures regarding the effect of automatic support assignment are appropriately delineated in the Department's *Cash Assistance Handbook*, Chapter 131, Support.

5. *Section 187.21(e)*. This subsection is deleted because it relates to procedures. The procedures regarding the treatment of support collections and CAO responsibilities are appropriately delineated in the Department's *Cash Assistance Handbook*, Chapter 131, Support and Chapter 150, Income.

6. *Section 187.21(f)*. This subsection is deleted because it relates to procedures. The procedures regarding the timing of the effect of the assignment of support and the interchange of information about support collections and the cash assistance eligibility determination are appropriately delineated in the Department's *Cash Assistance Handbook*, Chapter 131, Support and Chapter 150, Income.

7. *Section 187.21(g)*. This subsection is deleted because it relates to procedures. The procedures regarding the Child Support Action Notice and the interchange of cash assistance information from the CAO to the Child Support Unit, and the responsibilities of the Bureau of Child Support Enforcement are delineated in the Department's *Cash Assistance Handbook*, Chapter 131, Support.

8. *Section 187.22 (relating to definitions)*. This section is amended to delete the definitions of "alimony," "child born out-of-wedlock," "LRR—legally responsible relative" and "spouse" because the terms are either not used or are

clarified in the new definitions. The procedures regarding paternity establishment are deleted and delineated in the Department's *Cash Assistance Handbook*, Chapter 131, Support. The term "alimony" is not used in the chapter; instead, the term "support" is added based upon Act 58's definition of "order of support." The terms "child" and "child born out-of-wedlock" are not used in the chapter. The term "spouse" is included in the redefined term "LRR—legally responsible relatives." The definitions of "arrears," "budget group," "BDSE—Bureau of Child Support Enforcement," "cash assistance allowance" (Act 58 change), "CAO—County assistance office," "Department," "DRS—Domestic Relations Section," "establishing paternity," "LRR—legally responsible relative," "obtaining support" and "unemancipated minor child" are added.

Pennsylvania case law establishes that a parent is liable for the support of his child until the child reaches age 18 or graduates from high school, whichever occurs later. *Blue v. Blue*, 532 Pa. 521, 616 A.2d 628 (1992). A "minor" is defined as "an individual under the age of twenty-one (21) years." See 1 Pa.C.S. § 1991 (relating to definitions). Thus, the outside age limit for support of a minor child is age 21. However, the obligation to support a child may end sooner where a minor has become emancipated. See 23 Pa.C.S. § 4323(a) (relating to support of emancipated child).

9. *Section 187.23(a)*. This subsection is retitled, "Applicability" and deletes the current language of § 187.23(a). This section applies to applicants/recipients of cash assistance if there is the reported absence of a parent from the home of an unemancipated minor child, the presence of a putative father for an unemancipated minor child, and a spouse absent from the home. Absence of a parent from the home is determined according to the requirements under § 153.44(a). The specific cooperation criteria for child support are in § 187.23(b).

10. *Section 187.23(a)(1) and (2)*. These paragraphs, subparagraphs and clauses are deleted. The provisions regarding the referral of cash assistance applicants/recipients for child support services are in § 187.23(d), concerning cooperation. Every applicant/recipient must appear before the Domestic Relations Section (DRS) or other applicable division of the court of common pleas before cash assistance is authorized. The previous exemption regarding a mutual agreement existing between the DRS and the Department regarding local referral procedures is incorporated in § 187.23(d)(2). Previously exempt applicants/recipients who had filed a support complaint within 90 days or had a support order established in the last 12 months must now comply with the child support eligibility requirements. The personal appearance requirement affords the applicant/recipient the opportunity to report changes and circumstances and provide new information to the DRS as required by Federal law. The information provided to the DRS may result in the establishment of paternity or location of the noncustodial parent. See 23 Pa.C.S. § 4378(a) (relating to assistance recipients to seek support). The provisions regarding the exemptions from cooperation requirements are modified and specified in § 187.23(d)(3) and (4). The exemption provisions are limited to applicants/recipients applying on behalf of a newborn or filing a good cause claim. The provisions regarding the CAO responsibility to inform the applicant/recipient of the opportunity to claim good cause are deleted here and set forth in § 187.25(a). The child support cooperation requirements are set forth in § 187.23(b).

11. *Section 187.23(a)(3) and (4)*. These provisions are deleted. The provisions regarding waiver of child support

cooperation requirements for good cause are set forth in §§ 187.25(a)(4)—(7) and 187.27.

12. *Section 187.23(a)(5)(i) and (ii)*. These provisions are deleted. The responsibilities of the CAO in the support referral process are delineated as procedures in the Department's *Cash Assistance Handbook*. The provisions regarding notice to the applicant regarding cooperation requirements and noncooperation are in §§ 187.25(a)(2) and (3) and 187.26 (relating to notification to the applicant or recipient; and noncooperation)..

13. *Section 187.23(a)(6)(i)—(v)*. These provisions are deleted because the provisions relate to procedures. The responsibilities of the DRS in the support referral process are delineated as procedures in the Department's *Cash Assistance Handbook*, Chapter 131, Support.

14. *Section 187.23(b)*. This subsection is retitled, "Cooperation Criteria for Child Support," and is amended to incorporate the requirement that an applicant/recipient seeking assistance on behalf of an unemancipated minor child must cooperate in establishing paternity and obtaining support from a legally responsible relative unless the applicant/recipient has good cause for failing to do so. See 23 Pa.C.S. § 4379 (relating to cooperation required).

15. *Section 187.23(b)(1)*. This paragraph is amended to incorporate the requirement that an applicant/recipient must identify the parents of a child for whom assistance is sought and appear for and submit to genetic testing with the child. See 23 Pa.C.S. § 4379(2)(i)(A). The cooperation criteria for obtaining spousal support are set forth in § 187.23(c).

16. *Section 187.23(b)(1)(i)*. This subparagraph is amended to specify that a presumption of noncooperation which may be rebutted only by clear and convincing evidence arises if a mother fails to identify by name the father of an unemancipated minor child. See 23 Pa.C.S. § 4379(2)(ii).

17. *Section 187.23(b)(1)(ii)*. This subparagraph is amended to specify that a presumption of noncooperation which may be rebutted only by clear and convincing evidence arises with the second exclusion if the applicant/recipient provides the names of two putative fathers subsequently excluded from paternity by genetic testing. See 23 Pa.C.S. § 4379(2)(iii).

18. *Sections 187.23(b)(1)(ii)(A) and (B)*. These clauses are deleted. The cooperation criteria for obtaining spousal support are in § 187.23(c).

19. *Section 187.23(b)(2)*. This paragraph is amended to incorporate the requirement that the applicant/recipient who is required to cooperate with the child support enforcement provisions must keep all scheduled appointments with the Department or DRS. See 23 Pa.C.S. § 4379(2)(i)(B).

20. *Section 187.23(b)(2)(i)—(iii)*. These subparagraphs are deleted. The cooperation criteria for obtaining spousal support are in § 187.23(c).

21. *Section 187.23(b)(3)*. This paragraph is amended to incorporate the requirement that an applicant/recipient must provide truthful and accurate information and documents requested by the Department or the DRS. See 23 Pa.C.S. § 4379(2)(i)(C). The cooperation criteria for obtaining spousal support are in § 187.23(c).

22. *Section 187.23(b)(3)(i)*. This subparagraph is amended to delineate requirements for providing information about the location of a parent or putative father. The

requirements for providing information about the location of a spouse are in § 187.23(c)(3).

23. *Section 187.23(b)(3)(ii)*. This subparagraph is amended to delete reference to specific governmental agencies. The cooperation criteria for obtaining spousal support are in § 187.23 (c).

24. *Section 187.23(b)(3)(iii)*. This subparagraph is amended to delineate the plan to locate a missing parent or putative father. The requirements for providing information about the location of a spouse are in § 187.23(c)(3)(i).

25. *Section 187.23(b)(4)*. This paragraph is added to incorporate the requirement that an applicant/recipient must sign and return any forms requested by the Department or the DRS. See 23 Pa.C.S. § 4379(2)(i)(D).

26. *Section 187.23(b)(5)*. This paragraph is added to incorporate the requirement that an applicant/recipient must appear as a witness and provide testimony at judicial and other hearings as requested by the DRS. See 23 Pa.C.S. § 4379 (2)(i)(E).

27. *Section 187.23(b)(6)*. This paragraph is added to incorporate the requirement that an applicant/recipient must pay to the Department any support received directly from an absent parent after an assignment of support rights has been made. See 23 Pa.C.S. § 4379(2)(i)(F).

28. *Sections 187.23(c)(1)—(6)*. This subsection and paragraphs are added to set forth the cooperation requirements that apply to an applicant/recipient for whom there is a spouse who is absent from the home. The applicant/recipient, unless there is good cause for failing to do so, must cooperate by naming the absent spouse, keeping scheduled appointments with the Department or the DRS, providing truthful and accurate information and documents requested by the Department or the DRS, establishing and completing a plan with the CAO to locate the spouse, signing and returning any forms requested by the Department or the DRS, appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS, and paying to the Department any support received directly from an absent spouse after an assignment of support rights has been made. See 62 P. S. § 403(b); 23 Pa.C.S. §§ 4378 and 4379.

29. *Section 187.23(d)*. This subsection is added to specify that, as a condition of eligibility for assistance, an applicant/recipient must cooperate in establishing paternity and obtaining support. See 23 Pa.C.S. §§ 4371 and 4378(a).

30. *Section 187.23(d)(1)*. This paragraph is added to specify that, prior to authorization of assistance, an applicant/recipient must appear before the DRS or applicable division of the court of common pleas and provide the CAO with certification of cooperation from the DRS. See 23 Pa.C.S. § 4378(a).

31. *Section 187.23(d)(2)*. This paragraph is added to specify that the Secretary of the Department may, upon request of a family court or DRS, waive the personal appearance requirement and, in that event, that an applicant/recipient must cooperate with the procedures established for the county. See 23 Pa.C.S. § 4378(a).

32. *Section 187.23(d)(3)*. This paragraph is added to specify that in the case of a newborn, assistance may be authorized as long as support action is taken before the end of the grace period.

33. *Section 187.23(d)(4)*. This paragraph is added to specify that an applicant is exempt from the cooperation

requirements if a good cause claim is filed with the CAO, court of common pleas, or DRS and until the CAO, court or DRS makes a determination on the good cause claim. Additionally, cooperation requirements are waived if the CAO, Court or DRS determines that good cause exists. See 23 Pa.C.S. § 4379(1)(iii) and (iv).

34. *Section 187.23(e)*. This subsection is added to incorporate the requirement that acceptance of assistance operates as an assignment to the Department, by operation of law, of the recipient's right to support. See 23 Pa.C.S. § 4378(b).

35. *Section 187.24(a) (relating to procedures)*. This subsection is deleted because the spousal support requirements are in § 187.23(c). The DRS determines the amount of support obligation and establishes how a support obligation is to be paid by a spouse or a parent pursuant to the Pennsylvania Rules of Civil Procedure and the Domestic Relations Code. See Pa.R.C.P. 1910.1—1910.50; 23 Pa.C.S. §§ 4301—5104.

36. *Section 187.24(b)*. This subsection is deleted because the cooperation criteria for child support are in § 187.23(b), the requirement for cooperation prior to authorization is in § 187.23(d), the requirement for the CAO to notify the applicant or recipient of the cooperation requirements and the right to claim good cause are in § 187.25(a), and the cash assistance allowance reduction for failure to cooperate without good cause are in § 187.25(a). The procedures for the preparation and processing of the Application for Child Support Services and the exchange of information between the CAO and the DRS are deleted and delineated in the Department's *Cash Assistance Handbook* Chapter 131, Support.

37. *Section 187.24(c)*. This subsection is deleted. Referral of persons who do not receive assistance, but who wish to receive child support enforcement services, is found in § 187.21.

38. *Section 187.24(d)*. This subsection is deleted because the cooperation criteria for spousal support are set forth in § 187.23(c).

39. *Section 187.24(e)*. This subsection is deleted because it is obsolete. The cooperation criteria for spousal support are set forth in § 187.23(c).

40. *Section 187.24(f)*. This subsection is deleted as obsolete. Waiver of an expected contribution determined by the CAO for the support of a spouse is no longer valid. Instead, the DRS determines the amount of support obligation and establishes how a support obligation is to be paid by a spouse or a parent under the Pennsylvania Rules of Civil Procedure and the Domestic Relations Code. See Pa.R.C.P. 1910.1—1910.50; 23 Pa.C.S. §§ 4301—5104.

41. *Section 187.24(g)*. This subsection is deleted as obsolete. The domestic relations section determines the amount of support obligation and establishes how a support obligation is to be paid by a spouse or a parent under the Pennsylvania Rules of Civil Procedure governing support actions. See Pa.R.C.P. 1910.1—1910.50. The cooperation criteria for child support are in § 187.23(b) and the cooperation criteria for spousal support are in § 187.23(c).

42. *Section 187.24(h)*. This subsection is deleted as obsolete because the rules governing support actions are set forth under the Pennsylvania Rules of Civil Procedure. See Pa.R.C.P. 1910.1—1910.50. The cooperation criteria for spousal support are in § 187.23(c).

43. *Section 187.24(i)*. This subsection is deleted because the redetermination of the ability of a spouse to pay a support obligation is a responsibility of the DRS in accordance with the Domestic Relations Code, 23 Pa.C.S. §§ 4301—4396, and the Pennsylvania Rules of Civil Procedure governing support actions. See Pa.R.C.P. 1910.1—1910.50.

44. *Section 187.24(j)*. This subsection is deleted because the information is related to military allotments for dependents. The distribution of allotments is handled through the DRS under the Pennsylvania Rules of Civil Procedure governing support actions. See Pa.R.C.P. 1910.1—1910.50.

45. *Sections 187.25(a)(1)—(6) and (b) (relating to notification to the applicant or recipient)*. These provisions are added to specify that, prior to requiring cooperation § 187.23, the CAO will notify the applicant/recipient orally and in writing of the cooperation requirements, of the consequences for failure to cooperate, of the right to claim good cause, that the burden of proving good cause rests with the applicant/recipient, and that a finding of noncooperation does not affect the legally responsible relative's (LRR) duty to pay support. See 23 Pa.C.S. § 4380(b) (relating to enforcement of cooperation requirements).

46. *Section 187.26(a) (relating to noncooperation)*. This subsection is added to specify that either the CAO, court of common pleas or the DRS may make the determination whether the applicant/recipient failed to cooperate without good cause. This section outlines the procedures to be followed depending upon which entity makes that determination. This subsection provides that the court of common pleas of each county shall have the option of hearing appeals from any determination of its DRS that an applicant/recipient has not cooperated in accordance with § 187.23. See 23 Pa.C.S. § 4380(b).

47. *Section 187.26(b)*. This subsection is added to specify that if the court of common pleas or the DRS determine that the applicant/recipient has failed to cooperate without good cause with the support requirements in § 187.23, the court of common pleas or DRS will provide notice of any noncooperation determination to the CAO and that it has opted not to conduct a hearing on the noncooperation determination. Additionally, this subsection provides that appropriate court personnel shall be available to provide telephone testimony at the time and location set by the Department for any Department appeal hearing regarding noncooperation. As a result of Act 58, court personnel is only required to appear by means of telephone for a noncooperation hearing. See 23 Pa.C.S. § 4380(b).

48. *Section 187.26(c)(1)(i)—(iv)*. These provisions are added to specify that, if the CAO, Court, or the DRS determines that the applicant for cash assistance failed to cooperate, the CAO will notify the applicant of the noncooperation determination, of the reduction of the cash assistance allowance by 25%, and of the right to appeal. Additionally, the CAO will authorize the cash assistance allowance reduced by 25% effective upon authorization and authorize the full cash assistance allowance if so ordered as a result of a fair hearing, as a result of good cause being established, or as a result of the applicant cooperating with support requirements. See 23 Pa.C.S. § 4380(b).

*Note:* The sanction for noncooperation as outlined previously differs from the sanction for noncooperation published in the TANF NORC of March 1, 1997. The NORC

of March 1, 1997, provided that if the applicant/recipient failed to cooperate in establishing paternity and obtaining support without good cause, the sanction would be removal of the applicant/recipient from the grant and establishment of a protective payment for any child on whose behalf the applicant/recipient sought assistance. If removal of the applicant/recipient did not result in a grant reduction of at least 25%, there would have to be an additional reduction so that the grant was reduced in an amount not less than 25%. See 27 Pa.B. 1105. The requirement as to the imposition of the protective payment was based upon Act 35 and the PRWORA, as to the mandatory imposition of the not less than 25% reduction in the grant. See 62 P.S. § 432.7A; 42 U.S.C.A. § 608(a)(2). With the enactment of Act 58, the sanction for noncooperation without good cause is now a reduction of the cash assistance allowance by 25%, and if provided by Departmental regulation, imposition of a protective payment. See §§ 141.21(e) and 187.26; 23 Pa.C.S. § 4380(b). Act 58 provides that imposition of protective payment is at the option of the Department if provided for by Departmental regulation. The Department is not providing for imposition of protective payments in this rulemaking. See 23 Pa.C.S. § 4380(b).

49. *Section 187.26(c)(2)(i)–(iv)*. These provisions are added to specify that the CAO will notify the cash assistance recipient of the noncooperation determination, the reduction of the cash assistance allowance, and the right to appeal if the CAO, court or the DRS determines that the recipient failed to cooperate. Additionally, unless a timely appeal is filed by the recipient, the CAO will authorize reduction of the cash assistance allowance by 25% 10 days after the date of the notice. If the Department action is sustained on appeal, the Department will initiate recovery of the cash assistance allowance granted pending a fair hearing. See 23 Pa.C.S. § 4380(b)(2)

50. *Section 187.26(d)*. This subsection is added to specify that any hearing or appeal with respect to an order of noncooperation directed by the court or the DRS shall be conducted by the court in accordance with the Pennsylvania Rules of Civil Procedure. See 23 Pa.C.S. § 4380(b)(3).

51. *Section 187.26(d)(1)(i)–(iii) and (2)*. These provisions are added to specify that if the court determines that the applicant/recipient failed to cooperate without good cause, the court shall order the Department to impose sanctions. This section also describes the actions the CAO will take upon receipt of an order. The Department must implement the order within 10 days. The CAO will provide notice of the order and the cash assistance allowance reduction to the applicant/ recipient as well as notice that the right of appeal to the Department's Bureau of Hearings and Appeals is limited to the calculation of the assistance amount. In addition, when the court has determined noncooperation, the CAO will authorize the cash assistance allowance reduced by 25% effective with the date of authorization for applicants, or will reduce the cash assistance allowance by 25%, effective 10 days after the court order. See 23 Pa.C.S. § 4380(b)(3).

52. *Section 187.27(a)(1)–(3)*. These provisions are added to specify the circumstances under which child support cooperation requirements may be waived for good cause, such as, the child was conceived as a result of a rape or incest or legal proceedings for the adoption of the child are pending before a court. See 23 Pa.C.S. § 4379(1)(iii) and (iv).

53. *Section 187.27(a)(4)(i)–(ix)*. These provisions are added to specify the circumstances that constitute good cause based on domestic violence. Good cause due to domestic violence may be established if action to establish paternity or obtain child or spousal support would make it more difficult for the individual or family member to escape domestic violence, or unfairly penalize those individual who has been victimized by such violence, or who is at risk of further violence. Domestic violence is defined as: physical acts that resulted in, or threatened to result in, physical injury to the individual; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental abuse; neglect or deprivation of medical care. This amendment removes the term "serious" as it describes physical or mental abuse. This amendment also removes the requirement that the abuse must be so that it interferes with the individual's capacity to care for the child. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

54. *Section 187.27(b)*. This subsection is added to specify that an applicant/recipient shall provide relevant corroborative evidence of the good cause claim. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

55. *Section 187.27(b)(1)(i)–(iii)*. These provisions are added to specify the types of evidence that may be used to corroborate a good cause claim when the child was conceived as a result of rape or incest or legal proceedings for the adoption of the child are pending before a court. See 23 Pa.C.S. § 4379(1)(iii) and (iv).

56. *Section 187.27(b)(1)(iv)–(vii)*. These provisions are added to specify the types of evidence that may be used to corroborate a good cause claim when the claim is based on domestic violence. This amendment deletes the term "sworn" as it relates to statements from individuals who have knowledge of the good cause circumstances. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

57. *Section 187.27(b)(1)(vii)*. This section is being added to specify that the "Verification of Good Cause Based on Domestic Violence" form shall be completed for all good cause claims based on domestic violence. This form is used to accompany acceptable verification as specified in § 187.27(b)(1)(iv), (v) or (vi) that an applicant or recipient has provided, to authorize by written consent of the applicant or recipient that a third party may provide verification/corroboration of the good cause claim, or to grant good cause for up to 6 months when an applicant or recipient affirms she is unable to safely obtain evidence to verify the claim of domestic violence within the established time frames for providing verification. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

58. *Section 187.27(b)(2)*. This paragraph is added to specify that the CAO, court or the DRS may provide assistance with obtaining corroborative evidence and may obtain specific documents that the applicant/recipient is not able to obtain. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

59. *Section 187.27(b)(3)*. This paragraph is added to specify that an applicant/recipient shall provide corroborative evidence of a good cause claim within 30 days of the date of the initial claim except when the applicant or recipient cannot provide verification of the good cause

claim as specified in (b)(1)(vii)(C). See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

60. *Section 187.27(b)(3)(i)*. This subparagraph is added to clarify that in the case of an applicant, assistance will be authorized no later than 30 days following application when good cause is claimed and verification is not readily available or pending from a third party. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

61. *Section 187.27(b)(3)(ii)*. This subparagraph is added to clarify that in the case of a recipient, the CAO will continue assistance if verification of the good cause claim is not provided within 30 days and the delay is due to a third party. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

62. *Section 187.27(c)*. This subsection is added to specify that the CAO, court or DRS shall make a determination on a good cause claim within 45 days of the date the applicant/recipient initiates the claim. The CAO, court or DRS may extend the 45-day period. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

63. *Section 187.27(c)(1)*. This paragraph is added to specify that if the CAO makes the good cause determination, the CAO will notify the applicant/recipient in writing of the final determination and the basis for the determination and the right to appeal under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings). If the good cause claim is denied, neither the Department nor the Bureau of Child Support Enforcement will attempt to establish paternity or collect support for at least 30 days after the client has been informed orally and in writing of the denial. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

64. *Section 187.27(c)(2)*. This paragraph is added to specify that if the court or DRS makes the good cause determination, the DRS will notify the applicant/recipient and the CAO of the final determination and the basis for the determination and the right to appeal under Chapter 275. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

65. *Section 187.27(c)(3)*. This paragraph is added to specify that in all cases when the CAO, court or the DRS approves a waiver based on a good cause claim, they will also establish the expiration of the waiver and the DRS will not attempt to establish paternity or obtain support. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

66. *Section 187.27(c)(4)*. This paragraph is added to specify that a good cause determination shall be reviewed at least every 6 months. The review may be earlier if the circumstances of the good cause waiver change or the waiver has been granted for a lesser period. In addition, if good cause was granted based on corroborative evidence, the good cause claimant does not have to provide additional corroborative evidence at the time of the review if circumstances have not changed since the initial good cause waiver was approved. If the good cause claim was granted based on the recipient's written affirmation and she is still unable to provide documentation other than her initial affirmation, the CAO will make a determination of good cause based on a current assessment of the recipient's circumstances. This assessment will be made by a person with domestic violence training and substantiated by completion of the Form PA/CS 1747,

Verification of Good Cause Based on Domestic Violence. See 23 Pa.C.S. § 4379(1)(iii) and (iv); 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii).

II. The following are regulations that apply to the TANF Program:

A. The following revisions relating to general eligibility requirements for the TANF Program are being made to Chapter 141 (relating to general eligibility provisions):

1. *Section 141.41(f)(1)–(3) (relating to policy)*. These provisions are added to specify that a family is ineligible for TANF cash assistance if it includes an adult who has received 60 months of TANF cash assistance. Assistance received as a minor child does not count toward the 60-month limit except when the minor child is the head of household or is married to the head of household. There is no time limit on benefits in child-only cases, that is, when the adults in the budget group are not themselves receiving TANF cash assistance. However, parents living with the child are required to be included in the TANF budget group application. Receipt of TANF need not be consecutive to count toward the 60-month limit. See 42 U.S.C.A. § 608(a)(1)(B).

2. *Section 141.42 (relating to definitions)*. This section is revised to add the definitions of "cash assistance allowance" (which is used but not defined in 23 Pa.C.S. § 4380), "family" (which is used but not defined in 42 U.S.C.A. § 608(a)(1)) and "minor child" (which is defined in 42 U.S.C.A. § 619). Cash assistance under the TANF Program is available only to households that include a minor child and the child's custodial parent or other adult caretaker/relative. The term "minor child" replaces the term "dependent child" which was used in the AFDC program.

B. The following revision relating to the age of a TANF child is being made to Chapter 145 (relating to age):

1. *Section 145.43(a)(1)(ii) (relating to requirements)*. This subparagraph is revised to delete the limitation that a school student who is 18 years of age is considered a minor child only if he is expected to graduate from a secondary school or its equivalent before reaching age 19. See 42 U.S.C.A. §§ 608(a)(1) and 619.

C. The following are comments regarding residency requirements found in Chapter 147 (relating to residency):

1. Section 432(5)(ii) of the code specifies that TANF applicants who have resided in this Commonwealth for fewer than 12 months cannot receive cash assistance benefits in excess of the amount they could have received in their prior state of residence. This requirement was implemented effective March 3, 1997.

However, on October 6, 1997, the United States District Court for the Eastern District of Pennsylvania preliminarily enjoined the Department from enforcing this multiterrier durational residency provision, *Maldonado et al. v. Houstoun et al.* 177 F.R.D. 311 (1997). On September 9, 1998, that preliminary injunction was upheld by the United States Court of Appeals for the Third Circuit, 157 F.3d 179 (1998). On May 24, 1999, following its decision in *Saenz v. Roe*, 119 S.Ct. 1518 (1999), striking California's two-tier durational residency requirement, the United States Supreme Court denied the Commonwealth's Petition for Certiorari seeking review of the 3d Circuit's decision in *Maldonado*. In light of those decisions, no regulation will be promulgated to implement section 432(5)(ii) of the code.

D. The following revisions relating to the care and control of a minor child are being made to Chapter 151 (relating to specified relatives):

1. *Section 151.42 (relating to definitions)*. This section is revised to:

\* Add the definition of "adult." See 42 U.S.C.A. § 619.

\* Explain that in addition to the relationship requirements that already exist, a specified relative shall also be an adult or a minor parent who is not required to live in the home of an adult specified relative or adult-supervised supportive living arrangement. See 42 U.S.C.A. § 608(a)(5).

2. *Section 151.43(d)(1) (relating to requirements)*. This paragraph is revised to specify that the eligibility of a TANF child is not automatically affected by a temporary absence from the home if the absence does not exceed 180 days. This provision does not apply in cases when custody of the child has been relinquished to a third party or the child is staying with a parent under the terms of a custody order. See 42 U.S.C.A. § 608(a)(10).

3. *Section 151.43(d)(3)*. This paragraph is added to provide that a specified relative is ineligible for assistance for 30 days if he fails to report the absence of a child within 5 days of the date it becomes clear that the child's absence will exceed the 180-day period. See 42 U.S.C.A. § 608(a)(10).

4. *Section 151.43(f)*. This subsection is revised to delete the requirement that eligibility for TANF is limited to a pregnant woman who verifies that she is in her third trimester of pregnancy. Under the PRWORA, a pregnant woman with no other children living with her may qualify for TANF from the date she provides medical verification of her pregnancy. See 42 U.S.C.A. § 608(a)(1)(A)(ii).

E. The following revisions relating to deductions from the earned income of a TANF applicant or recipient are being made to Chapter 183 (relating to income):

1. *Section 183.94(1) (relating to eligibility for TANF earned income deductions)*. This paragraph is revised to specify that an applicant for TANF who has been a TANF recipient in 1 of the 4 calendar months prior to application is eligible for the continuous 50% disregard from earned income. The \$90 standard deduction from gross earned income is no longer applicable and is deleted.

2. *Section 183.94(2)(i)–(iii)*. This section is revised to specify that an applicant for TANF who has not been a recipient in 1 of the 4 calendar months prior to application is eligible for the continuous 50% disregard if his income, after applicable deductions, is less than the standard of need for the household size.

3. *Sections 183.94(2)(iv) and (v)*. These subparagraphs are deleted since they relate to the now obsolete time-limited 30 plus 1/3 earned income incentive deduction that is replaced by the continuous 50% disregard.

4. *Sections 183.96(a)–(e) and 183.97(4) (relating to interruption in the 4 consecutive months of the earned income incentive deduction for AFDC and GA; and ineligibility for disregards from earned income for TANF and GA)*. The provisions of these sections are deleted. The requirements relating to interruptions in the 4-consecutive months of the earned income incentive deduction no longer apply. The time-limited earned income incentive deduction is replaced by the continuous 50% disregard under § 183.94(1) and (2). See 62 P. S. § 432.12.

III. The following are provisions that apply to the MA program:

A. The following revisions to Chapter 140 (relating to special MA eligibility provisions), clarify when student financial assistance is excluded as income, and change the income methodology in determining eligibility for Healthy Beginnings:

1. *Section 140.41(1)–(4) (relating to educational loans and grants)*. These paragraphs are deleted. This section no longer itemizes the types of educational loans and grants that are not counted as income but is revised to specify that Federally-funded student financial assistance, including college work-study income, is excluded as income. In addition, all other student financial assistance provided to pay for educational expenses is excluded as income unless the assistance is provided solely for payment of basic living needs.

2. *Section 140.53 (relating to income-in-kind)*. This section is deleted and reserved since income-in-kind is no longer considered in determining eligibility.

3. *Section 140.65 (relating to educational assistance)*. This section is revised to delete references to specific types of educational assistance that are excluded as income when determining eligibility. This section is also revised to specify that Federally-funded student financial assistance, including college work-study income, is excluded as income. All other educational assistance is excluded unless it is specifically provided to pay for basic living needs. See 62 P. S. § 401(a).

4. *Sections 140.81(1) and (2) (relating to deductions from earned income)*. These paragraphs are revised to reflect the change in earned income deductions for employed applicants/recipients of the Healthy Beginnings Program. Each employed person whose income is used to determine eligibility and who qualifies for the earned income disregard is entitled to a continuous 50% disregard from gross earned income. Persons determined ineligible using the 50% disregard will be evaluated under the income methodology that existed prior to TANF to determine if they are eligible for MA.

B. The following revisions to Chapter 141 clarify that persons who are ineligible for TANF as a result of new eligibility requirements may have their MA eligibility established by use of the AFDC requirements previously in place. The two areas of significant difference between the new method and old relate to the work incentive deduction and the disregard of the first \$50 of support:

1. *Section 141.71(a)(10) (relating to policy)*. This paragraph is added to cross reference the revised definition in § 151.42 (relating to definitions). The cross reference is necessary to ensure consistency with TANF eligibility requirements.

2. *Section 141.71(b)(6)*. This paragraph is added to specify that an applicant/recipient determined ineligible for TANF due to the elimination of the \$30 plus 1/3 work incentive deduction or the elimination, or both, of the \$90 work expense deduction may qualify for TANF-related NMP, if otherwise eligible.

*Note:* The provision in the NORC published at 27 Pa.B. 1092 (at p. 1105), provided for MA eligibility for a family that lost TANF benefits solely due to the elimination of the disregard of the first \$50 of support received. The subsequent resumption of the disregard of the first \$50 of support nullifies the need for this provision. See Section I.H.6 of this Preamble.

3. *Section 141.71(b)(6)*. This paragraph is renumbered § 141.71(b)(7) as a result of the addition of a new paragraph (6).

C. The following revisions relating to resources are being made to Chapter 178 (relating to resource provisions for categorically needy NMP-MA and MNO-MA).

1. *Sections 178.11(4)(ii) and 178.12(5)(ii) (relating to categories of NMP-MA; and categories of MNO-MA)*. These subparagraphs are revised to delete the limitation that a school student who is 18 years of age is considered a minor child only if he is expected to graduate before reaching age 19. See 42 U.S.C.A. § 608(a)(1).

2. *Section 178.151(c) (relating to additional resource requirements)*. This subsection is revised to reflect the requirement that an applicant/recipient of GA-related NMP and MNO-MA has an initial 9-month period to dispose of nonexcluded real property and additional 9-month periods to dispose of nonexcluded real property as long as good cause exists for not selling the property. See 62 P. S. § 401(a).

3. *Section 178.161(12) (relating to personal property exclusions)*. The reference to term insurance is deleted since all life insurance is exempt from consideration as a resource when determining eligibility for GA-related NMP and MNO-MA. Section 178.161(13)—(16) is renumbered (12)—(15) respectively, as a result of this deletion. See 62 P. S. §§ 403(b) and 441.1.

4. *Section 178.161(13)*. This paragraph, formerly § 178.161(14), is revised to clarify that all life insurance is excluded in determining eligibility for GA-related NMP and MNO-MA. See 62 P. S. §§ 403(b) and 441.1.

5. *Section 178.161(16)*. This paragraph is added to specify that student financial assistance in the form of loans, grants and scholarships is excluded as a resource in determining eligibility for GA-related NMP and MNO-MA. See 62 P. S. § 401(a).

6. *Section 178.161(17)*. This paragraph is added to specify that Family Savings Accounts established under the Job Enhancement Act, are exempt as a resource in determining eligibility for GA-related NMP and MNO-MA. This exemption was not included in the NORC published at 27 Pa.B. 1092 and, consequently, will not be effective retroactively. It will be effective upon publication as final.

7. *Section 178.165(a) (relating to educational savings account)*. This subsection is revised to specify that funds withdrawn from education savings accounts shall be used to pay for educational expenses. See 62 P. S. § 408.2.

8. *Section 178.165(a)(4)*. This paragraph is revised to clarify that only monies withdrawn to pay for educational expenses are exempt. See 62 P. S. § 408.2.

D. The following revisions related to additional income exclusions, reinstatement of the \$50 child support disregard in § 181.264(16) (relating to income and benefits not counted by Federal and State statutes for the AFDC and GA categories), and a change in the earned income deductions are being made to Chapter 181:

1. *Section 181.41(4)(ii) and 181.42(5)(ii) (relating to categories; and categories of MNO-MA)*. These subparagraphs are revised to delete the limitation that a school student who is 18 years of age is considered a minor child only if he is expected to graduate from secondary school or its equivalent before reaching age 19. See 42 U.S.C.A. § 608(a)(1).

2. *Section 181.251 (relating to NMP-MA gross income test for TANF categories)*. This section is revised to specify that the income of a recipient will no longer be subject to the gross income eligibility limit.

3. *Section 181.251(c)(3)*. The reference to § 181.273 (relating to income-in-kind) is deleted because income-in-kind is excluded as income in determining eligibility for TANF and GA-related NMP and MNO-MA. As a result of this deletion, § 181.251(c)(4)—(11) is renumbered (3)—(10) respectively. See 62 P. S. §§ 403(b) and 441.1.

4. *Sections 181.262(1)—(4) (relating to educational loans and grants)*. These paragraphs are deleted. Section 181.262 now provides that all Federally-funded student financial assistance, including college work-study income, is excluded as income. In addition, all other student financial assistance provided for educational expenses is excluded as income, unless the assistance is provided solely to meet basic living needs. See 62 P. S. § 401(a).

5. *Section 181.264(16)*. The support pass-through disregard as codified in § 181.264(16) is reinstated. The provisions of Act 58 clarify that the first \$50 of current support received by the applicant/recipient group will be disregarded for TANF-related and GA-related MA eligibility purposes. See Section I.H.6 of this Preamble. See 23 Pa.C.S. § 4374(c)(1)(ii).

6. *Section 181.273*. This section is deleted and reserved since income-in-kind is no longer counted in determining eligibility for TANF and GA-related NMP and MNO-MA. See 62 P. S. §§ 403(b) and 441.1.

7. *Section 181.287 (relating to educational assistance)*. This section is revised to clarify that for TANF and GA-related NMP and MNO-MA, Federally-funded student financial assistance, including college work-study income, is excluded as income. In addition, all other student financial assistance in the form of loans, grants and scholarships is excluded as income, unless the assistance is provided solely to meet basic living needs. See 62 P. S. § 401(a).

8. *Section 181.311(1)—(3) (relating to deductions from earned income for the TANF categories of NMP-MA)*. These paragraphs are revised to reflect the change in earned income deductions for employed applicants/recipients of TANF-related NMP-MA. Each employed person whose income is used to determine eligibility and who qualifies for the earned income incentive is entitled to a continuous 50% disregard from gross earned income. Persons determined ineligible using the 50% disregard will be evaluated under the income methodology that existed prior to TANF.

9. *Section 181.311(4) and (4)(i)—(iv)*. These provisions are deleted because the contents were incorporated into the revisions in § 181.311(2)(iii)(B)(I)—(IV).

IV. The following technical changes have also been made:

\* Sections 141.41, 145.43, 151.43(d), 153.44(a)(2), (3) and (7), (b)(2)(i)(A), (c)(1), (d)(1)(i) and (v) and (2)(ii)(B) and (C) and (d)(3)(i), 165.61(b), 178.11(4)(ii), 178.12(5)(ii), 181.263 and 183.97. The acronym "AFDC" is replaced by the acronym "TANF" in these sections.

\* Sections 153.44(d)(1)(i)(E), (ii), (2)(ii)(C), 165.1(a), 165.2, 165.21(a)—(c), 165.52(a)(9)—(12), (15) and (17), 165.61(a)(1) and 165.71(a). The acronym "ETP" is replaced by the acronym "RESET" in these sections.

\* Sections 177.21(a)(12) and 178.165(b). The reference to P. L. 28, No. 11 is deleted and replaced with the appropriate citation for the Tuition Account Program and College Savings Bond Act.



*Affected Individuals and Organizations*

This proposed rulemaking will affect applicants and recipients of TANF, GA and MA.

*Accomplishments/Benefits*

Implementation of the Act 35 and TANF provisions promotes self-sufficiency and personal responsibility. New requirements have simplified the income and resource eligibility rules and have shifted the focus of welfare to obtaining employment and securing child support. The new income requirements have provided a greater incentive for recipients to work while allowing cash assistance to serve as a support in the transition from welfare to self-sufficiency. Revised work requirements have reinforced the focus of welfare reform to move individuals into work or work-related activities. Revised child/spousal support requirements related to temporarily waiving co-operation in establishing paternity or obtaining support, or both, based on a claim of domestic violence afford individuals an opportunity to access counseling services, safety planning and other needed services. Overall, these changes have resulted in an integrated program that meets the requirements of State and Federal law.

*Fiscal Impact*

*Commonwealth:* The estimated savings to the Commonwealth for Federal Fiscal Year (FFY) 2000 and thereafter is \$204.363 million. The estimated costs to the Commonwealth for FFY 2000 are \$86.778 million and thereafter, \$83.740 million.

*Public Sector:* There will be no costs or savings incurred by the public sector.

*Private Sector:* There will be no costs or savings incurred by the private sector.

*Paperwork Requirements*

Form PA 1661, Agreement of Mutual Responsibility (AMR), was developed to serve as the written agreement between the Department and the recipient that outlines the responsibilities and obligations of both parties in relation to the recipient's plan for self-sufficiency. This form is completed at application and redetermination for each person required to sign the application for benefits. The AMR is updated as often as circumstances of the client change or when the client requests a change.

Form PA/CS 1747, Verification of Good Cause Based on Domestic Violence, was developed to serve any of three purposes: 1) as an accompaniment to acceptable verification provided by the client; 2) as authorization by written consent that a third party may provide verification/corroboration of the good cause claim; or 3) to grant good cause for up to 6 months when an applicant or recipient affirms in writing that the applicant or recipient is unable to safely obtain evidence to verify the claim of domestic violence within the established time frames. Approval or denial of the good cause claim is also recorded on the PA/CS 1747.

*Effective Date*

The effective date of §§ 105.1, 105.3, 105.4, 125.1, 133.23, 140.41, 140.53, 140.65, 140.81, 141.1, 141.21, 141.41, 141.42, 141.61, 141.71, 145.43, 151.42, 151.43, 153.42, 153.44, 165.1, 165.2, 165.11, 165.21, 165.22, 165.25, 165.31, 165.51, 165.52, 165.61, 165.71, 178.11, 178.12, 178.151, 178.161, 178.165, 181.41, 181.42, 181.251, 181.262, 181.263, 181.273, 181.287, 181.311, 183.23, 183.38, 183.71, 183.81, 183.94, 183.96 and 183.97, as amended by Act 35 and PRWORA, when published as

final-form rulemaking in the *Pennsylvania Bulletin*, will be retroactive to March 3, 1997.

The effective date of the reinstatement of the support pass-through disregard found in § 183.81(29), as amended by Act 58, will be retroactive to October 1, 1998.

The effective date of § 187.27 as amended by PRWORA, will be retroactive to July 3, 2000.

The effective date of the Family Savings Account exemption found in §§ 177.21, 177.22, 177.24 and 187.21—187.27 as amended by Act 58, is the date of publication as final rulemaking in the *Pennsylvania Bulletin*.

*Sunset Date*

There is no sunset date. The regulations will be changed in accordance with changes in State and Federal law.

*Public Comment Period*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081, within 30 days after the date of publication of this notice in the *Pennsylvania Bulletin*. Comments received within 30-calendar days will be reviewed and considered in the preparation of the final-form regulations. Comments received after the 30-day period will be considered for any subsequent revision of these regulations.

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

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 2, 2001, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to publication of the rulemaking, of objections raised by the Department, the General Assembly and the Governor.

FEATHER O. HOUSTOUN,  
Secretary

**Fiscal Note:** 14-472. (1) General Fund;

	<i>Cash Grants</i>	<i>New Directions</i>	<i>County Assistance Statewide</i>
	<i>(dollars in thousands)</i>		
(2) Implementing Year 2000-01 is	\$76,827	\$9,038	\$913
(3) 1st Succeeding Year 2001-02 is	\$76,827	\$6,000	\$913
2nd Succeeding Year 2002-03 is	\$76,827	\$6,000	\$913
3rd Succeeding Year 2003-04 is	\$76,827	\$6,000	\$913
4th Succeeding Year 2004-05 is	\$76,827	\$6,000	\$913
5th Succeeding Year 2005-06 is	\$76,827	\$6,000	\$913
	<i>Cash Grants</i>	<i>New Directions</i>	<i>County Assistance Statewide</i>
(4) 2000-01 Program—	\$294,122	\$72,644	\$45,664
1999-00 Program—	\$311,394	\$85,218	\$45,157
1998-99 Program—	\$259,688	\$81,552	\$42,371

(8) recommends adoption. Savings for Cash Grants are estimated at \$204.363 million per year, which results in an overall net savings of \$117.585 million in FY 2000-01 and \$120.623 million annually thereafter.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart A. ASSISTANCE POLICIES AND PROCEDURES**

**CHAPTER 105. SAFEGUARDING INFORMATION**

**§ 105.1. Policy.**

\* \* \* \* \*

(c) *General policy in the collection and use of information.* General policy in the collection and use of information is as follows:

\* \* \* \* \*

(3) The Department will provide information to law enforcement officials as provided in § 105.4 (relating to procedures) and information on behalf of a client under the safeguards provided in this chapter, when this information relates to a service the individual is asking for himself, or one asked for on his behalf by someone he has requested to act for him, and when the service is related to the purpose and function of the public assistance program.

\* \* \* \* \*

**§ 105.3. Requirements.**

\* \* \* \* \*

(g) Information may be released to law enforcement officials, and the State Police and the Board of Probation and Parole, in compliance with State and Federal law relating to release of information as provided in § 105.4 (relating to procedures).

**§ 105.4. Procedures.**

\* \* \* \* \*

(c) *Release of information to law enforcement officials.* For applicants and recipients of TANF and GA cash assistance, the Department will comply with the following:

(1) Provide to a Federal, State or local law enforcement officer the address of a fugitive felon, parole or probation violator and the address of an individual who may have information that the officer needs to conduct official duties if the location and apprehension of the recipient is within the official duties.

(2) Under section 414 of the Public Welfare Code (62 P. S. § 414), exchange information with the State Police and the Board of Probation and Parole to identify persons who have been sentenced for a felony or misdemeanor and have not satisfied the penalty imposed by law to ensure that cash assistance is not granted to those persons. The State Police and Board of Probation and Parole will have access to the records of the Department's Assistance Recipient Identification Program (fingerprinting file).

[ (c) ] (d) \* \* \*

[ (d) ] (e) \* \* \*

\* \* \* \* \*

[ (e) ] (f) \* \* \*

\* \* \* \* \*

**Subpart B. INTAKE AND REDETERMINATION**

**CHAPTER 125. APPLICATION PROCESS**

**GENERAL PROVISIONS**

**§ 125.1. Policy.**

\* \* \* \* \*

(f) *Signing an agreement of mutual responsibility.* Each applicant for cash assistance and other persons who are required to sign an application for assistance shall be required, as a condition of eligibility, to sign a specific, individualized Agreement of Mutual Responsibility (AMR) with the Department which includes the responsibilities and obligations to be undertaken by the applicant to achieve self-sufficiency, the time frames within which each obligation is to be completed and the penalties for failure to comply.

(1) The AMR shall be signed and approved by the CAO.

(2) An applicant shall comply with the following obligations, if applicable, as provided by statute, regulation or the applicant's AMR, including the following obligations:

(i) Remaining free of alcohol and illegal drugs if substance abuse is determined to be a barrier to employment.

(ii) Participate in, maintain compliance with, and satisfactorily complete a drug and alcohol treatment program approved by the Department of Health or administered by an agency of the Federal government, or both.

(iii) Provide timely and accurate information.

(iv) Cooperate in establishing paternity and obtaining support as set forth in § 187.23 (relating to requirements).

(v) Seek and participate in an educational program leading to a high school diploma or its equivalent, job training or work-related activities under § 165.31(d) (relating to RESET participation requirements).

(vi) Seek, accept and maximize and maintain employment, accept referral to, participate in and continue to participate in an available work or work-related activity, whichever applies, including those specified on the AMR, and not reduce earnings under §§ 141.41(e), 141.61(a)(1), 165.1 and 165.31.

(3) A person who is required to sign an application for assistance and fails or refuses, without good cause, to sign or cooperate in the completion of an AMR shall be ineligible for cash assistance until the person completes and signs an application and approved AMR.

(4) Failure of the applicant to cooperate with child support requirements, without good cause, will result in the penalties described in § 141.21(e) (relating to policy) and willful failure to comply with work and work-related requirements, without good cause, will result in the penalties described in § 165.61 (relating to sanctions).

(g) [ (f) ] \* \* \*

**CHAPTER 133. REDETERMINING ELIGIBILITY  
REDETERMINING ELIGIBILITY PROVISIONS FOR  
TANF/GA**

**§ 133.23. Requirements.**

(a) *Reapplication.* A reapplication or complete redetermination of eligibility shall conform with the following:

(1) *General requirements.* General requirements are as follows:

(i) A complete redetermination is a comprehensive review of eligibility factors which are subject to change, to determine continued eligibility of the budget group members.

[ (A) A determination that the total gross monthly income, excluding monthly assistance payments, of the budget group does not equal or exceed the appropriate income eligibility limit in § 183.71 (relating to gross income test) will be made prior to a redetermination of other eligibility and need factors described in this section.

(B) ] \* \* \*

\* \* \* \* \*

(vi) Each recipient of cash assistance and other persons who are required to sign an application for assistance shall be required, as a condition of eligibility, to sign an Agreement of Mutual Responsibility (AMR) that includes the responsibilities and obligations to be undertaken by the recipient to achieve self-sufficiency, the time frames within which each obligation is to be completed and the penalties for failure to comply.

(A) The AMR shall be signed and approved by the CAO.

(B) A recipient shall comply with the following obligations, if applicable, as provided by statute, regulation or the recipient's AMR, including the following obligations:

(I) Remaining free of alcohol and illegal drugs if substance abuse is determined to be a barrier to employment.

(II) Participate in, maintain compliance with, and satisfactorily complete a drug and alcohol treatment program approved by the Department of Health or administered by an agency of the Federal government, or both.

(III) Provide timely and accurate information.

(IV) Cooperate in establishing paternity and obtaining support as set forth in § 187.23 (relating to requirements).

(V) Seek and participate in an educational program leading to a high school diploma or its equivalent, job training, work or work-related activities under § 165.31(d) (relating to RESET participation requirements).

(VI) Seek, accept and maximize and maintain employment, accept referral to, participate in and continue to participate in an available and approved work or work-related activity, whichever applies, including those specified on the AMR, and not reduce earnings, under §§ 141.41(e), 141.61(a)(1), 165.1 and 165.31.

(C) A person who is required to sign an application for cash assistance and fails or refuses, without good cause, to sign or cooperate in the completion of an AMR shall be ineligible for cash assistance until the person completes and signs an approved AMR.

(D) Penalties will be applied if the recipient fails to comply with the following:

(I) Failure to cooperate with child support requirements, without good cause, will result in the penalties described in § 141.21(e) (relating to policy).

(II) A nonexempt recipient's willful failure to comply with work or work-related requirements, without good cause, will result in the penalties described in § 165.61 (relating to sanctions).

\* \* \* \* \*

**Subpart C. ELIGIBILITY REQUIREMENTS**

**CHAPTER 140. SPECIAL MA ELIGIBILITY  
PROVISIONS**

**Subchapter A. THE CATEGORICALLY NEEDY  
HEALTHY BEGINNINGS PROGRAM FOR  
PREGNANT WOMEN AND QUALIFIED CHILDREN**

**TYPES OF INCOME NOT COUNTED**

**§ 140.41. Educational loans and grants.**

[ The following types of educational loans and grants to students do not count as income when determining income eligibility:

(1) Federal loans and grants to undergraduate students made or insured under a program administered by the Secretary of the United States Department of Education.

(2) College Work Study Program (CWSP) earnings of undergraduate students.

(3) Educational assistance from the Veterans Administration only to the extent verified as used for educational expenses.

(4) Grants and scholarships or awards from colleges, schools, or from civic, fraternal and alumni organizations, only to the extent verified as used for educational expenses. ] Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income, unless the assistance is provided solely to meet basic living needs.

**EARNED INCOME COUNTED**

§ 140.53. [ Income-in-kind ] (Reserved).

[ Income-in-kind is shelter received by the applicant/recipient or family member in return for services rendered and is counted as earned income. The value of the income-in-kind is the difference between the amount of the monthly rent actually paid and the amount of monthly rent which the applicant/recipient or family member would have been charged if he had not rendered a service. The amount counted as income-in-kind may not exceed 1/3 of the Healthy Beginnings income limit for the recipient household. ]

**UNEARNED INCOME COUNTED**

§ 140.65. Educational assistance.

[ Educational assistance from scholarships, grants and loans not exempted in § 140.41 (relating to educational loans and grants) is counted as unearned income unless the applicant/recipient verifies that the educational assistance has been, or is being, used for tuition, mandatory fees, books related to the courses of study, or child care and transportation costs—if not residing in college housing and necessary for school attendance. If one payment of educational assistance covers more than 1 month, the amount not used for verified educational expenses is averaged over the period covered by the educational assistance ] Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income, unless the assistance is provided solely to meet basic living needs.

**INCOME DEDUCTIONS**

§ 140.81. Deductions from earned income.

Each employed person in the Healthy Beginnings family whose income is used to determine the eligibility of the budget group is entitled to the following deductions from earned income, in the following order:

(1) *Work expenses.* The first \$90 per month from the earned income of each person who is employed if the employed person or family member is not eligible to receive an earned income incentive deduction as described in paragraph (2) or if the \$90 per month deduction is more advantageous to the applicant/recipient group.

(2) *Earned income incentive deductions.* [ An incentive deduction to employed persons is made as follows: ]

(i) [ Subject to the treatment of interruptions in subparagraph (iv) and the limitation in subpara-

graph (v), each ] Each employed person in the applicant/recipient group or family member is eligible to receive an earned income incentive deduction [ of \$30 plus 1/3 of the remainder of the earned income for 4 consecutive months after the deductions in paragraph (1) ] if one of the following exists:

(A) The employed person is a recipient of Healthy Beginnings.

(B) The employed person has been a recipient of cash assistance, NMP-MA or MNO-MA in [ an AFDC-related ] a TANF-related category in [ one ] 1 of the 4 calendar months before the date of the application for Healthy Beginnings.

[ (B) ] (C) The employed person has been a recipient of NMP-MA or MNO-MA in a GA-related category with a child who was simultaneously a recipient of MA in [ an AFDC-related ] a TANF-related category in 1 of the 4 calendar months before the date of the application for Healthy Beginnings.

(ii) Each employed person in the applicant/ recipient group including a family member who meets one of the requirements in subparagraph (i) is eligible to receive a continuous 50% earned income incentive deduction or the first \$90 per month work expense deduction from earned income and a \$30 plus 1/3 remainder earned income incentive deduction per requirements in subparagraph (iii), whichever is most advantageous to the applicant/recipient group.

(iii) The application of the \$30 plus 1/3 remainder earned income incentive deduction is treated as follows:

(A) The employed applicant/recipient or family member is eligible to receive the \$30 plus 1/3 remainder earned income incentive deduction for 4 consecutive months if:

(I) Twelve consecutive months have elapsed since the employed applicant/recipient has been a recipient of Healthy Beginnings or the income of the individual has not been considered when determining the eligibility of the Healthy Beginnings recipient. The count of months begins with the first month following the month of termination for Healthy Beginnings regardless of whether the employed person received the entire 8 consecutive months of the \$30 income incentive deduction described in clause (B).

(II) An applicant/recipient whose receipt of 4 consecutive months of the work incentive is interrupted due to loss of income or a decrease in income. The applicant/recipient is eligible for a new 4 consecutive month period.

[ (ii) The \$30 plus 1/3 income incentive deduction is not applied if income, after deductions for work and personal/dependent care expenses in paragraph (1), and unearned income, less appropriate deductions, is equal to, or less than 100% of the Federal Poverty Guidelines for the appropriate family size.

(iii) ] (B) \* \* \*

[ (A) ] (I) \* \* \*

[ (B) ] (II) \* \* \*

[ (C ) (III) \* \* \*

[ (iv) An applicant/recipient whose receipt of 4 consecutive months of the work incentive is interrupted by loss of income or decrease in income is eligible for a new 4 consecutive month period.

(v) An employed person in the applicant/recipient group or family member who has received the \$30 plus 1/3 income incentive deduction for 4 consecutive months is not entitled to receive the deduction until 12 consecutive months have elapsed during which the individual has not been a recipient of Healthy Beginnings or the income of the individual has not been considered when determining the eligibility of the Healthy Beginnings recipient. The count begins with the first month following the month of termination of benefits, regardless of whether the employed person received the entire 8 consecutive months of the \$30 income incentive deduction. ]

\* \* \* \* \*

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

GENERAL PROVISIONS

§ 141.1. Policy.

\* \* \* \* \*

(b) Type of assistance provided. A person may also be eligible for MA to cover health care costs. A person may be eligible for MA in addition to one of the [Cash Assistance Programs] cash assistance programs listed in subsection (a), or a person may be ineligible for [Cash Assistance] cash assistance but eligible for MA. This subpart contains the eligibility requirements and procedures for [AFDC] TANF and GA [Cash Assistance] cash assistance and MA. Policies and procedures governing SBP and SSI are contained in Chapters 297 and 451 (relating to Supplemental Security Income Program; and State Blind Pension). A person who meets the eligibility requirements of a particular type of assistance receives that type of assistance, except in the following circumstances:

\* \* \* \* \*

[ (5) If a person qualifies as a specified relative as defined in § 151.42 of the only dependent child in the AFDC or AFDC-U budget group, the person continues to receive AFDC or AFDC-U during periods when the dependent child is under sanction due to noncompliance with Chapter 165 (relating to Employment and Training Program). ]

ELIGIBILITY PROVISIONS FOR TANF/GA

§ 141.21. Policy.

\* \* \* \* \*

(e) [ The caretaker/relative who refuses to cooperate in establishing paternity or securing support, except as provided under subsection (d)(1)(i), is ineligible for assistance. Assistance for the child will be provided in the form of protective payments as provided in Chapter 291 (relating to protective and vendor payments) to assure that the child received the benefit of the payment. Because county staff persons may be used as protective payees if necessary, there should be no instance in which a child is ineligible for assistance for lack of

a protective payee ] Failure to cooperate in establishing paternity or obtaining support, without good cause, will result in the reduction of the cash assistance allowance by 25%.

\* \* \* \* \*

(s) An applicant or recipient [ of GA ] who has been convicted of violating section 481(a) of the Public Welfare Code (62 P. S. § 481(a)), that is, has been convicted of securing or attempting to secure, or aiding or abetting or attempting to aid or abet any person in securing GA, TANF, MA or Federal food stamps by means of a willfully false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to or at the time of, or subsequent to the application for assistance is ineligible for [ GA ] cash assistance as follows:

\* \* \* \* \*

(t) [ An applicant or recipient of TANF who has been convicted of violating section 481(a) of the Public Welfare Code, that is, has been convicted of securing TANF by means of a willfully false statement or misrepresentation, or by impersonation or by willfully failing to disclose a material fact regarding eligibility either prior to or at the time of, or subsequent to the application for TANF or GA is ineligible for TANF and GA as follows:

(1) For 6 months from the date of first conviction.

(2) For 12 months from the date of a second conviction.

(3) Permanently from the date of a third conviction. ] An applicant or recipient is ineligible for assistance if he is a person who is fleeing to avoid prosecution, or custody or confinement following conviction for a felony, or as felonies are classified in the State of New Jersey, a high misdemeanor.

(u) Cash assistance payments will not be made to a person for 10 years from the date of conviction, in a Federal or State court, of fraudulent misrepresentation of residence in order to receive TANF, GA, MA, food stamps or SSI in two or more states.

ELIGIBILITY PROVISIONS FOR [ AFDC ] TANF

§ 141.41. Policy.

(a) Conditions of eligibility. To receive [ AFDC ] TANF the applicant or recipient shall meet appropriate eligibility conditions and follow the procedures in this title. The specific eligibility conditions for [ AFDC ] TANF are in this part or specified in this chapter:

\* \* \* \* \*

(e) As a condition of eligibility, nonexempt applicants and recipients are required to seek employment, accept any bona fide offer of employment and maximize and maintain employment as specified under §§ 165.1 and 165.31 (relating to general; and RESET participation requirements). Those nonexempt individuals who are not employed for an average of at least 20 hours per week shall accept referral to, participate in and continue to participate in an available and approved work or work-related activity, whichever is applicable, including those specified on the Agreement of Mutual Responsibility, as a condition of eligibility as specified under § 165.31. In addition, nonexempt indi-

viduals may not, without good cause, voluntarily terminate employment, reduce earnings or fail to apply for work.

(f) A family is ineligible for TANF cash assistance payments if it includes an adult who has received 60 months of TANF cash assistance.

(1) Assistance received as a minor child is not counted toward the 60-month limit.

(2) Assistance received as a minor child head of household or as a minor child married to the head of household counts toward the 60-month limit.

(3) Periods of receipt of TANF need not be consecutive to count toward the 60-month limit.

§ 141.42. Definitions.

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

\* \* \* \* \*

**Budget group**—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless and whose needs are considered together in determining eligibility for cash assistance under one category of assistance.

**Cash assistance allowance**—The monthly family size allowance, reduced by the net income of the budget group. The family size allowance is described under § 175.23(a) (relating to requirements).

**Family**—A minor child and his parent or adult specified relative, as defined in § 151.42 (relating to definitions) with whom the child lives. A specified relative is considered a member of a family regardless of whether the specified relative is included in the TANF application or is applying only on behalf of the minor child.

**Minor child**—An individual who has not attained 18 years of age, or who has not attained 19 years of age and who is a full-time student in a secondary school—or in the equivalent level of vocational or technical training.

\* \* \* \* \*

ELIGIBILITY PROVISIONS FOR GA

§ 141.61. Policy.

(a) *Conditions of eligibility.* The following relates to eligibility for GA:

(1) A person is eligible for GA under the requirements established in subsection (d) and if the appropriate eligibility conditions in the following chapters are met:

\* \* \* \* \*

(xv) As a condition of eligibility, nonexempt GA applicants and recipients are required to seek employment, accept any bona fide offer of employment and maximize and maintain employment as specified under §§ 165.1 and 165.31 (relating to general; and RESET participation requirements). Those nonexempt individuals who are not employed for an average of at least 20 hours per week shall accept referral to, participate in and continue to participate in an available and approved work or work-related activity, whichever is applicable, including those specified on the Agreement of Mutual

Responsibility, as a condition of eligibility, as specified under § 165.31. In addition, nonexempt individuals may not, without good cause, voluntarily terminate employment, reduce earnings or fail to apply for work.

\* \* \* \* \*

ELIGIBILITY PROVISIONS FOR MA FOR THE CATEGORICALLY NEEDY

§ 141.71. Policy.

(a) *Conditions of eligibility.* To be eligible for MA, the person shall meet the appropriate conditions of eligibility in the following chapters:

\* \* \* \* \*

(10) Chapter 151 (relating to specified relatives).

(b) *Nonmoney payment recipients.* Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396q) provides that the benefits of the MA program available to money payment recipients shall be available to the following persons [ : ] described in paragraphs (1)—(5). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the act of August 22, 1996 (Pub. L. No. 104-193, 110 Stat. 2105) provides that the benefits of the MA program are provided to persons described in paragraph (6):

\* \* \* \* \*

(6) Applicants/recipients determined ineligible for cash assistance due to the elimination of the \$30 plus 1/3 remainder of the earned income incentive deduction for 4 consecutive months or the \$90 work expense deduction, or both.

(7) The persons described in paragraphs (1)—[ (5) ] (6) will be designated as categorically needy—nonmoney payment recipients (NMP, Category Symbol P).

\* \* \* \* \*

CHAPTER 145. AGE

AGE PROVISIONS FOR [ AFDC ] TANF

§ 145.43. Requirements.

(a) *General.* The following [ will constitute ] are the general [ AFDC ] TANF age requirements:

(1) The child shall conform with one of the following age requirements:

\* \* \* \* \*

(ii) Be under [ age 19 if ] 18 years of age or under 19 years of age and a full-time student in a secondary school or in the equivalent level of [ a ] vocational or technical [ school and reasonably expected to complete the program before age 19 ] training.

\* \* \* \* \*

CHAPTER 151. SPECIFIED RELATIVES

SPECIFIED RELATIVES PROVISIONS FOR [ AFDC ] TANF

§ 151.42. Definitions.

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

**Adult**—An individual who is 19 years of age or older or who is 18 years of age and not a full-time

student in a secondary school or in the equivalent level of vocational or technical training.

Specified relative—[ One ] An adult or a minor parent who is exempt, under § 141.21(r) (relating to policy), from the requirements to live with an adult and who conforms with the following:

\* \* \* \* \*

§ 151.43. Requirements.

\* \* \* \* \*

(d) Temporary absence of the child or relative. The temporary absence of either the child or the relative from his home will not affect the eligibility of the child for [ AFDC ] TANF under the following circumstances:

(1) The absence of the child is not more than or expected to be more than 180 consecutive days. A specified relative who fails to report within 5 days of the time it becomes clear that a minor child will be absent beyond the consecutive 180-day period will be ineligible for assistance for 30 days.

(2) The absence does not basically affect the responsibility of the relative for the care and control of the child. However, if the child is living in a school to which the relative has had to turn over control of the child, he will not be eligible for [ AFDC ] TANF.

[ (2) ] (3) \* \* \*

(f) Pregnant women. A pregnant woman with no children or with children who are not receiving [ AFDC ] TANF may qualify for [ AFDC ] TANF for herself only as a specified relative if all of the following apply:

\* \* \* \* \*

(2) [ Delivery is expected no later than 3 months after the month of payment.

(3) [ The fetus, if born, would be eligible for [ AFDC ] TANF based on the criteria [ set forth ] in § 153.43(a) (relating to [ AFDC ] TANF deprivation of support or care requirements).

CHAPTER 153. DEPRIVATION OF SUPPORT OR CARE

DEPRIVATION OF SUPPORT OR CARE PROVISIONS FOR [ AFDC ] TANF

§ 153.42. Definitions.

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

Cash assistance allowance—It is the monthly family size allowance, reduced by the net income of the budget group. The family size allowance is described under § 175.23(a) (relating to requirements).

\* \* \* \* \*

§ 153.43. [ AFDC ] TANF deprivation of support or care requirements.

(a) General. If a child is living with both of his natural parents, the incapacity of either parent is the eligibility factor for [ AFDC ] TANF. If a child has been legally adopted, it is his lack of the support or care of the adoptive parent, and not of the natural parent, that is the eligibility factor for [ AFDC ] TANF. If a child is living with a parent and a stepparent, lack of support or care by

the natural parent is the eligibility factor for [ AFDC ] TANF. Deprivation of support is not considered to exist in situations where the mother and the putative father of a child born out-of-wedlock are living together with the child and paternity has been established. For Public Assistance purposes this is an intact family. The CAO documents a putative father's claim of paternity for a child born out-of-wedlock who was born within this Commonwealth on an Acknowledgement of Paternity form (H105.181) under § 153.44(e)(1) (relating to procedures). In instances where the putative father claims paternity of a child who was born out-of-State, the CAO refers the putative father to the DRS to file a DRS Voluntary Statement of Paternity form in accord with § 153.44(e)(2). In situations where the putative father living with the child denies paternity, [ AFDC ] TANF may be established based on the absence of the child's legal parent if all other eligibility requirements are met. A child is considered deprived of parental support or care if at least one parent is one of the following:

\* \* \* \* \*

(d) Unemployment of the parent. The lack of parental support or care for the child because of unemployment refers to the employment status of the parent who is the principal wage earner. The unemployment of the principal wage earner parent, as defined in § 153.44(d) will establish the [ AFDC-CU ] TANF category for the needy child regardless of the extent to which the other parent is employed.

§ 153.44. Procedures.

(a) Absence from the home. The following procedures relate to absence from the home:

(1) [ The Federal Social Security Act (42 U.S.C.A. § 602(a)(8)(D)(ii)) requires "prompt notice to the State Support Collection Agency of the furnishing of AFDC in respect to a child who has been deserted or abandoned by a parent, including a child born out-of-wedlock without regard to whether paternity of such child has been established."

(2) A child who has been "deserted or abandoned by a parent" means any child whose eligibility for AFDC is based on continued absence of the parent from the home. ] "Continued absence" will be considered to exist whenever the parent is a convicted offender permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday.

[ (3) ] (2) When the eligibility of a child for [ AFDC ] TANF is based on deprivation due to "continued absence" the Application for Support Services form will be completed at the time assistance is authorized for the child and forwarded to the Bureau of Claim Settlement Child Support Liaison Agent assigned to the CAO for processing as set forth in paragraph (1). [ See § 187.24(b)(2) (relating to procedures) for instructions on completion and distribution of the Application for Support Services form.

(4) ] (3) \* \* \*

[ (5) ] (4) \* \* \*

[ (6) ] (5) \* \* \*

\* \* \* \* \*

[ (7) ] (6) Whenever it is found that a parent is absent from the home, and not for one of the specific reasons

listed in paragraph (6), there must be evidence, for purposes of eligibility for [AFDC] TANF, that temporarily or permanently he is not taking responsibility for the support, care or guidance of the child.

[ (8) ] (7) \* \* \*

[ (9) ] (8) \* \* \*

[ (10) ] (9) \* \* \*

[ (11) ] (10) For requirements relating to establishing paternity and securing support [ expected ] from a putative father or from parents who are absent from the home [ and for appropriate use of the court ], see Chapter 187 (relating to support from relatives not living with the client).

(b) Locating absent parents. Procedures are as follows:  
\* \* \* \* \*

(2) When a parent is absent from the home, the first step in exploring the resource that such parent represents to the [AFDC] TANF child or children will be to locate the parent. The purposes of location are to reunite the family where feasible, and to obtain support so far as possible.

(i) Referral to County Domestic Relations Section for support services. Referral to the Domestic Relations Section (DRS) will occur under the following circumstances:

(A) If the eligibility of a child for [AFDC] TANF is based on deprivation due to absence of a parent from the home, each applicant or recipient caretaker/relative with whom the child is living will be referred, prior to [the application interview] authorization, to the DRS as set forth in § [187.23(a)(1)(i)] 187.23(d) (relating to requirements).  
\* \* \* \* \*

(C) If the [caretaker/relative] applicant/recipient fails to comply with cooperation requirements [, the Form PA 162-A (Advance Notice)] without good cause, an advance notice will be provided to the [client to initiate protective payment provisions] individual notifying him of a reduction in the cash assistance allowance by 25% effective 10 days from the date of the notice. At the expiration of the 10-day period, [assistance will then be continued for the AFDC child or children in the form of a protective payment as provided in Chapter 291 (relating to protective and vendor payments)] the CAO shall impose the cash assistance allowance reduction unless a timely appeal is filed in the case of a recipient.  
\* \* \* \* \*

(c) Procedures relating to determining incapacity or impairment. The following procedures relate to the determination of incapacity or impairment:

(1) Incapacity. The incapacity must be proved. If the necessary data is not already available in the case record or from the parent, the County Office will help him, if he wants help, to get the necessary verification. If the services of a competent authority are not available without cost, the County Office will authorize a medical examination. If capacity of either parent cannot be determined from the available information, the County Office will make a preliminary decision regarding the incapacity.

If the decision is that a parent appears to be incapacitated, and if the grant group meets the other [AFDC] TANF eligibility requirements, the County Office will authorize [AFDC] TANF presumptively as provided in Chapter 227 (relating to central office disbursement). When there is a question of incapacity, the client must cooperate with the County Office in providing verification of incapacity as a condition of eligibility for the family. To prove incapacity, there must be an impairment which is expected to last at least 30 days and is verified by competent medical information such as the following:

\* \* \* \* \*

(d) Procedures relating to the unemployed principal wage earner parent. The following procedures relate to unemployed parents determined to be the principal wage earner:

(1) General. The following is a general statement relating to the principal wage earner parent:

(i) The principal wage earner is an employable parent in a home in which both parents of a dependent child reside, who earned the greater amount of income in the 24-month period immediately preceding the month in which application for assistance is made. If both parents earned an identical amount of income in the 24-month period, the principal wage earner shall be that parent who earned the greater amount of income in the last 6 months of the 24-month period. If both parents earned an identical amount of income in the 6-month period, either parent may be designated the principal wage earner. The principal wage earner parent shall meet the conditions in this subparagraph on the effective date of the initial authorization as [AFDC-CU or AFDC] TANF. The conditions are as follows:  
\* \* \* \* \*

(E) A nonexempt parent is enrolled in the [ETP] RESET as provided in Chapter 165 (relating to [employment and training program] road to economic self-sufficiency through employment and training (RESET) program).  
\* \* \* \* \*

(ii) Unemployment is defined as: having no work, having part-time work or having "on-the-job" training in a project that is approved or recommended by the JS or the [ETP] RESET.  
\* \* \* \* \*

(v) The family will be ineligible for [AFDC-CU] TANF with respect to any week for which the principal wage earner parent qualifies for unemployment compensation under an unemployment compensation law of a state or of the United States but refuses to apply for or accept the unemployment compensation.

[ (vi) Both parents in the budget group will be ineligible for AFDC-U whenever a parent willfully fails to comply with ETP requirements. If the other parent agrees to participate in the ETP, the sanctions will only be imposed on the noncooperating parent. ]

(2) Work record requirement. Eligibility for [AFDC-CU] TANF depends on the unemployed principal wage earner parent having had a work record. A work record shall be proved. To prove a work record, there shall be evidence that the principal wage earner parent meets one of the following conditions:



\* \* \* \* \*

\* \* \* \* \*

(ii) The parent had worked for 6 or more calendar quarters in a 13-calendar quarter period ending within the 12-month period prior to the date of application. Activities as specified in clauses (D) and (E) may be used to qualify for no more than 4 of the required 6 calendar quarters. In a calendar quarter, which is defined as a period of 3 consecutive calendar months ending on March 31, June 30, September 30 or December 31, the parent shall have:

\* \* \* \* \*

(B) Participated in a community work and training program; which means programs of a constructive nature, encouraging the conservation of work skills and the development of new skills for individuals who have attained the age of 18 and are receiving [ AFDC ] TANF and under conditions which are designed to assure protection of the health and welfare of such individuals and the dependent children involved, or any other work and training program under governmental auspices.

(C) Participated in the Work Incentive Program before October 1, 1989, or in the ETP or RESET on or after October 1, 1989, while receiving AFDC or TANF.

\* \* \* \* \*

(3) *Transfers between CU and C grant groups.* Transfers between CU and C grant groups will be governed by the following:

(i) CU grant groups will be transferred to C if deprivation occurs for reasons other than the unemployment of the principal wage earner parent. Similarly, C grant groups will be transferred to CU if deprivation no longer exists except for the unemployment of the principal wage earner parent as set forth in § 153.43(d) (relating to [ AFDC ] TANF deprivation of support or care requirements).

\* \* \* \* \*

(e) *Procedures relating to the Acknowledgment of Paternity form.* In cases where assistance is requested/received on behalf of a child born out-of-wedlock, the CAO explores with the caretaker/relative the putative father's willingness to sign an Acknowledgment of Paternity form.

(1) For children born in this Commonwealth, the following procedures apply:

(i) The Acknowledgment of Paternity form [ (H105.181) ] is used to establish paternity of a child born out-of-wedlock in cases where assistance is requested/received on behalf of a child born out-of-wedlock and the putative father voluntarily consents to establishing a claim of paternity by signing the form. The following procedures apply:

(A) When the putative father establishes a claim of paternity by signing the form, the worker also obtains the mother's signature on the form [ and both signatures on the completed Acknowledgement of Paternity form are notarized by the CAO. If the CAO does not have a notary, the CAO will give the Acknowledgement of Paternity form (H105.181) to the mother and putative father with instructions to have the form notarized and return it to the CAO ]. To be valid, the signatures of the mother and putative father shall be witnessed by a third party. The third party may not be the mother or the putative father. The CAO forwards the [ notarized ] form to:

(B) Upon completion and forwarding of the [ **notarized** ] form to the Parent Locator Service Section, the CAO considers the putative father as an LRR to the child. The CAO applies appropriate LRR regulations.

\* \* \* \* \*

CHAPTER 165. [ EMPLOYMENT AND TRAINING PROGRAM ] ROAD TO ECONOMIC SELF-SUFFICIENCY THROUGH EMPLOYMENT AND TRAINING (RESET) PROGRAM

GENERAL RESET PROVISIONS

§ 165.1. General.

(a) A recipient who is not exempt shall be enrolled in the [ ETP ] Road to Economic Self-Sufficiency Through Employment and Training (RESET) Program. An exempt individual may volunteer to be enrolled in [ the ETP ] RESET. [ A recipient ] Applicants and recipients shall be informed of rights and responsibilities, services and benefits available to participants in the Program. [ Enrollees may volunteer to participate in the ETP. Volunteers, whether exempt or nonexempt, will be given the highest priority for services to the extent that resources permit. ] Nonexempt applicants shall agree to comply with the requirements of RESET and nonexempt recipients will be required to participate in RESET and to seek employment, accept any bona fide offer of employment and maximize and maintain employment as required by §§ 141.41, 141.61, 165.31 and 165.61. In addition, nonexempt recipients shall accept referral to, participate in and continue to participate in an available and approved work or work-related activity, whichever is applicable, including those specified on the AMR, as required in §§ 141.41, 141.61, 165.31 and 165.61. Nonexempt recipients also may not voluntarily terminate employment, reduce earnings or fail to apply for work, as required in §§ 141.41, 141.61, 165.31 and 165.61.

(b) [ The ETP ] The Department will provide Program participants, to the extent necessary, with case management and approved supportive services. In addition, participants will be provided with or referred to education, training and employment-related activities designed to break the cycle of welfare dependency. [ The ETP ] To the extent it deems possible, the Department will identify and promote resources in the public and private sectors that [ will ] may assist participants to prepare for and obtain employment in jobs they may realistically be expected to obtain.

§ 165.2. Definitions.

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

[ EDP ] AMR—[ Employment Development Plan Agreement of Mutual Responsibility—A noncontractual agreement completed by the [ client ] applicant/recipient and the [ employment and training worker ] Department which, among other things, establishes an individual employment goal with specific time frames and work and work-related activities to achieve the goal.

(i) The AMR, together with statutory and regulatory requirements, set forth work-related, work, and other requirements for cash assistance eligibility.

(ii) The AMR [ and ] describes services to be provided by the Department and the activities to be undertaken by the recipient.

(iii) The AMR may also contain agreements that are unrelated to RESET as described in § 125.1(f) (relating to policy).

*Bona fide offer of employment*—To be considered a bona fide offer of employment, there must be reasonable assurances that:

(i) Appropriate standards for the health, safety, minimum wage and other conditions applicable to the performance of work and training in the employment are established and will be maintained.

(ii) The employment will not result in any displacement of employed workers and with respect to that employment, the conditions of work, training, education and employment are reasonable in light of factors such as the type of work, geographical region, and proficiency of the participant.

(iii) The employment is not available due to a labor dispute, strike or lock-out.

[ *ETP—Employment and Training Program*—A program operated by the Department consisting of one or more work, training, education, work experience or job search activities. ]

*Enrollment*—The process used to designate that an individual is eligible to become a participant in [ the ETP ] RESET.

*Exempt*—Individuals who are not required to be enrolled in [ the ETP ] RESET.

\* \* \* \* \*

*Grant diversion*—The use of all or a portion of a recipient's cash assistance grant and food stamps as a wage supplement to an employer.

*Maximize employment*—The requirement to participate in as many hours of employment as may actually be available, up to full-time employment or self-sufficiency, if the individual reasonably can do so.

*Noncompliance*—The willful failure or refusal without good cause to comply with the requirements in this chapter.

[ *Nonexempt volunteer*—A recipient who is not exempt from ETP enrollment and volunteers to participate in an ETP activity before being required to do so. ]

\* \* \* \* \*

*RESET—Road to Economic Self-Sufficiency Through Employment and Training*—A program operated by the Department, within the constraints of available funds, to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs, entry level jobs or part-time jobs which can establish a work history, preferably in the private sector, with wages and benefits that lead to economic independence and self-sufficiency as soon as practicable.

\* \* \* \* \*

[ VERIFICATION ]

§ 165.11. [ Verification of exemption ] (Reserved).

[ (a) The recipient is required to cooperate in providing necessary information and verification regarding exemption from enrollment in the ETP. The CAO will assist a person in obtaining verification when help is needed.

(b) Verification of an exemption consists of reasonably available documentation specified by the Department and includes documents containing the person's date of birth, such as birth certificates or baptismal records, pay stubs, written statements from physicians, licensed psychologists, chiropractors, school officials or employers that support the person's claim for an exemption. Failure to verify the claim for an exemption will result in the person being enrolled in the ETP unless the person has cooperated and verification is unavailable or unless it is clear that the person is exempt. A person will not be required to verify information that was previously verified and is not subject to change. ]

ENROLLMENT AND EXEMPTIONS FROM ENROLLMENT

§ 165.21. Enrollment.

(a) A person's exemption status is reviewed when a change is reported that would affect a person's [ ETP ] RESET status, when a condition is expected to change and at each reapplication interview. The recipient is notified in writing of changes in exemption status.

(b) A person who is exempt may volunteer to participate in [ the ETP ] RESET.

(c) A recipient will be enrolled in [ ETP ] RESET unless the person is exempt because the person is one of the following:

(1) [ Ill or incapacitated to the extent that the person is prevented from engaging in employment or training when determined on the basis of medical evidence acceptable to the Department or CAO worker's observation ] Mentally or physically disabled as verified by a physician or licensed psychologist and the disability temporarily or permanently precludes any form of employment or work-related activity.

(i) An exemption period for recuperation after childbirth is determined by a physician [, ] or licensed psychologist [ or licensed midwife ].

\* \* \* \* \*

(iii) The Department may require an applicant or recipient with a verified temporary mental or physical disability, including drug or alcohol dependency, to pursue appropriate treatment as a condition of receiving assistance if the individual is exempt from the RESET Program.

(iv) The Department may require an applicant or recipient to submit to an independent examination as a condition of receiving assistance if the individual is exempt from the RESET Program.

(2) [ Sixty years of age or older.

(3) Incapacitated due to drug or alcohol dependency.

(i) A person claiming this exemption shall accept available and appropriate treatment and rehabilitation services as a condition of eligibility for PA benefits.

(ii) The exemption will continue until treatment is completed or until there is notification that the individual did not accept available and appropriate treatment or failed to complete a prescribed treatment plan.

(iii) Upon notification that an individual failed to cooperate, a determination of good cause will be made. If there is not good cause, the individual will lose exempt status for the ETP.

(4) Needed in the home because of the illness or incapacity of another member of the household.

(5) [ The parent or other [ caretaker/relative ] caretaker who is personally providing care for a child [ 2 ] under 6 years of age [ or younger, except as provided in subsection (d) ] for whom alternate child care arrangement is unavailable.

[ (6) The parent or other caretaker/relative who is personally providing care for a child 3 years of age or older and 5 years of age or younger unless appropriate, available child care is guaranteed and participation in the ETP is limited to 20 hours or less a week, except as provided in subsection (d).

(7) Working at least 30 hours a week.

(8) [ (3) A child who is [ 15 ] under 18 years of age [ or younger or attends, full time, an elementary, secondary, vocational or technical school, except that a child who had previously withdrawn and has been placed in a secondary, vocational or technical school as a required ETP activity is not exempt ]. The child of school age is required to pursue a high school diploma or a certificate of high school equivalency.

[ (9) (4) [ Pregnant if it has been medically verified that the child is expected to be born within the 6-month period immediately following the month of required participation ] The custodial parent in a one-parent household who is caring for a child who has not attained 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime.

[ (10) A full-time volunteer serving in the Volunteers In Service To America (VISTA) Program, under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C.A. §§ 4951—4994).

(11) Residing in a location which is more than 2 hours round-trip by reasonably available public or private transportation from an ETP site except that a parent in the AFDC-U category who is exempt under this paragraph and who does not choose to volunteer to participate in the ETP shall register directly with JS within 15 working days following the date of initial authorization or reapplication.

(d) A custodial parent who is 16 years of age or older and under 20 years of age who has not attained a high school education or its equivalent is required to participate regardless of the age of the child if appropriate, available child care is guaranteed. ]

#### § 165.22. Verification of exemption.

(a) The applicant or recipient is required to cooperate in providing necessary information and verification regarding the basis for exemption. The CAO will assist an individual in obtaining verification when help is needed.

(1) The Department may require an applicant or recipient claiming an exemption based on a physical or mental disability which temporarily or permanently precludes any form of employment or work-related activity to submit to an independent examination as a condition of receiving assistance as specified in § 141.61 (relating to policy) if the individual is exempt from the RESET Program.

(2) An applicant or recipient with a verified physical or mental disability which temporarily precludes any form of work or work-related activity shall pursue appropriate treatment to restore or improve the individual's ability to work, as a condition of receiving assistance as specified in § 141.61, if exempt from the RESET Program.

(b) Verification of an exemption consists of reasonably available documentation specified by the Department and includes birth certificates or baptismal records, written statements from physicians, licensed psychologists or school officials that support the person's claim for an exemption.

(1) The verification of a physical or mental disability shall be established on a form specified by the Department and will be based on acceptable clinical and laboratory diagnostic techniques rather than on the applicant's or recipient's statement of symptoms.

(2) Failure to verify the claim for an exemption will result in the person being enrolled in RESET unless the person has cooperated and verification is unavailable.

(3) A person will not be required to verify information that was previously verified and is not subject to change.

#### § 165.25. Enrollment after an exemption ends.

A person who was formerly exempt is required to participate in a work or work-related activity in accordance with the following:

(1) An individual who is exempt due to a physical or mental disability is required to participate:

(i) Immediately if the condition ceases during the first 22 months that the person receives cash assistance.

(ii) Within 8 weeks if the condition ceases after the person has received cash assistance for 22 months or more.

(2) A person who is exempt from RESET because he is providing child care for a child under 6 years of age is required to participate as soon as alternate child care arrangements are available or when the child becomes 6 years of age, whichever occurs first.

(3) An exempt individual under 18 years of age is required to participate when the individual:

(i) Reaches 18 years of age, although the individual may be able to continue to pursue a high school or equivalency program after age 18 as a

work-related activity during the first 24 months of receipt of cash assistance.

(ii) Attains a high school diploma or a certificate of high school equivalency.

(iii) Ceases to pursue a high school diploma or a certificate of high school equivalency.

(4) A custodial parent in a one-parent household who is exempt to provide care to a child under 12 months of age is required to participate under one of the following circumstances:

(i) The child reaches 12 months of age.

(ii) The custodial parent has claimed this exemption for a total of 12 months during the parent's lifetime.

(iii) The custodial parent chooses to end the exemption.

#### RESET PARTICIPATION REQUIREMENTS

§ 165.31. [Participation] RESET participation requirements.

(a) [*Exempt voluntary participation.* An exempt individual may volunteer to participate in the ETP. A voluntary participant who drops out of the Program without good cause after having commenced participation will not be given priority to regain participant status so long as other individuals are actively seeking to participate. An exempt volunteer's withdrawal from the ETP or failure to participate will have no effect on eligibility for assistance benefits.] *RESET Program.* The RESET Program is designed to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs, entry level jobs or part-time jobs which can establish a work history, preferably in the private sector, with wages and benefits that lead to economic independence and self-sufficiency as soon as practicable, within the constraints of available funds.

(b) [*Nonexempt voluntary participation.* Nonexempt volunteers who willfully fail without good cause to participate in the ETP are subject to sanction. Each nonexempt volunteer will be informed of the potential consequence prior to commencement of participation.

(c) *Priority of educational activity to custodial parents.* Custodial parents required to participate under § 165.21(d) (relating to enrollment) will be referred to an appropriate educational activity, if available, unless one of the following exists:

(1) The person demonstrates a basic literacy level of 8.9 grade level.

(2) The long-term employment goal of the person as identified in the employment plan does not require a high school diploma or its equivalent. ] *Requirements that always apply as conditions of eligibility or continuing eligibility for cash assistance.* Individuals who are not exempt under § 165.21 (relating to enrollment) shall seek and accept any bona fide offer of employment and maximize and maintain employment.

(i) Nonexempt individuals may not, without good cause, voluntarily terminate employment, or reduce earnings or fail to apply for work.

(ii) A nonexempt recipient's willful failure to comply with the requirements of this provision, without good cause, will result in the imposition of sanctions as set forth in § 165.61 (relating to sanctions).

(c) *First 24 months.* Nonexempt individuals who are not employed for an average of at least 20 hours per week are required to participate in a work-related activity as a condition of eligibility or continuing eligibility for cash assistance. Nonexempt individuals who are not employed for an average of at least 20 hours per week shall accept referral to, participate in and continue to participate in an available and approved work-related activity, including those specified on the AMR.

(1) The initial work-related activity is an initial job search for up to 8 weeks except as provided in paragraph (4) and subsection (h).

(i) For applicants, the initial job search is required upon authorization of cash assistance.

(ii) The applicant or recipient shall document these efforts and present the documentation to the appropriate CAO upon request. A nonexempt recipient's willful failure to comply with this subsection, without good cause, will result in the imposition of sanctions as set forth in § 165.61.

(2) After the initial job search during the first 24 months that an individual receives cash assistance, the individual may fulfill the approved work-related activity requirement, subject to the exceptions in paragraphs (3) and (4), by participating in one or more of the following activities as approved by the Department:

(i) Subsidized employment.

(ii) Work experience.

(iii) On-the-job training.

(iv) Community service.

(v) Workfare.

(vi) Vocational education.

(vii) General education.

(viii) English-as-a-second language.

(ix) Job skills training.

(x) Job search.

(xi) Job readiness/preparation activities.

(3) During the first 24 months that an individual receives cash assistance, whether consecutive or interrupted, participation in an approved vocational education, general education, English-as-a-second language and job skills training counts toward fulfilling the work-related activity requirement for a maximum of 12 months.

(4) A recipient 18 years of age or older but under 22 years of age who does not have a high school diploma or its equivalent can fulfill the work-related activity requirement by pursuing a high school diploma or its equivalent.

(d) *After 24 months.*

(1) After receiving cash assistance for 24 months, whether the months are consecutive or interrupted, the recipient shall, as a condition of receiving cash assistance, participate for an average of at least 20

hours per week in any one or a combination of the following activities, as approved by the Department:

- (i) Unsubsidized employment.
- (ii) Subsidized employment.
- (iii) Work experience.
- (iv) Community service.
- (v) On-the-job training.
- (vi) Workfare.

(2) A nonexempt individual shall accept referral to, participate in and continue to participate in an available work activity, including those specified on the AMR. A nonexempt recipient's failure to comply with this section, without good cause, will result in the imposition of sanctions as set forth in § 165.61.

[ (d) EDP ] (e) AMR. Final approval of the [ EDP ] work and work-related activities listed in the AMR rests with the Department. The [ EDP ] AMR is not considered a contract. Factors to be considered in developing the [ EDP ] AMR include:

\* \* \* \* \*

[ (e) ] (f) *Self-initiated education or training.* Self-initiated education or training may be approved as part of an individual's [ EDP ] AMR, if [ in addition to the criteria in subsection (d), ] the following conditions are met:

\* \* \* \* \*

(4) During the first 24 months that an individual receives cash assistance, participation in an approved vocational education, general education, English-as-a-second language and job skills training counts toward fulfilling the work-related activity requirement for a maximum of 12 months. After 12 months of education and training, the individual may continue to pursue education, but shall combine it with some other approved work-related activity.

(5) After 24 months of receipt of cash assistance, a person shall also fulfill the minimum 20-hour-per-week work activity requirement as specified in subsection (d).

(g) *Exempt voluntary participation.* An exempt individual may volunteer to participate in RESET. An exempt volunteer is not required to conduct an initial job search before enrolling in RESET.

[ CONCILIATION ] COMPLIANCE REVIEW AND GOOD CAUSE

§ 165.51. [ Conciliation ] Compliance review.

(a) [ The worker shall exhaust efforts toward conciliatory resolution of disputes with the person before the issuance of a notice of adverse action. Conciliatory efforts will be documented in the case record. The recipient shall be counseled as to the purpose of the Program and the consequences of a refusal to participate ] Information indicating non-compliance with work or work-related requirements shall result in a review of compliance with these requirements. The purpose of a compliance review is to determine whether a recipient is willfully, and without good cause, not complying with work or work-related requirements. The case-

worker will inform the recipient of the need for a compliance review and the consequences of failing to participate in the compliance review. The [ conciliation session shall ] compliance review may be conducted in person [ , at an agreed upon time, unless the recipient would prefer to have it ] or by telephone according to the recipient's preference. When scheduling the compliance review, the caseworker will consider the recipient's schedule, including work and school obligations.

(b) [ A conciliation session shall be conducted to discuss the reasons for the Department's particular requirements, how they fit into the EDP of the recipient, why the recipient has difficulty with or objects to the particular requirement and shall include a good faith effort by all parties to overcome barriers to participation. The purpose of the conciliation session is to explore ways to facilitate a mutually advantageous relationship that will make the recipient more employable and help the recipient to reduce dependency. If the recipient is willing to participate but has difficulty participating, every opportunity shall be made to reach a reasonable resolution. This shall include rescheduling appointments to mutually agreed upon times, transportation assistance and exploration of alternative components or revision of the EDP. Unless a recipient shows a clear pattern of missing appointments without good cause, these appointments shall be rescheduled ] At the compliance review, the recipient has an opportunity to present information concerning the recipient's compliance with work or work-related requirements. After reviewing the facts, the caseworker will determine if the recipient is complying with work or work-related requirements. If the caseworker determines that the recipient is noncompliant, the caseworker will also determine if noncompliance was willful and without good cause.

(c) A recipient who willfully fails, without good cause, to comply with work or work-related requirements is subject to sanction under § 165.61 (relating to sanctions). For a noncompliant recipient not subject to sanction, the caseworker will review program requirements, help identify obstacles to compliance, and with the recipient's participation, develop a new AMR to help achieve and maintain compliance.

§ 165.52. Good cause.

(a) Good cause includes the following circumstances beyond the client's control:

\* \* \* \* \*

(9) The person does not have adequate child care for children who need close supervision, particularly if the hours of employment or [ ETP ] RESET participation are other than normal daylight working hours.

(10) The person failed to receive notice at least 2 days prior to the date of a scheduled [ ETP ] RESET activity.

(11) The person ends a sporadic work relationship that does not hold a reasonable possibility for permanent, full-time work to participate in an approved [ ETP ] RESET activity or to accept full-time employment.

(12) A job offer is rejected because it will result in a net loss of cash income to the budget group of the [ ETP ]

**RESET** participant. Net loss of cash income results if the budget group's gross income less actual work-related expenses plus a **[ Cash Assistance ] cash assistance** payment for which the budget group remains eligible is less than the **[ Cash Assistance ] cash assistance** previously received. The actual work-related expenses include mandatory payroll deductions as well as the actual cost of the child care, cost of care of an incapacitated person living in the same home and transportation.

\* \* \* \* \*

(15) The location of **[ an ETP ] a RESET** site or job is more than 2 hours round-trip by reasonably available public or private transportation from the client's residence.

\* \* \* \* \*

(17) The person is claiming to be exempt from **[ ETP ] RESET** enrollment under §**[ 165.21(c)(1) ] 165.21** (relating to enrollment) and is cooperating in an attempt to provide verification.

\* \* \* \* \*

**SANCTIONS**

**§ 165.61. Sanctions.**

(a) A sanction will be imposed on an individual who is required **[ but willfully fails without good cause ]** to participate in **[ the ETP, fails ] RESET** and, **willfully and without good cause does one or more of the following:**

(1) **Fails** to accept a bona fide offer of employment in which the individual is able to engage **[ or ]**.

(2) **Voluntarily** terminates employment **[ or reduces ]**.

(3) **Fails or refuses to accept referral to, participate in, or continue participation in a work or work-related activity as specified in the AMR.**

(4) **Fails to accept referral to, participate in, or continue participation in an available and approved work or work-related activity.**

(5) **Fails to seek employment.**

(6) **Fails to maximize employment.**

(7) **Fails to maintain employment.**

(8) **Reduces earnings [ without good cause. This subsection includes a nonexempt individual who volunteers to participate ]** after having received cash assistance for 24 months or more.

(9) **Fails to participate in one of the following work-related activities if not employed at least 20 hours per week during the first 24 months of receiving cash assistance:**

(i) **Subsidized employment.**

(ii) **Work experience.**

(iii) **On-the-job training.**

(iv) **Community service.**

(v) **Workfare.**

(vi) **Vocational education.**

(vii) **General education.**

(viii) **English-as-a-second language.**

(ix) **Job skills training.**

(x) **Job search.**

(xi) **Job readiness/preparation activities.**

(10) **Fails to participate for an average of at least 20 hours per week in one of the following work activities after receiving 24 months of cash assistance:**

(i) **Unsubsidized employment.**

(ii) **Subsidized employment.**

(iii) **Work experience.**

(iv) **Community service.**

(v) **On-the-job training.**

(vi) **Workfare.**

(11) **Fails to agree to fulfill the work or work-related activity requirements.**

(12) **Fails to apply for work at the time and in the manner the Department may prescribe.**

(b) **[ If the individual under sanction is the only dependent child on the AFDC or AFDC-U budget group, the caretaker/relative shall continue to receive AFDC or AFDC-U during the sanction period, if otherwise eligible. ] The sanction period shall be:**

(1) **For the first occurrence, 30 days or until the recipient is willing to comply, whichever is longer.**

(2) **For the second occurrence, 60 days or until the recipient is willing to comply, whichever is longer.**

(3) **For the third occurrence, permanently.**

(c) **[ If the individual is a nonexempt parent in the AFDC-U category and the other parent is not enrolled in or participating in the ETP, the failure of the individual to cooperate will make both parents ineligible for assistance. If the other parent agrees to participate, the sanction will only be imposed on the nonparticipating parent. ] Applicability of the sanction is as follows:**

(1) **During the first 24 months, the sanction is imposed only on the person who fails to comply.**

(2) **After 24 months, the sanction is imposed on the entire budget group.**

(d) **[ The sanction period shall be:**

(1) **For the first occurrence, until the failure to comply ceases.**

(2) **For the second occurrence, 3 payment months or until the failure to comply ceases, whichever is longer.**

(3) **For the third occurrence and thereafter, 6 payment months or until the failure to comply ceases, whichever is longer. ] In lieu of the sanctions in subsections (b) and (c), if an employed individual voluntarily, without good cause, reduces his earnings during the first 24 months that assistance is received by not working an average of at least 20 hours per week, the grant is reduced by the dollar value of the income that would have been earned if the recipient had not voluntarily reduced the hours of employment to less than an average of 20 hours per week. The reduction continues until the requirement is met.**

(e) If the individual under sanction is the only dependent child in the TANF budget group, the caretaker shall continue to receive TANF during the sanction period, if otherwise eligible, during the first 24 months that TANF is received.

(f) If the individual under sanction in the first 24 months is a parent or other [ caretaker/relative ] caretaker, protective payments for the remaining members of the [ assistance unit ] budget group will be [ in the form of protective or vendor payments in accordance with Chapter 291 (relating to protective and vendor payments). If after making reasonable efforts a protective payee is unable to be located, payments on behalf of the remaining members of the budget group will be made to the caretaker/relative ] made to the caretaker under sanction.

NOTIFICATION

§ 165.71. Notification.

(a) If the [ conciliation effort has ended without resolution of the matter ] compliance review results in a finding that the recipient was willfully noncompliant with RESET requirements without good cause, the client will be sent a notice in accordance with Chapter 133 (relating to redetermining eligibility). This notice [ shall include a detailed explanation of ] will indicate the sanction to be imposed and the reason for the [ action, the consequence of refusal or failure to cooperate without good cause with an ETP requirement and the action needed to end the ] sanction.

(b) An individual whose failure to comply results in a sanction will be reminded in writing [ when 3 months have elapsed ] of the individual's option to end the sanction by correcting the failure to comply.

\* \* \* \* \*

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 177. RESOURCES

TREATMENT OF RESOURCES

§ 177.21. Personal property.

(a) *Applicants and recipients.* For an applicant and recipient, the following personal property is not counted in determining eligibility:

\* \* \* \* \*

(2) [ Equity ] The full value of one [ automobile ] vehicle per TANF or GA budget group [ up to a maximum of \$1,500. The excess value is considered an available resource and is counted and applied toward the resource limit ]. The equity value of all other vehicles will be counted and applied toward the resource limit.

\* \* \* \* \*

(11) An educational savings account established by an individual at a bank or other financial institution to pay for education expenses including tuition, books and incidental expenses related to attendance at a vocational school, community college, college or university. The account shall be clearly identified as having been established for or restricted to payment of educational expenses.

\* \* \* \* \*

(iii) Moneys withdrawn to pay for educational expenses are exempt. Documentation shall be provided that verifies the expenses were incurred and related to attending school.

\* \* \* \* \*

(12) Savings accounts established and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—[ 6901.509 ] 6901.701).

(13) Student financial assistance for educational expenses in the form of loans, grants and scholarships.

(14) The face and cash surrender value of a life insurance policy.

(15) A family savings account established under Chapter 21 of the Job Enhancement Act (73 P. S. §§ 400.2101—400.2103).

(i) The account shall be clearly identified as a family savings account.

(ii) The savings account, its ownership and the account balance shall be verified by written documentation. Documentation may include a copy of the passbook or a current statement from the bank or other financial institution.

(iii) Moneys deposited into the account plus interest earned on the account shall be exempt in determining eligibility as long as the funds remain on deposit.

(iv) Moneys withdrawn to pay for expenses outlined in an approved savings plan for this account are exempt. Documentation shall be provided that verifies the expenses were incurred.

(v) Moneys withdrawn from a family savings account that are used for a purpose unrelated to the approved savings plan shall be added to the budget group's resource amount and used to determine eligibility beginning with the date of withdrawal. Exception: moneys withdrawn to pay for educational expenses shall be exempt.

\* \* \* \* \*

§ 177.22. Real property.

\* \* \* \* \*

(b) *Nonresident property owned by an applicant or recipient.* Nonresident property, including a burial space, is considered in the following manner:

\* \* \* \* \*

(3) If the equity value of nonexempt property, either alone or in combination with other nonexempt resources, exceeds the resource limit, each separately deeded parcel of nonexempt property receives [ a one-time-only ] an exemption for 9 consecutive budget months beginning with the date assistance is authorized for applicants, and the date the resource becomes legally available for recipients, if the following requirements are met:

\* \* \* \* \*

(ii) [ The applicant or recipient signs an agreement to dispose of the property within the 9 consecutive month exemption period ] In cases when the budget group has been unable to sell nonresident property for reasons beyond their control, the 9-month time limit for disposing of the property

will be extended for additional 9-month periods as long as the Department determines that the budget group is continuing to make a good-faith effort to sell the property.

\* \* \* \* \*

(4) If the nonexempt property has not been sold within each of the 9-month exemption [ period ] periods, and the budget group cannot substantiate that a good-faith effort to sell the property is still being made, the recipient and members of the budget group for whom he is an LRR are ineligible, and the assistance received is treated as an overpayment. If the assistance stops and restarts during the 9 consecutive month exemption period, the assistance received is treated as an overpayment.

§ 177.24. Determining value of resources.

Unless specifically exempt under § 177.21 or § 177.22 (relating to personal property; and real property), the equity value of real and personal property is subject to the resource limits in § 177.31 (relating to resource limit).

(1) Determining value of personal property. An applicant, recipient, guardian, trustee or sponsor of an alien shall provide documentation verifying value of personal property. This documentation includes, but is not limited to, a written estimate from a car dealer of the fair market value of a motor vehicle, a title of ownership and a written statement from financial institutions. Special requirements regarding certain personal property resources are as follows:

[ (i) Burial reserves. A burial reserve is considered as follows: ]

[ (A) ] (i) \* \* \*

[ (B) ] (ii) \* \* \*

[ (C) ] (iii) \* \* \*

[ (ii) Life insurance. The client may document the cash value of a life insurance policy by presenting a policy which contains cash value charts or through a written statement from the insurance company.

(A) The cash value is considered an available resource to the budget group if the applicant/recipient or an LRR in the home is the owner of the policy or has the authority to cash in the policy. The client may document ownership by presenting the policy or through a written statement from the insurance company.

(B) Money borrowed by a recipient from the cash value of a life insurance policy is used to determine eligibility under § 177.31 during the month in which the cash is borrowed and for each month during which the cash remains unexpended. ]

\* \* \* \* \*

CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NMP-MA AND MNO-MA

Subchapter A. GENERAL PROVISIONS FOR MA RESOURCES COMMON TO ALL CATEGORIES OF MA CATEGORIES OF MA

§ 178.11. Categories of NMP-MA.

NMP-MA applicants/recipients shall meet the resource requirements of the category of NMP-MA for which they are eligible. The following explains the different NMP-MA categories:

\* \* \* \* \*

(4) The PC category is a TANF-related category and designates an NMP person who is one of the following:

\* \* \* \* \*

(ii) A person 21 years of age or older and under age 65 who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the person 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and [ reasonably expected to complete the program before reaching 19 years of age, and ] who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to [ AFDC ] TANF deprivation of support or care requirements).

\* \* \* \* \*

§ 178.12. Categories of MNO-MA.

MNO-MA applicants/recipients shall meet the resource requirements of the category of MNO-MA for which they are eligible. The following explains the different MNO-MA categories:

\* \* \* \* \*

(5) The TC category is [ an AFDC-related ] a TANF-related category and designates an MNO person who is one of the following:

\* \* \* \* \*

(ii) A person 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the person 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and [ reasonably expected to complete the program before reaching 19 years of age, and ] who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to [ AFDC ] TANF deprivation of support or care requirements).

\* \* \* \* \*

Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA

ADDITIONAL RESOURCE REQUIREMENTS FOR TANF-RELATED AND GA-RELATED CATEGORIES OF MA

§ 178.151. Additional resource requirements.

\* \* \* \* \*

(c) If an applicant/recipient or LRR owns nonexcluded real property, he shall have a [ 6-month ] 9-month period in which to make a bona fide effort to sell the property [ . The 6-month period may be extended for an additional 3 months if ] and additional 9-month periods as long as the applicant/recipient or LRR can demonstrate good cause for not selling the property [ by the end of the 6-month period ].



(d) That portion of a gift that exceeds \$50 per person in a calendar quarter as determined under § 181.263(8) (relating to other types of income not counted for the [AFDC] TANF and GA categories) is a countable resource.

\* \* \* \* \*

RESOURCE EXCLUSIONS FOR THE [AFDC] TANF-RELATED AND GA-RELATED CATEGORIES OF MA

§ 178.161. Personal property exclusions.

The following personal property is excluded:

\* \* \* \* \*

(12) [Term insurance. Term insurance or other life insurance which does not accumulate a cash value.

(13) ] \* \* \*

[(14)] (13) Life insurance policies. [Life] The face and cash surrender value of all life insurance owned by the applicant/recipient. [up to a maximum face value of \$1,500 for each insured person is excluded. If the life insurance of an insured person has a total face in excess of \$1,500, only the cash surrender value in excess of \$1,000 will be considered a resource to the owner.

(15) ] (14) \* \* \*

[(16)] (15) \* \* \*

(16) Student financial assistance for educational expenses in the form of loans, grants and scholarships.

(17) A family savings account established under Chapter 21 of the Job Enhancement Act (73 P. S. §§ 400.2101—400.2103).

(i) The account shall be clearly identified as a family savings account.

(ii) The savings account, its ownership and the account balance shall be verified by written documentation. Documentation may include a copy of the passbook or a current statement from the bank or other financial institution.

(iii) Moneys deposited into the account, plus interest earned on the account shall be exempt in determining eligibility as long as the funds remain on deposit.

(iv) Moneys withdrawn to pay for expenses outlined in an approved savings plan for this account are exempt. Documentation shall be provided that verifies the expenses were incurred.

(v) Moneys withdrawn from a family savings account that are used for a purpose unrelated to the approved savings plan shall be added to the applicant/recipient group's resource amount and used to determine eligibility beginning with the date of withdrawal. Exception: moneys withdrawn to pay for educational expenses shall be exempt.

ADDITIONAL RESOURCE EXCLUSIONS FOR GA CATEGORIES OF MA

§ 178.165. Educational savings accounts.

(a) For GA categories of MA, an educational savings account established by an individual at a bank or other financial institution to pay for education expenses

including tuition, books and incidental expenses related to attendance at a vocational school, community college, college or university is not counted in determining eligibility.

\* \* \* \* \*

(4) Moneys withdrawn to pay for educational expenses are exempt. Documentation shall be provided that verifies the expenses were incurred and related to attending school.

\* \* \* \* \*

(b) For GA categories of MA, savings accounts established and bonds purchased under the Tuition Account Program and College Savings Bond Act (24 P. S. §§ 6901.101—[6901.509] 601.701) are not counted in determining eligibility.

CHAPTER 181. INCOME PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA

Subchapter A. GENERAL PROVISIONS FOR MA INCOME COMMON TO ALL CATEGORIES OF MA

CATEGORIES OF MA

§ 181.41. Categories of NMP-MA.

An NMP-MA applicant/recipient shall meet the income requirements of the category of NMP-MA for which the applicant/recipient is eligible. The following explains the different NMP-MA categories:

\* \* \* \* \*

(4) The PC category is a TANF-related category and designates an NMP person who is one of the following:

\* \* \* \* \*

(ii) A person 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child. For purposes of determining if the person 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent level of a vocational or technical school and [reasonably expected to complete the program before reaching 19 years of age and] who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to [AFDC] TANF deprivation of support or care requirements).

\* \* \* \* \*

CATEGORIES OF MA

§ 181.42. Categories of MNO-MA.

An MNO-MA applicant/recipient shall meet the income requirements of the category of MNO-MA for which the applicant/recipient is eligible. The following explains the different MNO-MA categories:

\* \* \* \* \*

(5) The TC category is [an AFDC] a TANF-related category and designates an MNO person who is one of the following:

\* \* \* \* \*

(ii) A person 21 years of age or older and under 65 years of age who meets the requirements of a specified relative under § 151.42 (relating to definitions) and is responsible for the care and control of a dependent child.

For purposes of determining if the person 21 years of age or older and under 65 years of age is a specified relative, a dependent child, including the child who is receiving SSI, is a child under 18 years of age or under 19 years of age if the child is a full-time student in secondary school or the equivalent age level of a vocational or technical school and [reasonably expected to complete the program before reaching 19 years of age, and ] who meets the deprivation of support conditions under § 153.43(a)—(c) (relating to [AFDC ] TANF deprivation of support or care requirements).

\* \* \* \* \*

Subchapter C. THE [AFDC ] TANF AND GA CATEGORIES

NMP-MA GROSS INCOME TEST FOR [AFDC ] TANF CATEGORIES

§ 181.251. NMP-MA gross income test for [AFDC ] TANF categories.

(a) The following persons shall have their gross monthly income considered:

(1) A person who is included in the [applicant/recipient group ] application, including a child.

(2) An LRR living with the [applicants/ recipients ] applicants who is not included in the application and who does not receive SSI, SBP, [AFDC ] TANF or GA.

\* \* \* \* \*

(c) The total gross monthly earned and unearned income to be counted in the gross income test include the following:

\* \* \* \* \*

(3) [Section 181.273 (relating to income-in-kind).

(4) ] \* \* \*

[ (5) ] (4) \* \* \*

[ (6) ] (5) \* \* \*

[ (7) ] (6) \* \* \*

[ (8) ] (7) \* \* \*

[ (9) ] (8) \* \* \*

[ (10) ] (9) \* \* \*

[ (11) ] (10) \* \* \*

\* \* \* \* \*

TYPES OF INCOME NOT COUNTED FOR THE [AFDC ] TANF AND GA CATEGORIES

§ 181.262. Educational loans and grants.

[The following types of educational loans and grants to students do not count as income when determining income eligibility for MA:

(1) Federal loans and grants to undergraduate students made or insured under a program administered by the Secretary of the United States Department of Education.

(2) College Work Study Program (CWSP) earnings of undergraduate students.

(3) Educational assistance from the Veterans Administration, only to the extent verified as used for educational expenses.

(4) Grants and scholarships or awards from colleges, schools, or from civic, fraternal and alumni organizations, only to the extent verified as used for educational expenses.] Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income, unless the assistance is provided solely to meet basic living needs.

§ 181.263. Other types of income not counted for the [AFDC ] TANF and GA categories.

The following types of income are not counted for the [AFDC ] TANF and GA categories:

\* \* \* \* \*

TYPES OF EARNED INCOME COUNTED FOR THE [AFDC ] TANF AND GA CATEGORIES

§ 181.273. [Income-in-kind ] (Reserved).

[Income-in-kind is shelter received by the applicant/recipient in return for services rendered and is counted as earned income. The value of the income-in-kind is the difference between the amount of the monthly rent actually paid and the amount of monthly rent which the applicant/recipient would have been charged if he had not rendered a service.

(1) For the NMP-MA categories, the amount counted as income-in-kind may not exceed the appropriate NMP-MA income limits in Appendix E for the number of persons who are receiving income-in-kind.

(2) For the MNO-MA categories, the amount counted as income-in-kind may not exceed the appropriate MNO-MA income limit in Appendix H for the number of persons who are receiving income-in-kind.]

TYPES OF UNEARNED INCOME COUNTED FOR THE [AFDC ] TANF AND GA CATEGORIES

§ 181.287. Educational assistance.

[Educational assistance from scholarships, grants and loans not exempted in § 181.262 (relating to educational loans and grants) is counted as unearned income unless the applicant/recipient verifies that the educational assistance has been, or is being, used for tuition, mandatory fees, books related to the courses of study or child care and transportation costs—if not residing in college housing and necessary for school attendance. If one payment of educational assistance covers more than 1 month, the amount not used for verified educational expenses is averaged over the period covered by the educational assistance.] Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income, unless the assistance is provided solely to meet basic living needs.

DEDUCTIONS FROM INCOME FOR THE [ AFDC ] TANF AND GA CATEGORIES

§ 181.311. Deductions from earned income for the [ AFDC ] TANF categories of NMP-MA.

Each employed person who qualifies for MA in the PC category, PU category or in the [ PD/PK ] PD category with PC category children is entitled to the following deductions from earned income in the following order:

(1) *Work expenses.* The first \$90 per month from the earned income of each applicant/recipient who is employed if the employed person is not eligible to receive an earned income incentive deduction as described in paragraph (2) or if the \$90 deduction is more advantageous to the applicant/recipient group.

(2) [ *Initial work* ] *Earned income incentive [ deduction ] deductions.* [ A work incentive deduction of \$30 plus 1/3 of the remainder of the earned income which is treated as follows: ]

(i) Each employed person in the NMP-MA applicant/recipient group is eligible to receive [ the ] an earned income incentive deduction [ for 4 consecutive months ] if one of the following applies:

(A) The employed [ recipient ] person in the NMP-MA applicant/recipient group is a recipient in [ an AFDC-related ] a TANF-related category or [ in ] a GA-related category with a child who is simultaneously a recipient of MA in [ an AFDC-related ] a TANF-related category.

(B) The employed applicant has been a recipient of cash assistance, NMP-MA or MNO-MA in [ an AFDC-related ] a TANF-related category in [ one ] 1 of the 4 calendar months prior to the calendar month of his application for NMP-MA.

(C) The employed applicant has been a recipient of cash assistance, NMP-MA or MNO-MA in a GA-related category with a child who was simultaneously a recipient of MA in [ an AFDC-related ] a TANF-related category in [ one ] 1 of the 4 calendar months prior to the calendar month of his application for NMP-MA.

\* \* \* \* \*

(ii) [ The employed applicant/recipient who received the \$30 and 1/3 incentive deduction for 4 consecutive months, has not received the deduction since ] Each employed person in the applicant/recipient group who meets one of the requirements in subparagraph (i) is eligible to receive a continuous 50% earned income incentive deduction or the first \$90 per month work expense deduction from earned income and a \$30 plus 1/3 remainder earned income incentive deduction per requirements in subparagraph (iii), whichever is most advantageous to the applicant/recipient group.

(iii) The application of the \$30 plus 1/3 remainder earned income incentive deduction is treated as follows:

(A) The employed applicant/recipient is eligible to receive the \$30 plus 1/3 remainder earned income incentive deduction for 4 consecutive months if:

(I) [ 12 ] Twelve or more consecutive months have elapsed since the employed applicant/recipient last received NMP-MA in [ an AFDC-related ] a TANF-related category or in a GA-related category with a child who was simultaneously a recipient in [ an AFDC-related ] a TANF-related category. The count begins with the first month following the month of termination for NMP-MA regardless of whether the employed person received the entire 8 consecutive months of the \$30 income incentive deduction described in [ paragraph (4) ] clause (B).

[ (iii) ] (II) \* \* \*

[ (A) ] (-a-) \* \* \*

[ (B) ] (-b-) \* \* \*

[ (iv) ] (III) An applicant/recipient who has his NMP-MA terminated due to receipt of a regularly recurring extra paycheck within a 5-week month is not considered to have had an interruption in the accumulation of consecutive months and does not have that month count as one of the 4 consecutive months. The applicant/recipient shall meet one of the qualifications described in subparagraph (i) to qualify for a balance remaining in the 4-month count unless 12 consecutive months have elapsed in which he has not been a recipient of NMP-MA in [ an AFDC-related ] a TANF-related category or in a GA-related category with a child who was simultaneously a recipient in [ an AFDC-related ] a TANF-related category. If 12 consecutive months have elapsed, the employed applicant/recipient is eligible for a new 4 consecutive month count.

[ (v) ] (IV) \* \* \*

(B) Each employed person in the applicant/recipient group who received 4 months of the \$30 plus 1/3 income incentive deduction is eligible for an income deduction of \$30 per month during the next 8 consecutive months. The application of the \$30 incentive is treated as follows:

(I) Each employed person in the applicant/recipient group is eligible to receive the deduction for 8 consecutive calendar months.

(II) The applicant/recipient is entitled to the \$30 income incentive deduction during a calendar month of the 8-month period for which the income of the applicant/recipient is sufficient to qualify.

(III) The 8 months of eligibility for the \$30 income incentive deduction begins with the calendar month following the end of the 4 consecutive calendar months of the \$30 and 1/3 income incentive deduction.

(IV) The 8 months of eligibility are counted consecutively, whether or not MA is interrupted or income is sufficient to qualify for it.

\* \* \* \* \*

[ (4) Other work incentive deduction. A work incentive deduction of \$30 per month of the earned income after 4 consecutive months of the \$30 plus 1/3 of the remainder has been received is treated as follows:

(i) Each employed person in the NMP-MA applicant/recipient group is eligible to receive the deduction for 8 consecutive calendar months.

(ii) The applicant/recipient is entitled to the \$30 income incentive deduction during a calendar month of the 8-month period for which the income of the applicant/recipient is sufficient to qualify.

(iii) The 8 months of eligibility for the \$30 income incentive deduction begins with the calendar month following the end of the 4 consecutive calendar months of the \$30 and 1/3 income incentive deduction.

(iv) The 8 months of eligibility are counted consecutively, whether or not MA is interrupted or income is sufficient to qualify for it. ]

CHAPTER 183. INCOME  
EARNED INCOME

§ 183.23. [ Income-in-kind ] (Reserved).

[ For assistance purposes, income-in-kind is shelter received in return for services rendered and is counted as earned income. The value of income-in-kind is the difference between the amount of the monthly rent actually paid and the amount of monthly rent which the individual would have been charged if he had not rendered a service. This value is not to exceed 33% of the family size allowance of the budget group or if the family size allowance is divided between two or more budget groups, 33% of the combined total family size allowance. ]

UNEARNED INCOME

§ 183.38. Educational assistance.

[ Educational assistance from scholarships, grants and loans not exempted in § 183.81(3)(i) and (ii) (relating to income exemptions) is considered in determining eligibility. Only the amount which the person cannot verify as being used for tuition, mandatory fees, books related to the courses of study, child care expenses and transportation costs—if not residing in college housing and necessary for school attendance—is counted as income. If the educational assistance is received in one payment, average the income over the period covered by the loan, scholarship or grant. ] Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income unless the assistance is provided solely to meet basic living needs.

GROSS INCOME TEST

§ 183.71. Gross income test.

(a) [ A ] An applicant budget group is ineligible for [ AFDC/GA ] TANF/GA for a calendar month determined prospectively, if the total gross earned and unearned income for a calendar month equals or exceeds the Income Eligibility Limit—Appendix B, Table 2 (relating to income eligibility limit (185% of standard of need))—or, if a special need exists, 185% of the sum of the special need allowance added to the standard of need—Appendix B, Table 1 (relating to standard of need). The Income Eligibility Limit and the standard of need are based on the size of the budget group and the schedule which is applicable to the county in which the budget group

resides. The gross earned and unearned income of a recipient budget group is not subject to the gross income test.

\* \* \* \* \*

INCOME EXEMPTIONS

§ 183.81. Income exemptions.

The following income is not considered in determining the amount of the monthly assistance payment:

\* \* \* \* \*

(3) *Educational loans and grants.* Educational loans and grants to students are considered as follows:

(i) [ Federal loans and grants to undergraduate students made or insured under a program administered by the Commissioner of Education are excluded. ] Federally-funded student financial assistance, including college work-study income, is excluded as income. All other student financial assistance provided for educational expenses in the form of loans, grants and scholarships is excluded as income unless the assistance is provided solely to meet basic living needs.

\* \* \* \* \*

[ (iii) Educational assistance from the Veterans' Administration received by a veteran is excluded only to the extent verified as used for educational expenses.

(iv) Grants and scholarships or awards from colleges, schools or from civic, fraternal and alumni organizations are excluded only to the extent verified as used for educational expenses. ]

\* \* \* \* \*

(29) *Support pass-through.* The first \$50 per budget month of court-ordered and voluntary support payments received by the budget group, excluding arrearages.

\* \* \* \* \*

INCOME DEDUCTIONS

§ 183.94. Eligibility for TANF earned income deductions.

[ For expenses related to employment of each individual in the TANF budget group, subject to the limitations in § 183.97 (relating to ineligibility for disregards from earned income for [ AFDC ] TANF and GA), [ disregard in the following order ] the earned income of each employed individual in the TANF budget group is treated as follows:

(1) [ *Work expenses.* The first \$90 per month from the earned income of each client who is employed. ] An applicant who has been a recipient of TANF in 1 of the 4 calendar months prior to this application is eligible to receive a continuous 50% disregard from gross earned income.

(2) [ *Earned income incentive deduction.* As an incentive to eligible AFDC clients to obtain and retain employment, earned income incentive deductions, subject to the limitations in § 183.96 (relating to interruptions in the 4 consecutive months of the earned income incentive deduction for AFDC and GA) and § 183.97, are made as follows: ] The applicant who has not been a recipient of TANF in one of the 4 calendar months prior to this application is

eligible to receive a continuous 50% disregard if the applicant's income after application of the following deductions is less than the standard of need for the budget group as specified in Appendix B, Table 1 (relating to standard of need).

(i) [ After the deduction allowed in paragraph (1) has been made, each employed client is eligible for a deduction of \$30 plus 1/3 of the remaining net earned income during 4 consecutive calendar months of employment. ] The first \$90 per month from gross earned income.

(ii) [ After the deduction allowed in paragraph (1) has been made, each employed client is eligible for a deduction of \$30 during the next 8 consecutive months of employment. An applicant or recipient is entitled to the \$30 income incentive deduction during any calendar month of this 8-month period for which the income of the applicant or recipient is sufficient to qualify. The 8 months of eligibility are counted consecutively, beginning with the calendar month following the end of the 4 consecutive calendar months in which the \$30 and 1/3 income incentive deduction was allowed, whether or not assistance is interrupted or income is sufficient to qualify for it. ] Personal expenses subject to the limitations of paragraph (3).

(iii) [ An applicant who has been a recipient of AFDC in 1 of the 4 calendar months prior to this application is eligible to receive the full \$30 and 1/3 income incentive deduction for 4 consecutive calendar months subject to the limitations in subparagraph (v). ] Unearned income and lump sum income deductions as specified in § 183.98 (relating to unearned income and lump sum income deductions).

[ (iv) An applicant who has not been an AFDC recipient in 1 of the 4 calendar months prior to this application is eligible to receive the full \$30 and 1/3 income incentive deduction for 4 consecutive calendar months only if the applicant's income, after deductions in paragraphs (1) and (3) and § 183.98 (relating to unearned income and lump sum income deductions) is less than the standard of need for the budget group, and subject to the limitations in subparagraph (v).

(v) An applicant or recipient who has received the \$30 and 1/3 income incentive deduction for 4 consecutive calendar months is not eligible to receive the deduction again until 12 consecutive calendar months have elapsed in which he has not been a recipient of an AFDC cash grant. When assistance is terminated during the 8 consecutive calendar month period of the \$30 income incentive deduction, the 12 consecutive months begin in the first month following the month of termination. ]

\* \* \* \* \*

§ 183.96 [ Interruptions in the 4-consecutive months of the earned income incentive deduction for AFDC and GA ] (Reserved).

[ (a) An individual who has not received the earned income incentive disregard for 4 consecutive payment months because of application of § 183.97 (relating to ineligibility for disregards from earned income for AFDC and GA) is deemed to have received the disregard in the month of dis-

qualification, and a month of disqualification counts for purposes of the 4 consecutive month period.

(b) An individual who does not receive a cash payment in a month because of the \$10 minimum check requirements has that month counted for the purpose of the 4 consecutive months.

(c) For AFDC, if there is no earned income to be adjusted against the grant after the application of § 183.94(1) and (3) (relating to AFDC earned income deductions), that month does not count as one of the 4 consecutive months for an individual. The individual is eligible for a new 4 consecutive month period.

(d) An individual who has had a grant suspension or termination due to receipt of a regularly recurring extra paycheck within a 5-week month is not considered to have had an interruption in the accumulation of consecutive months, and does not have that month count as one of the 4 consecutive months. The individual is eligible to receive the incentive for the balance remaining in the 4-month period.

(e) An individual whose receipt of 4 consecutive months of work incentive is interrupted by loss of income with good cause, as defined in Chapter 165 (relating to Employment and Training Program) is eligible for a new 4 consecutive month period. ]

§ 183.97. Ineligibility for disregards from earned income for [ AFDC ] TANF and GA.

The deductions in §§ 183.94 and 183.95 (relating to [ AFDC ] eligibility for TANF earned income deductions; and GA earned income deductions) do not apply to the budget month income considered for the corresponding payment month for an applicant or recipient to whom one of the following conditions applies:

\* \* \* \* \*

[ (4) He voluntarily requested that assistance be terminated for the primary purpose of avoiding receipt of the earned income incentive for 4 consecutive months. ]

**CHAPTER 187. SUPPORT FROM RELATIVES NOT LIVING WITH THE CLIENT**

**SUPPORT PROVISIONS FOR [ AFDC/GA ] CASH ASSISTANCE**

§ 187.21. [ Policy ] General policy.

[ (a) ] *Legal bases for support requirements.* The Support Law (62 P. S. §§ 1971—1977) provides authority to the courts to order or direct support to needy persons from legally responsible relatives (LRR) upon petition from the needy person or the Department. The Public Welfare Code (62 P. S. §§ 101—1503) requires the Department to grant assistance only to those persons who [ are without sufficient resources to maintain themselves ] apply for and meet all conditions of eligibility. By law, then, [ LRR's ] LRRs will be a potential resource to persons applying for or receiving assistance. The Support Law (62 P. S. §§ 1971—1977), 23 Pa.C.S. §§ 4301—5104 and 7101—8415 and the Public Welfare Code (62 P. S. §§ 101—1503) mesh to make it mandatory to explore and develop the resource that an LRR may provide to a client. Under the child support program, support collection and paternity determination ser-

vices will also be made available upon request to persons who are not applying for or receiving assistance. The domestic relations section in each county has been designated to process requests for support services.

[ (b) *Automatic assignment of support rights to the Department.* Acceptance of public assistance operates as an assignment to the Department, by operation of law, of the assistance recipient's rights to receive support on his own behalf and on behalf of any family member with respect to whom the recipient is receiving public assistance. The assignment is effective at the time the recipient is determined to be eligible for public assistance and remains in effect until the termination of public assistance payments. The assignment shall be effective only up to the amount of AFDC/GA received.

(c) *Responsibilities of Claim Settlement Child Support Unit.* The Bureau of Claim Settlement Child Support Unit will have the responsibility for securing support in cases involving desertion or abandonment. The Support Unit responsibilities will include, but will not be limited to the following:

- (1) Assisting, when necessary, in locating absent parents.
- (2) Establishing and enforcing support orders.
- (3) Initiating legal action for establishing paternity for a child born out-of-wedlock.
- (4) Collecting support payments.

(d) *Effect of automatic support order assignment on the grant.* When the applicant is determined eligible for assistance, the assistance unit is entitled to receive the appropriate family size allowance. Payments received from a support order will not be adjusted as income.

(e) *Treatment of support collections.* For those cases where support payments have been made payable to the Department, the Bureau of Claim Settlement Child Support Unit will transmit to the County Assistance Office a monthly printout of the amount of collection received which represents a current payment on the required support obligation for that month. This information will be used by the County Assistance Office to determine if the money collected through support order, when treated as income, will be sufficient to make the family ineligible for an assistance payment. If the case is determined ineligible on this basis, the support collection will be considered as income and the County Assistance Office will be responsible for the following:

- (1) Notifying the family of closing action and reason via the Form 162-A process.
- (2) Promptly transmitting this closing action, via Form PA 293, to Claim Settlement Support Liaison Agent assigned to the CAO for processing so that the support payments can be mailed directly to the family. The worker will prepare the Form PA 293 for transmittal at the same time the worker prepares the Form PA 764, Authorization for Case Closing.

(f) *Timing the effect.* Timing the effect of support collections will conform with the following:

(1) An essential component in the treatment of support collections is the rapid and complete interchange of information between the County Assistance Office and the Claim Settlement Child Support Unit. This is necessary to insure the families continued receipt of income.

(2) The Claim Settlement Child Support Unit will transmit the notification, or printout, of support collections received to the County Assistance Office at the beginning of the month following the month of collection.

(3) Upon receipt of this information, the County Assistance Office will determine the eligibility of the family for an assistance payment as soon as feasible, but no later than the second month after the month in which the notification is received by the CAO.

(g) *Form PA 293 (Child Support Action Notice).* Use of Form PA 293 will be as follows:

(1) The County Assistance Office will use the Form PA 293, Child Support Action Notice, to transmit information to the Child Support Unit regarding case dispositions for spouse and parent of unemancipated minor children.

(2) Whenever a child support case is discontinued, transferred to another county, or reopened within a period of ninety days following closure, the County Office will complete the Form PA 293 in duplicate, identifying the appropriate action taken. This form will be forwarded to the Child Support Unit at the same time the appropriate budget action is taken in the case. A copy of the Form PA 293 is retained in the case record.

(3) From the information transmitted on the Form PA 293, the Child Support Unit will determine the appropriate action to be taken by the Agency with regard to support services currently received by the client, such as reassignment of an existing court order to the beneficiary, and the like. ]

#### § 187.22. Definitions.

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

[ *Alimony*—An order for support granted by the court to a spouse or former spouse in conjunction with a decree grant, a divorce, or annulment. ]

*Arrears*—Past due and unpaid support.

*BCSE—Bureau of Child Support Enforcement*—The organizational unit in this Commonwealth responsible for supervising the State Plan for Child Support Enforcement under Title IV-D of the Social Security Act (42 U.S.C.A. §§ 651—669b).

*Budget group*—One or more related or unrelated individuals who occupy a common residence or would occupy a common residence if they were not homeless individuals and whose needs and eligibility are considered together in determining eligibility for cash assistance under one category of assistance.

*CAO—County assistance office*—The local office of the Department responsible for the determination of eligibility for cash, food stamps and MA Programs.

**Cash assistance allowance**—The amount of money that is based on the monthly family size allowance, reduced by the net income of the budget group. The family size allowance is described under § 175.23(a)(relating to requirements).

[ **Child**—Natural or adopted under 21 years of age.

**Child born out-of-wedlock**—A child will be considered to be born out-of-wedlock in the following instances:

(i) When the mother of the child is unmarried when the child is born, except when marriage was terminated by death or divorce between conception and birth, or declared legally void.

(ii) The mother of a child born during marriage names a person other than her husband as the father of the child.

(iii) There is evidence that the husband of the mother of the child has been separated from the mother during the 12 months immediately prior to the birth of the child. When the natural parents of a child born out-of-wedlock marry at a later date, the child will become legitimated just as if he had been born during lawful marriage. In such a case, the father will become an LRR and the applicable LRR regulations will apply. Accordingly, pending paternity action will be terminated. ]

**DRS—Domestic relations section**—The division of a court of common pleas responsible for establishing and enforcing support orders.

**Establishing paternity**—The process that determines the legal father of a child.

[ **LRR—Legally Responsible Relative**—Husband, wife or parents of an unemancipated minor child. A putative father is not an LRR unless one of the following conditions applies:

(i) Paternity is legally established by court action.

(ii) The child born out-of-wedlock is legitimated by the legal marriage of the mother of the child to the putative father.

(iii) The putative father signs an Acknowledgement of Paternity form, H105.181, under § 153.44(e)(1) (relating to procedures) for a child born within this Commonwealth, which is filed with the Department of Health, and one of the following conditions exists:

(A) The mother also signs the Acknowledgement of Paternity form.

(B) The putative father lives with the child for whom paternity is being claimed and the mother is the absent parent. ]

**LRR—Legally responsible relative**—The spouse, including common-law, of the applicant/recipient of cash assistance, and the biological or adoptive parent of an unemancipated minor child for whom cash assistance is sought or received.

**Obtaining support**—Establishing, modifying or enforcing a support order.

[ **Spouse**—The legally married person, including common-law. ]

**Support**—A judgment, decree or order whether temporary, final or subject to modification, imposed or imposed by a court or an administrative agency of competent jurisdiction for the support and maintenance of either a child or spouse, or both, which provides for monetary support, health care, arrears or reimbursement, and which may include other relief.

**Unemancipated minor child**—An individual who is under 18 years of age, or an individual 18 years of age or older but under 21 years of age, who has not graduated from high school, is not married and is in the care and control of a parent or caretaker.

#### § 187.23. Requirements.

(a) [ **Unemancipated minor children**. Because the responsibility of a parent for an unemancipated minor child is seen as greater than that for the spouse, separate requirements have been established for securing support from absent parents for their children. The requirements will be applicable to recipients or applicants for AFDC when the child's eligibility is based on absence of a parent from the home and, when the child is born out-of-wedlock, without regard to whether paternity has been established. ] **Applicability**. This chapter applies to applicants for and recipients of cash assistance if there is: The reported absence of a parent from the home of an unemancipated minor child; a putative father for an unemancipated minor child; or a spouse absent from the home. The absence of a parent from the home is determined according to the requirements under § 153.44(a) (relating to procedures).

[ (1) **Referral to Domestic Relations Section**. Referral to DRS will conform with the following:

(i) When the eligibility of a child for AFDC is based on continued absence of a parent from the home, prior to the application interview, the applicant parent or other caretaker with whom the child is living will be referred to the DRS, with the Application for Support Services form. The applicant shall return the form to the CAO worker, completed by a DRS official, as verification of DRS action taken.

(ii) DRS referral will not be required in the following circumstances:

(A) The applicant parent/caretaker provides verification of a support complaint having been filed within the last 90 days.

(B) The applicant parent/caretaker provides verification of an existing Order of Support having been established within the last 12 months.

(C) The applicant parent/caretaker initiates a good cause claim as set forth in subparagraph (iii).

(D) A mutual agreement exists between the DRS and the Department regarding local referral procedures.

(iii) The CAO worker will provide an AFDC applicant parent/caretaker with the opportunity to claim good cause as an exception to cooperation requirements, prior to the application interview. If the applicant initiates a claim for good cause as set forth in paragraph (3), the Application for Support

Services form will be completed, but no support activity initiated pending final disposition of the good cause claim.

(2) *Cooperation.* As a condition of continued eligibility for AFDC under § 141.21(a) (relating to policy), a caretaker/relative with whom the child is living will be required to cooperate with the Department in identifying and locating the absent parent, establishing the paternity of a child born out-of-wedlock and obtaining support payments, unless a claim for good cause is pending or determined to exist, as provided in paragraph (3). The term Cooperate includes the following:

(i) Appearing at the offices of the local CAO or DRS as necessary to perform the following:

(A) Provide verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by the applicant or recipient caretaker/relative that is relevant to achieving support from the absent parent.

(B) Sign the necessary legal forms required to file petitions for support.

(ii) Appearing as a witness at court or other hearings or proceedings necessary to achieve support from the absent parent.

(iii) Paying to the Claim Settlement Support Agency child support payments received from the absent parent after an assignment of support rights has been made to the Department and the client is receiving a full allowance. Payments will be turned over to the Child Support Agency only because the client will be receiving a full assistance check.

(3) *Good cause as an exception to cooperation requirements.* Cooperation requirements will be waived if the caretaker/relative establishes that he has good cause for refusing to take support or paternity action or both against the absent parent or putative father, because to do so would not be in the best interest of the child. Prior to requiring cooperation, the CAO will notify an applicant or recipient of the right to claim good cause and the requirements applicable to a good cause determination. Form PA 173-WP will be used as the good cause notice to the applicant or recipient. The Form PA 173-WP sets forth the circumstances under which the caretaker/relative may claim good cause and lists the types of evidence the client may present to corroborate his claim as provided in subparagraphs (i) and (ii).

(i) Circumstances under which cooperation may be against the best interest of the child are as follows:

(A) The client's pursuit of paternity or support action is reasonably expected to result in either of the following:

(I) Serious physical or emotional harm to the child.

(II) Serious physical or emotional harm to the mother or other caretaker/relative with whom the child is living to the degree that it reduces his capacity to care for the child adequately.

(B) The child was conceived as a result of incest or rape.

(C) Legal proceedings for the adoption of the child are pending before a court.

(D) The relinquishing of the child for adoption is currently under resolution with a public or private social agency and discussions have not gone on for more than 3 months.

(ii) A good cause claim may be corroborated with the following types of evidence:

(A) Court, medical, criminal, child protective services, social services, psychological or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or other caretaker/relative.

(B) Medical records which indicate the emotional health history and present emotional health status of the child or caretaker/relative; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the child or caretaker/relative.

(C) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or rape.

(D) Court documents or other records which indicate that legal proceedings for adoption are pending.

(E) A written statement from a public or private Social Agency that the caretaker/relative is currently being assisted by the Agency to resolve the issue of whether to keep the child or relinquish him for adoption.

(F) Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

(iii) The applicant or recipient caretaker/relative has the burden of proving the existence of his good cause claim and must provide the corroborative evidence required to support the claim within 20 days from the day the claim was made. In exceptional cases, when it has been determined, with supervisory approval, that additional time will be needed by the client because of difficulty in obtaining the evidence, a reasonable additional period of time will be granted.

(iv) If requested by the caretaker/relative, the county staff will provide assistance in securing the needed evidence by advising how to obtain specific documents that may be available to him and by undertaking to obtain any specific documents the client is not able to obtain on his own.

(v) In exceptional cases where the applicant or recipient's claim is based on the anticipation of physical harm and he is unable to provide corroborative evidence to support the claim because none is available, the caretaker/relative must assume the burden for establishing the credibility of the claim without the required evidence, as well as explaining why no evidence is available. In these situations, the county staff will conduct an investigation of the claim, the results of which should verify the credibility of the client. If the caretaker/relative's statement and the investigation which is conducted satisfies the county staff that the client does have good cause for refusing to cooperate, the claim will be considered as valid without corroborative evidence. The basis for this decision which is subject



to supervisory review and approval, will be recorded in the case record.

(vi) In cases where the caretaker/relative's statement of the circumstances, together with the corroborative evidence supplied do not provide sufficient basis for making a determination, the county staff may find it necessary to conduct an investigation of the claim in order to determine whether good cause does, or does not exist. If an investigation is deemed necessary, the caretaker/relative will be required to provide the county staff with sufficient information, such as, name and address of the putative father or absent parent, if known, to permit the investigation. However, the absent parent or putative father will not be contacted unless determined to be necessary to establish the good cause claim of the caretaker/relative. The county staff will notify the caretaker/relative prior to making contact with the absent parent or putative father to enable him to present additional corroborative evidence or information so that the contact becomes unnecessary, withdraw the application for assistance, have the case closed, or have the good cause claim denied with the right to appeal and a fair hearing as provided under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(A) *Determining good cause for refusing to cooperate.* In cases where the applicant or recipient caretaker/relative initiates a claim of good cause as an exception to cooperation requirements, the County staff will make a finding as to whether good cause exists. This finding will be based on the corroborative evidence supplied by the client and the investigation if deemed necessary. The good cause determination will be made on a case-by-case basis and the final decision requires a subjective judgment on the part of the County staff. The decision will be based on the weight, sufficiency, and quality of the gathered evidence.

(i) The County staff will make a determination as to whether or not good cause exists within a time frame of 45 days from the day the good cause claim was initiated by the caretaker/relative. If additional time is needed to verify the client's claim because the information required cannot be obtained within the 45-day time frame, or the client did not provide corroborative evidence within the period required as set forth in paragraph (3)(iii), the worker will record this information in the case record.

(ii) In situations where investigation of a good cause claim is necessary, the determination will be based on any verifying information secured that will corroborate the statements of the applicant/caretaker/relative regarding the circumstances. The good cause circumstance must be confirmed by the investigation and supported, to the extent possible, by written statements.

(iii) In determining good cause based on physical or emotional harm to the parent, the circumstances must be of a serious nature that they would reduce the capacity of the applicant/caretaker/relative to care for the child or children adequately. In situations where the good cause claim is based solely on anticipation of emotional harm to the child or caretaker/relative, the corroborative or documentary evidence provided by the client to support this claim should indicate the emotional health history

of the caretaker/relative or the child, the present emotional health status, the intensity and probable duration of the emotional impairment. Supportive evidence submitted from a mental health professional shall be defined as statements written by persons who have obtained licensure or certification, if applicable, or have received a degree in defined areas of mental health including, but not limited to, psychiatry, social work, psychology, nursing, occupational therapy, or recreational therapy. In making the good cause determination, the County staff will evaluate the evidence in relation to the degree of cooperation that will be required of the caretaker/relative as well as the extent to which the client will be involved in the support activity.

(iv) In the process of making a final determination of whether good cause does or does not exist, county staff will give the Child Support Unit the opportunity to review and comment on its findings and the basis for the decision proposed. Recommendations subsequently received from the Child Support Unit will be considered when making the final determination. The Child Support Unit will be subsequently notified of the final decision made on each case. Form PA 173-GC will be used for the interchange of information between County staff and the Child Support Unit.

(v) In a case where a claim of good cause has been initiated by the caretaker/relative, prior to making a final determination within the allotted 45-day time frame, the county staff will complete, in duplicate, the Form PA 173-GC good cause determination notice, indicating the proposed decision and basis for the decision. The Form PA 173-GC will be signed and dated by the worker and the original transmitted to the Child Support Unit for their review and recommendations. The Child Support Unit will subsequently be notified via the Form PA 173-GC, of the final decision made in a case as to whether or not the caretaker/relative has good cause for refusing to cooperate. If the caretaker/relative feels that the decision made is unfair, discriminatory or incorrect, he has the right to appeal and a fair hearing, as provided under Chapter 275. The Child Support Unit will be given the opportunity to participate in a hearing resulting from the appeal of the caretaker/relative.

(vi) In those cases where a finding of good cause has been made, the Child Support Unit will not attempt to establish paternity nor collect support. The caretaker/relative will be notified in writing of the final determination as to whether good cause does or does not exist, including basis for the determination, and the worker will record the decision and supporting evidence.

(vii) In cases where a claim for good cause is initiated by the caretaker/relative after the initial support referral has been made, the County Assistance Office will promptly notify the Child Support Unit, via memorandum, that a determination is pending to ensure that all support and paternity activities are suspended until notification of a final determination.

(viii) In cases where a finding of good cause was based on a circumstance that is subject to change, the decision will be reviewed by county staff at the time of a redetermination of eligibility. If it is

determined that the circumstances have changed and good cause no longer exists, cooperation requirements as set forth under paragraph (2) become applicable.

(ix) A statistical reporting form, SSA-4681, Case Report on Claims of Good Cause for Refusing to Cooperate in Establishing Paternity and Securing Support, will be used by the counties for reporting specific data required by the Department, relating to good cause claims. For a good cause claim, the county staff will complete a SSA-4681, in triplicate, and transmit the original and first copy of each form to the Department's Research and Statistical Unit at the end of each month. The second copy of the SSA-4681 will be retained in the case record or clerical control file.

(5) *Responsibilities of the County Assistance Office.* Except in those cases where a claim for good cause is pending or has been established, if the caretaker/relative fails to cooperate with the Domestic Relations Section or the Child Support Unit with regard to any one of the support activities specified in paragraph (2), the Child Support Unit will notify the County Assistance Office via memorandum.

(i) Upon receipt of the notification, the County Assistance Office will send a Form PA 162-A to the caretaker/relative proposing action to remove the caretaker/relative from the grant and establishing protective payment for the child or children by reason of failure to comply with cooperation requirements. The caretaker/relative subsequently will have the opportunity to take whatever action is required to establish continuing eligibility or appeal the decision, as set forth in § 133.4 (relating to procedures).

(ii) The CAO worker will be responsible for informing the caretaker/relative that the keeping of scheduled appointments with the DRS for interview with a Support Official is a condition of eligibility and that failure to comply will necessitate adverse action under subparagraph (i) in the case.

(6) *Responsibilities of the Domestic Relations Section.* The Domestic Relations Section of the court in a county has been designated as the Child Support Unit Intake Office to process requests for support. Responsibilities of the DRS in this regard will include the following:

- (i) Conducting initial support interviews.
- (ii) Filing petitions for support.
- (iii) Conducting prehearing conferences to determine special needs that may exist, such as health problems, doctor bills and the like.
- (iv) Initiating location activity on a local level.
- (v) Conducting prehearing conferences with client and defendant for possible reconciliation or settlement out of court. ]

(b) [ *Requirements for seeking support from a spouse.* Requirements for seeking support from a spouse will be as follows: ] *Cooperation criteria for child support.* As a condition of eligibility for cash assistance, every applicant or recipient seeking or receiving cash assistance on behalf of an unemancipated minor child shall cooperate in es-

tablishing paternity of an unemancipated minor child with respect to whom assistance is sought and cooperate in obtaining support from an LRR for the unemancipated minor child, unless the applicant or recipient has good cause for failing to do so. Cooperation includes taking the following actions:

(1) [ *General.* The following will constitute the general requirements for securing support from a spouse and the method used for determining the financial ability of the spouse to support: ] Identifying the parents of an unemancipated minor child for whom assistance is sought or received, including appearing for scheduled genetic testing with the child and submitting to the testing.

(i) [ The client will be required, as a condition of eligibility for assistance, to provide sufficient information about the location of the spouse. The client will be expected to assist in locating a missing LRR to permit a determination of the ability of the spouse to provide support or court action as provided in § 187.24(h) (relating to procedures). ] Failure of the mother to identify by name the father of an unemancipated minor child shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

(ii) [ Further steps to seek support will not be required whenever the information provided indicates that the spouse is either of the following: ] If the applicant or recipient provides the names of two putative fathers subsequently excluded from paternity by genetic testing, the second exclusion shall create a presumption of noncooperation, which may be rebutted only by clear and convincing evidence.

[ (A) Receiving assistance, including SSI or SBP.

(B) Mentally or emotionally unstable and the evidence clearly indicates that further efforts to obtain support would expose the client to danger or injury. The Executive Director or his delegate must approve this decision. ]

(2) [ *Providing information about the spouse's financial circumstances.* Information about the financial circumstances of the spouse will conform with the following: ] Keeping scheduled appointments with the Department or the DRS.

[ (i) The client may be able to provide the information himself or obtain it directly from the spouse. The County Assistance Office will help the client secure the information when necessary.

(ii) If the spouse refuses to provide the information and it cannot be obtained in any other way, court action is required, as set forth in § 187.24(h).

(iii) If the client refuses to provide the information or to take specific steps that appear warranted by the circumstances, including giving his consent for the County Assistance Office to contact the spouse directly, he will be advised that the Department will initiate court action in accordance with § 187.24(h), unless the client withdraws his request for assistance. ]

(3) [ *Providing information about the location of the spouse.* Information about the location of the

spouse shall be provided in accordance with the following: ] Providing truthful and accurate information and documents requested by the Department or the DRS.

(i) When the whereabouts of a [ spouse ] parent or putative father are unknown, the [ client ] applicant or recipient will be required to take whatever steps are appropriate to the individual circumstances to locate the missing [ spouse ] parent or putative father. This may include contacting relatives and friends for information about the whereabouts of the [ spouse ] parent or putative father or giving consent to the [ County Assistance Office ] CAO to contact other agencies, relatives and other individuals, or possible employers and similar resources.

(ii) [ County staff ] The CAO will provide whatever help is appropriate to the individual circumstances of the [ client needs ] applicant/ recipient to assist in locating the missing [ spouse ] parent or putative father and supplement the efforts of the [ client ] applicant/recipient by checking appropriate governmental records [ , such as OASDI, Bureau of Employment Security, Bureau of Motor Vehicles and the like ] .

(iii) Together, [ county staff ] the CAO and [ client ] the applicant/recipient will plan and agree on the specific steps to be taken to locate the missing [ spouse ] parent or putative father. Assistance will be [ granted ] authorized or continued on the agreement of the [ client ] applicant/recipient to take the specific steps [ that appear warranted by the circumstances. If the client refuses to seek the spouse or does not take steps agreed upon, or deemed necessary, ] within the time set for doing so [ , assistance will be discontinued for those members of the assistance unit for whom the missing relative is legally responsible ] .

(4) Signing and returning any forms requested by the Department or the DRS.

(5) Appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS.

(6) Paying to the Department any support payment received directly from an absent parent after an assignment of support has been made.

(c) *Cooperation criteria for spousal support.* As a condition of eligibility for cash assistance, every applicant or recipient seeking or receiving cash assistance on behalf of himself and for whom there is an absent spouse shall cooperate in obtaining support unless there is good cause for failing to do so. Cooperation includes the following:

(1) Naming the absent spouse.

(2) Keeping scheduled appointments with the Department or the DRS.

(3) Providing truthful and accurate information and documents requested by the Department or the DRS.

(i) When the whereabouts of a spouse are unknown, the applicant or recipient will be required to take whatever steps are appropriate to the individual circumstances to locate the missing

spouse. This may include contacting relatives and friends for information about the whereabouts of the spouse or giving consent to the CAO to contact other agencies, relatives and other individuals or possible employers and similar resources.

(ii) The CAO will provide whatever help is appropriate to the individual circumstances of the applicant/recipient to assist in locating the missing spouse and supplement the efforts of the applicant/recipient by checking appropriate governmental records.

(iii) Together, the CAO staff and the applicant/recipient will plan and agree on the specific steps to be taken to locate the missing spouse. Assistance will be authorized or continued on the agreement of the applicant/recipient to take the specific steps within the time set for doing so.

(4) Signing and returning any forms requested by the Department or the DRS.

(5) Appearing as a witness and providing testimony at judicial and other hearings as requested by the DRS.

(6) Paying to the Department any support payment received directly from an absent spouse after an assignment of support has been made.

(d) *Cooperation prior to authorization.* Except as provided in paragraphs (3) and (4), every applicant or recipient of cash assistance shall cooperate in establishing paternity and obtaining support. The applicant or recipient shall:

(1) Appear before the DRS or other applicable division of the court of common pleas and provide to the CAO certification from the DRS of cooperation by the applicant or recipient of cash assistance in establishing paternity and in obtaining support.

(2) Cooperate with the procedures established for the county when a waiver of the personal appearance requirement is in place. The Secretary is authorized to waive the personal appearance requirement under paragraph (1) if another procedure would be as effective and efficient and a family court or DRS requests a waiver.

(3) In the case of a newborn, cooperate with the requirements under § 133.23(b)(4)(v) (relating to requirements).

(4) File a good cause claim. The cooperation requirements are waived from the time a good cause claim is filed until the CAO, court of common pleas or DRS makes a determination on the claim. If the CAO, court of common pleas or DRS determines that good cause exists, the cooperation requirements are waived until the good cause waiver expires.

(e) *Assignment of support rights.* Acceptance of cash assistance shall operate as an assignment to the Department, by operation of law, of the assistance recipient's rights to receive support, on the recipient's own behalf and on behalf of any family member with respect to whom the recipient is receiving cash assistance. The assignment shall only be effective up to the amount of assistance received. The assignment shall take effect at the time that the recipient is determined to be eligible for assistance. Upon termination of assistance payments, the assignment of support rights shall termi-

nate, provided that any amount of unpaid support obligations shall continue as an obligation to and collectible by the Department to the extent of any unreimbursed assistance consistent with Federal law.

§ 187.24. [ Procedures ] (Reserved).

[ (a) *General.* For GA cases, the findings of the Department on the ability of the spouse to support will be exclusively for the purpose of determining need for assistance. When, under the standards of the Department, the spouse appears able to support, the result is termed an expected contribution. However, the court alone will have the authority to order an LRR to support his dependents and it will always be the right of the client to ask the court to decide how much support the spouse must give.

(b) *AFDC referral to Domestic Relations Section.* For AFDC applicants, when the eligibility of a child is based on continued absence of a parent from the home, referral to the DRS will be made in accordance with the following:

(1) *General.* General procedures for referral to DRS will be as follows:

(i) Prior to the application interview, the caretaker/relative will be referred, with the Application for Support Services form, to the local County Domestic Relations Section. See § 187.23(a)(1)(ii) (relating to requirements) for exceptions to this requirement.

(ii) The CAO worker preparing the Application for Support Services form will be responsible for informing the caretaker/relative of the referral requirements prior to the application interview. The client will be informed that cooperation is a condition of eligibility and failure to comply will result in the caretaker/relative being ineligible for assistance with protective payments authorized for the child or children. The Application for Support Services form shall be completed by a DRS official and returned to the CAO as verification of DRS action taken.

(iii) At the time of the support interview, the caretaker/relative will be required to cooperate by providing all known information necessary for identification and location of the absent parent as well as by providing all known information regarding the circumstances of the absent parent, as set forth in § 187.23(a)(2)(i)(A).

(iv) If the caretaker/relative is unable to provide any part of the information requested regarding the absent parent, but does cooperate to the extent that he is able, the caretaker/relative will continue to be eligible for assistance.

(v) If the client later secures new or additional information regarding the absent parent, he will be referred to the DRS Support Official for updating or correcting the original information provided. The Support Liaison Agent will be responsible for updating the information contained in the Claim Settlement Central Registry files as set forth in § 153.44(b)(2)(ii) (relating to procedures).

(2) *Application for Support Services form.* The Application for Support Services form will be in accordance with the following:

(i) The Application for Support Services form will be used to perform the following:

(A) Notify the Bureau of Claim Settlement Child Support Unit of the furnishing of AFDC in all cases where the eligibility of a child is based on continued absence of a parent from the home. The Application for Support Services form will be forwarded to the Claim Settlement Support Liaison Agent assigned to the CAO for processing within 2 working days of authorization or at the time such absence occurs while the child is receiving AFDC, as set forth in § 153.44(a)(1).

(B) Refer the caretaker/relative to the County DRS prior to the application interview.

(C) Notify the court of all eligible AFDC/GA cases authorized on the basis of continued absence of a parent or spouse to effect automatic assignment of support payments to the Department.

(D) Provide DRS validation of specific support action initiated by the applicant parent/caretaker for CAO eligibility determination purposes.

(ii) The Application for Support Services form will be prepared in quadruplicate by the CAO worker prior to the application interview and will be processed as provided by instructions noted on the form.

(A) The CAO worker will explain to the applicant the procedure used by the local DRS and the CAO in completing the form.

(B) (Reserved).

(C) (Reserved).

(D) (Reserved).

(iii) In cases where the caretaker/relative initiates a claim for good cause under § 141.21(d)(2)(i) (relating to policy) and a determination is pending, a referral will not be made to the DRS. Following the application interview, the form will be processed as applicable to the case situation.

(c) *Referral of nonassistance persons.* Under provisions of the Child Support Program, support collection and paternity determination services will also be made available to nonassistance persons upon request. Since the Domestic Relations Office in each County has been designated as the Child Support Unit Intake Office to process requests for support services, all nonapplicant persons requesting such services through the CAO will be referred directly to the local Domestic Relations Office.

(d) *Spouse or former spouse under a court-ordered support.* Court-ordered support, as used in this section, will include alimony payments. For GA cases, a spouse or former spouse under a court order shall comply with the following:

(1) *Automatic assignment and effect of court orders on the grant.* Automatic assignment and effect of court orders on the grant will be in accordance with the following:

(i) Upon acceptance of assistance, the client's rights to spousal support on his behalf are assigned to the Department by operation of law. Therefore, when the client is determined eligible for assistance and is receiving or expects to receive court-ordered support from a spouse or former spouse, he is entitled to the full assistance allowance.

(ii) (Reserved).

(iii) (Reserved).

(iv) The Bureau of Claims Settlement will have the responsibility for enforcement of court orders when the Department is the payee.

(2) *Payment of an existing court order to the Department.* The payment of an existing court order to the Department will be in accordance with the following:

(i) In case situations where there is an existing court order payable to the Department under the automatic assignment provision, the client must agree to pay to the Claim Settlement Support Agency any support or alimony payments received from the absent spouse or former spouse after an assignment has been made to the Department and the client is receiving a full allowance. Payments will be turned over to the Support Collection Agency only because the client will be receiving a full assistance check.

(ii) The Application for Support Services form will be used to effect payment or support under an existing court order to the Department. Upon authorization of assistance, the completed form will be forwarded to the Support Liaison Agent assigned to the CAO for transmittal to the DRS.

(3) (Reserved).

(e) *Spouse not under a court order.* In GA cases, for the spouse not under a court order, the following method will be used to determine financial ability to support:

(1) The contribution expected from a spouse not excluded by § 187.23(b) will be determined as follows:

(i) The dependents living with the spouse will be determined. Minor children under 18 years of age will always be included. Other persons will be included if:

(A) They are without income of their own.

(B) The spouse requests their income be added to his income.

(ii) Total net income of the spouse including that of his dependents whose income, by his request, must be taken into account, will be determined. Net income from self-employment or business is profit before tax deductions. Net income from other employment is gross less \$20 per month for work expenses, as determined by subsection (e) and § 183.22 (relating to profit from self-employment).

(iii) The amount the spouse is paying for the support of his minor child or children outside his home will be deducted from the total arrived at in subparagraph (ii).

(iv) The appropriate figure from the following income scale will be selected and subtracted from the total net income:

No. of Persons Dependent Upon LRR's Income	1	2	3	4	5	6	Each Additional Person
	Net Monthly Income	\$173	\$260	\$317	\$373	\$423	

(v) 1/2 will be applied to the remainder.

(vi) The expected contribution will be the resulting figure or the total allowance for the client, whichever is the lesser.

(2) The total allowance for the client will be the difference between the family size allowance with the client in the assistance unit, excluding special needs allowances, and what the allowance would be if the client were not included in the assistance unit.

(f) *Waiver of an expected contribution.* An expected contribution will be waived as follows:

(1) When a spouse has been determined able to contribute according to subsection (e)(1), the expected contribution may be waived by the Executive Director or his delegate when it appears unsound, unreasonable, or impracticable to expect the spouse to make the determined contribution.

(2) In evaluating whether it is unsound, unreasonable or impracticable to expect the spouse to make the determined contribution, the Executive Director or his delegate will take into consideration circumstances such as but not limited to the following:

(i) The spouse has a medically diagnosed physical or psychological condition that warrants waiver.

(ii) The spouse is already providing support by order of the court to another person that is in an amount as to cause hardship for the spouse if also required to support the client.

(iii) The spouse has legitimate financial obligations, such as high medical bills or heavy loss because of major disaster, that would prohibit him from meeting the expected contribution.

(iv) The spouse is mentally or emotionally unstable to such a degree that further efforts to secure the expected contribution would expose the client to danger or injury.

(3) A waiver will be made for a special period related to the circumstances of the spouse. The period will usually be no longer than 6 months and never more than 1 year without reconsideration.

(g) *GA Spouse or GA Parent Found able to contribute under § 183.91 and 183.92.* The following apply:

(1) When it has been determined under subsections (e) and (f) that a spouse or parent is financially able to provide support, the client is expected to either contact the spouse or parent directly to arrange for the amount of the expected contribution or to give consent for the CAO to contact the spouse or parent. If the expected contribution from the spouse or parent is secured, it shall become

available to the client. Court action is required in accordance with the procedures in subsection (h) in the following cases:

(i) The total amount of the expected contribution is not secured.

(ii) The client is unwilling to contact the spouse or parent directly and objects to the Department contacting the spouse or parent.

(2) Assistance shall be continued until the court makes a decision. An amount that the spouse or parent is actually contributing is considered income available to the client.

(h) *Court action.* Court action procedures will conform with the following:

(1) *General.*

(i) Court action for support by either Claim Settlement or client will be required whenever one of the following circumstances exists:

(A) Information about the financial circumstances of the spouse cannot be obtained as set forth in § 187.23(b)(2).

(B) A contribution is expected from the spouse but the spouse does not provide the amount expected, as set forth in subsection (g).

(C) (Reserved).

(D) (Reserved).

(ii) The client will be expected to take court action within 30 days from the date of the decision that the spouse is expected to contribute. If at the end of the 30 days, the client has not initiated court action, the County Assistance Office will send a written notice to the client advising him that the Department will initiate the legal action to obtain support. This notice will advise the client that the legal proceedings will begin ten calendar days from the date of the notice unless the client either:

(A) Initiates the action himself within the 10-day period.

(B) Requests assistance be discontinued.

(iii) If, within the specified 10 calendar-day period, the client does not indicate he will take court action or request closure, the County Assistance Office will prepare and submit a Form PA 173-B, Referral for Support Action, according to paragraph (2).

(iv) Whenever court action for support is indicated and the spouse lives in another state, reference should be made to for support duties imposed by the laws of the other state. If the information shows that support duties are not imposed on the spouse in that state, court action will not be required.

(2) *Referral to claim settlement.* For GA spousal support cases, the Referral for Support Action will be used to initiate Departmental court action for support. The form will be prepared in duplicate. The original of the completed form will be sent to the Claim Settlement Office. The copy will be retained in the case record. The form will be submitted as soon as the information has been received and the decision made as to the need for support action. A Referral for Support Action must always be made in the following situations:

(i) Court action is required as specified in subsection (f).

(ii) A client wants an existing court order paid to the Department, as set forth in subsection (d)(2).

(iii) Assistance is discontinued for a person for whom a court order is being paid to the Department, as set forth in this subsection.

(iv) A client requests release of a court order being paid to the Department, as set forth in subsection (d)(2).

(v) Client or county has received notice of a petition by the spouse or a scheduled hearing to reduce the amount of an existing court order or to adjust or cancel arrearages due under the order.

(3) *Responsibilities of claim settlement.* The responsibilities of the Bureau of Claim Settlement regarding support will be as follows:

(i) To represent the Department in all court actions on support.

(ii) To promptly initiate the court action indicated on the referral when such action in its judgment is warranted and advisable, taking into consideration the laws which apply and the possibility of collecting support from the named spouse in an amount sufficient to justify the cost of the proceedings.

(iii) To receive and credit court-ordered support payments when the Department is the payee or assignee.

(iv) To take prompt legal steps for the enforcement of a court order in which the Department is the payee or assignee.

(v) To promptly notify the County Assistance Office of the decision of the court on each referral.

(vi) To keep the records and reports of support received as are prescribed by the Department, the Federal agencies, and the courts.

(vii) To advise the County Assistance Office on questions of law and legal procedure regarding the enforcement of support and support reimbursement.

(4) *Interchange of information.* Interchange of information between the County Assistance Office and the Claim Settlement Office will be as follows:

(i) An essential component of support action referrals is the rapid and complete interchange of information between the County Assistance Office and the Claim Settlement Office.

(ii) The Claim Settlement Office will report to the County Assistance Office by memorandum the results of the decision of a court. This will include date referred to court, date of hearing, decision, amount of order, effective date of order and reason if petition is not granted plus any other information pertinent to the action.

(iii) The County Assistance Office will send a dummy copy of the Authorization for Assistance to the Claim Settlement Office whenever a case is opened, discontinued or address changed, indicated by an entry on the face sheet.

(iv) When the Claim Settlement Office decides a court action is not warranted or advisable as set forth in paragraph (3), a memorandum giving the

reasons will be sent to the County Assistance Office with a copy to the Director, Bureau of Policy.

(i) *Redetermination of ability to support (spouse for spouse).* Redetermination of ability to support will be in accordance with the following:

(1) The financial circumstances of the spouse will be redetermined periodically, except in those situations where the following has been determined:

(i) The whereabouts of the spouse is unknown.

(ii) The earning capacity of the spouse is so limited that there is little or no likelihood of his ever having sufficient income to provide support. Work history, mental or physical handicaps, lack of skills, age related to capacity and skill, or addiction to alcohol or drugs are examples of the factors that might be taken into account in making this decision.

(iii) The spouse is a housewife without income whose homemaking responsibilities make employment unlikely.

(iv) The spouse is mentally or emotionally disturbed to the extent that his reactions would threaten or be injurious to the person for whom he is legally responsible.

(2) In the instances described in paragraph (1)(i)–(iii), further determinations of the financial ability of the spouse or further efforts to locate a missing spouse will be made only if new information about the circumstances of the spouse or whereabouts comes to the attention of the County Office.

(j) *Allotments.* Allotments will conform with the following:

(1) *Service Departments administering allotments.*

Army:	Finance Center United States Army Indianapolis, Indiana 46429
Air Force:	Air Force Accounting and Finance Center 3800 York Street Denver, Colorado 80295
Coast Guard:	Commandant United States Coast Guard Headquarters Attn: Dependents Allowance Section Washington, D.C. 20226
Navy:	Navy Family Allowance Activity New Federal Office Building Cleveland, Ohio 44199
Marine Corps:	Marine Corps Finance Center Allotment Division Kansas City, Missouri 64197

(2) *E and D allotments.* Enlisted personnel in pay grades E-4 with more than 4 years service and higher, Warrant Officers and Officers, may provide for their dependents either by direct contribution, or by an allotment from their pay. In the case of Army or Air Force personnel, this will be an E Allotment and in the Navy or Marine Corps it will be a D Allotment. These allotments will be optional with the service person and may be discontinued whenever he wishes. The amounts will depend on the arrangements made by the service person.

(3) *Information on allowances and allotments other than Class Q.* If a client has been unable to

obtain satisfactory adjustment of a problem through correspondence with the proper service department, the home service worker in the local Red Cross chapter may be able to assist the client by getting in touch, through proper channels, with the Red Cross Field Director at the duty station of the serviceman. American Red Cross Field Directors will be located in most military installations. Requests of this nature should be made by the client, not by the County Office. ]

§ 187.25. Notification to the applicant or recipient.

(a) *Cash assistance sought or received for an unemancipated minor child.* Before requiring cooperation under § 187.23(b) (relating to requirements), the CAO will provide oral and written notice of the cooperation requirements to the applicant or recipient. The written notice shall advise the applicant or recipient of the following:

(1) The potential benefits that the unemancipated minor child may derive from the cooperation of the applicant or recipient in establishing paternity and obtaining support.

(2) Cooperation is a condition of eligibility.

(3) Failure to cooperate without good cause will result in the reduction of the cash assistance allowance by 25%.

(4) The right to claim good cause, good cause circumstances, proving the good cause claim, and the good cause determination under § 187.27 (relating to waiver of cooperation for good cause).

(5) The CAO will waive the cooperation requirements when the CAO, the court of common pleas or the DRS determine that good cause exists.

(6) A finding of noncooperation of an applicant or recipient does not affect the LRR's duty to pay support.

(b) *Cash assistance sought or received for a spouse.* Before requiring cooperation under § 187.23(c), the CAO will provide oral and written notice to the applicant/recipient of the cooperation requirements and the right to claim good cause. The written notice shall advise the applicant/recipient of all the information set forth under subsection (a).

§ 187.26. Noncooperation.

(a) *Determination of noncooperation by the CAO, court of common pleas or DRS.* The CAO, court or DRS may make the determination of whether an applicant/recipient refused to cooperate without good cause. The court of common pleas of each county shall have the option of hearing appeals from any determination of its DRS that an applicant/recipient has not cooperated in accordance with § 187.23 (relating to requirements). If the court declines to exercise the option to hold hearings on the appeals, the procedures in subsection (b) apply. If the CAO determines noncooperation without good cause, the procedures in subsection (c) apply. Subsection (c)(1) applies to applicants. Subsection (c)(2) applies to recipients. The procedures in subsection (c)(1) or (2) also apply when the court declines to hold the noncooperation hearing. If the court, after notice and an opportunity to be heard, determines that the applicant/recipient re-

fused to cooperate without good cause, the Department will implement the court's order as set forth in subsection (d).

(b) If the court or the DRS determines that the applicant/recipient has failed to cooperate without good cause with § 187.23, the court or the DRS will provide notice of any noncooperation determination to the CAO along with notice of its decision to opt not to hold a hearing on noncooperation. Appropriate court personnel shall be made available to provide testimonial evidence by telephone testimony at the time and location set by the Department for the Departmental appeal hearing. Upon receipt of the notice from the court or the DRS, the CAO shall proceed in accordance with subsection (c)(1) or (2) depending upon whether the individual is an applicant for or recipient of assistance.

(c) If the CAO determines that the applicant/recipient has failed to cooperate, without good cause, with § 187.23, or upon receipt of a notice of a noncooperation determination by the court or DRS under subsection (b), the CAO will:

(1) In the case of an applicant:

(i) Provide notice to the applicant of the noncooperation determination, the basis for the noncooperation determination and the reduction of the cash assistance allowance by 25% effective upon authorization of assistance.

(ii) Provide notice to the applicant of the right to appeal to the Department's office of hearings and appeals under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(iii) Authorize the cash assistance allowance reduced by 25% effective upon authorization of assistance.

(iv) Authorize the full cash assistance allowance if so ordered as a result of a decision rendered by the Bureau of Hearings and Appeals, as a result of a good cause claim initiated by the applicant, or as a result of the applicant cooperating with the support requirements.

(2) In the case of a recipient:

(i) Provide notice to the recipient of the noncooperation determination, the basis for the noncooperation determination, and the reduction of the cash assistance allowance by 25% 10 days after the date of the notice.

(ii) Provide notice to the applicant of the right to appeal to the Department's Bureau of Hearings and Appeals under Chapter 275.

(iii) Authorize the reduction of the cash assistance allowance by 25% effective 10 days after the date of the notice, unless the recipient has invoked his right to a hearing and has filed an appeal within the 10-day period. If the recipient has invoked his right to a fair hearing, cash assistance will not be reduced pending a decision in the hearing.

(iv) Initiate recovery of the assistance granted pending the fair hearing if the Department action is sustained.

(d) *Determination of noncooperation by the court.* A hearing or appeal with respect to the recommendation order of noncooperation directed by the

court or DRS will be conducted by the court in accordance with the Pennsylvania Rules of Civil Procedure.

(1) Upon receipt of a court order issued by a court of common pleas, the CAO will implement the order within 10 days of receipt. The CAO will:

(i) Provide notice to the applicant or recipient of the court order and the cash assistance allowance reduction by 25%.

(ii) Provide notice to the applicant or recipient of the right to appeal to the Department's Bureau of Hearings and Appeals under Chapter 275 and that the right of appeal to the Department's Bureau of Hearings and Appeals does not include appeal of a court order in which noncooperation has been determined by the court. The right to appeal in this instance to the Department's Bureau of Hearings and Appeals under Chapter 275 is restricted to the calculation of the assistance allowance.

(iii) For an applicant, authorize the cash assistance allowance reduced by 25% effective upon authorization of assistance. For a recipient, the CAO will reduce the cash assistance allowance by 25% effective 10 days after the date of the notice, unless the recipient has invoked his right to a hearing and has filed an appeal within the 10-day period. If the recipient has invoked his right to a fair hearing, the cash assistance allowance will not be reduced pending a decision in the hearing.

(2) If the court order directs the Department to rescind the sanction for noncooperation, the Department will implement the order immediately upon receipt.

§ 187.27. Waiver of cooperation for good cause.

(a) *Good cause circumstances.* Cooperation requirements may be waived for good cause. Good cause circumstances include the following:

(1) The child was conceived as a result of incest or rape.

(2) Legal proceedings for the adoption of the child are pending before a court.

(3) The applicant or recipient of cash assistance is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption and the discussions have not progressed for more than 3 months.

(4) Action to establish paternity or obtain child or spousal support would make it more difficult for the individual or family member to escape domestic violence, or unfairly penalize the individual who has been victimized by the violence, or who is at risk of further violence. Domestic violence is defined as one or more of the following:

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.

(ii) Sexual abuse.

(iii) Sexual activity involving a dependent child.

(iv) Being forced as the caretaker/relative of a dependent child to engage in nonconsensual sexual acts or activities.

(v) Threats of, or attempts at, physical or sexual abuse.



(vi) Mental abuse.

(vii) Neglect or deprivation of medical care.

(b) *Proving the good cause claim.* The applicant or recipient of cash assistance shall provide relevant corroborative evidence.

(1) A good cause claim may be corroborated with the following types of evidence:

(i) A birth certificate or medical or law enforcement records which indicate that the child was conceived as the result of incest or rape.

(ii) Court documents or other records which indicate that legal proceedings for adoption are pending.

(iii) A written statement from a public or licensed private social agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to relinquish the child for adoption.

(iv) Medical records which indicate emotional health history and present emotional health status of the applicant or recipient or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the applicant or recipient or the child for whom support would be sought. Supportive evidence submitted from a mental health professional will be defined as statements written by persons who have obtained licensure or certification, if applicable, or have received a degree in defined areas of mental health including psychiatry, social work, psychology, nursing, occupational therapy or recreational therapy.

(v) Court, medical, criminal, child protective services, social services, psychological or law enforcement records which indicate that the putative father, noncustodial parent or absent spouse might inflict harm on the individual or family member as specified under subsection (a)(4).

(vi) Statements from individuals other than the applicant or recipient with knowledge of the good cause circumstances, including a domestic violence service provider, a medical, psychological or social service provider, a law enforcement professional, a legal representative, an acquaintance, friend, relative or neighbor of the claimant or other person. The CAO may not contact the putative father or noncustodial parent to verify good cause in a domestic violence situation.

(vii) "*Verification of Good Cause Based on Domestic Violence.*" The person with domestic violence training and applicant or recipient will complete this form for all good cause claims based on domestic violence in accordance with one of the following circumstances:

(A) To accompany acceptable verification as specified in subparagraph (iv), (v) or (vi) that an applicant or recipient has provided.

(B) To authorize by written consent of the applicant or recipient that a third party may provide verification/corroboration of the good cause claim.

(C) To grant good cause for up to 6 months when an applicant or recipient affirms he is unable to

safely obtain evidence to verify the claim of domestic violence within the established time frames for providing verification.

(2) When the applicant or recipient of cash assistance initiates a claim of good cause, the CAO, court or the DRS may provide assistance with obtaining corroborative evidence. If requested by the applicant or recipient, the CAO, court or DRS will provide assistance in securing the needed evidence by advising how to obtain specific documents that may be available and by undertaking to obtain specific documents the applicant or recipient is not able to obtain.

(3) An applicant or recipient shall provide verification of the good cause claim within 30 days from the date the claim is made except when the applicant or recipient cannot otherwise provide verification of the good cause claim as specified in paragraph (1)(vii)(C).

(i) In the case of an applicant, assistance will be authorized no later than 30 days following application when the applicant is claiming good cause and verification is not readily available or pending from a third party.

(ii) In the case of a recipient, the CAO will continue assistance if verification is not provided within 30 days and the delay is due to a third party.

(c) *Good cause determination.* The CAO, court or the DRS will make a determination within 45 days from the day the claim was initiated by the applicant or recipient of cash assistance. The CAO, court, or the DRS may approve additional days for the determination to be completed.

(1) If the CAO makes a determination on a good cause claim, the CAO will notify the applicant or recipient of cash assistance in writing of the final determination regarding the claim of good cause and the basis therefor and of the right to appeal under Chapter 275. If the good cause claim is denied, neither the Department nor the Bureau of Child Support Enforcement will attempt to establish paternity or obtain support for at least 30 days after the client has been informed orally and in writing of the denial of the good cause claim.

(2) If the court of common pleas or DRS makes a determination on a good cause claim, the DRS will notify the applicant or recipient of cash assistance and the CAO of the final determination and the basis therefor and of the right to appeal under Chapter 275.

(3) When the CAO, court of common pleas or the DRS approve a waiver of the cooperation requirement based on a claim of good cause, the CAO, court of common pleas or the DRS will establish the expiration of the waiver and the DRS will not attempt to establish paternity or obtain support.

(4) When good cause is determined to exist, the CAO will review the circumstances upon which the good cause determination is based, at least every 6 months. The review may be earlier if the circumstances warranting the good cause waiver change or the waiver was granted for a lesser period.

(i) If the good cause claim was granted based on corroborative evidence, no additional corroborative evidence is required if circumstances have not changed since approval of the initial waiver. The

recipient shall establish that continuation of the good cause waiver is necessary by providing a verification of good cause based on domestic violence form completed by a person with domestic violence training.

(ii) If the good cause claim was granted based on the recipient's affirmation, and she is unable to provide verification as specified in subsection (b)(1)(iv)—(vi), the CAO will make a determination of good cause based on a current assessment of the recipient's circumstances. This assessment will be completed by a person with domestic violence training and substantiated by completion of the verification of good cause based on the domestic violence form under subsection (b)(1)(vii).

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